



Kern County

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ISSUE: 22-28

**TRAINING BULLETIN**

DATE: July 20, 2022

**CONFIDENTIALITY AND RESPONSE TO SEXUAL ASSAULTS**

There has been a lapse in the documentation required under PC 293. All reports containing a victim of “sex offenses” must have a sentence indicating that the victim was informed of their right and the response of the victim.

“Sex offenses” include sections 220, 261, 261.5, 262, 264, 264.1, 265, 266, 266a, 266b, 266c, 266e, 266f, 266j, 267, 269, 273a, 273d, 273.5, 285, 286, 287, 288, 288.2, 288.3, 288.4, 288.5, 288.7, 289, 422.6, 422.7, 422.75, 646.9, or 647.6 of the Penal Code.

Penal Code Section 293 requires the following:

- (a) An employee of a law enforcement agency who personally receives a report from a person, alleging that the person making the report has been the victim of a sex offense, shall inform that person that his or her name will become a matter of public record unless he or she requests that it not become a matter of public record, pursuant to Section 6254 of the Government Code.
- (b) A written report of an alleged sex offense shall indicate that the alleged victim has been properly informed pursuant to subdivision (a) and shall memorialize his or her response.

If a victim requests confidentiality, the “non-disclosure” box must be checked when entering the victim’s name in the subjects tab. Once “Victim” is chosen in the subject type field, the non-disclosure box will unlock.

The screenshot shows a software interface for entering subject information. At the top, there is a menu bar with options: New, Open, Save, Save/Clone, Delete, Cancel, Up, Down. Below the menu bar is a table with columns: Subject Type, #, Last Name, Date of Birth, First Name, Jacket Type. The 'SUBJECT TYPE' dropdown is set to 'Victim' and is highlighted with a red box. Next to it is a 'Non-Disclosure' checkbox which is also highlighted with a red box. Below these are buttons: 'LINK ALL RELATED OFFENSES TO THIS SUBJECT HERE' and 'ENTER VICTIM TO OFFENDER RELATIONSHIP HERE'. Other fields include 'JACKET TYPE', 'LAST NAME', 'FIRST', 'MIDDLE', 'SUFFIX', 'Same As Occurred Location?', 'JUVENILE DISPOSITION', 'DISPOSITION DATE', 'ADDRESS', 'ST DIR', 'ST NAME', 'ST TYPE', 'ST DIR', 'BLK/APT/SUITE/LOT', 'VENUE', 'CITY', 'STATE', 'ZIP CODE', 'PRIMARY PH #', 'PRIMARY PH TYPE', and an 'ADDITIONAL CONTACT INFO' button.

## **Mandatory Reporter and Social Worker Information**

There have been reports that some deputies have been providing the names of mandatory reporters to suspects. When conducting an investigation initiated by a mandatory reporter, the deputy should never notify the suspect of the name of the person who made the report. The name, business address, and phone number will be entered in the report and shall remain confidential pursuant to Penal Code section 11167:

(a) Reports of suspected child abuse or neglect pursuant to Section 11166 or Section 11166.05 shall include the name, business address, and telephone number of the mandated reporter; the capacity that makes the person a mandated reporter; and the information that gave rise to the reasonable suspicion of child abuse or neglect and the source or sources of that information. If a report is made, the following information, if known, shall also be included in the report: the child's name, the child's address, present location, and, if applicable, school, grade, and class; the names, addresses, and telephone numbers of the child's parents or guardians; and the name, address, telephone number, and other relevant personal information about the person or persons who might have abused or neglected the child. The mandated reporter shall make a report even if some of this information is not known or is uncertain to him or her.

(d) (1) The identity of all persons who report under this article shall be confidential and disclosed only among agencies receiving or investigating mandated reports, to the prosecutor in a criminal prosecution or in an action initiated under Section 602 of the Welfare and Institutions Code arising from alleged child abuse, or to counsel appointed pursuant to subdivision (c) of Section 317 of the Welfare and Institutions Code, or to the county counsel or prosecutor in a proceeding under Part 4 (commencing with Section 7800) of Division 12 of the Family Code or Section 300 of the Welfare and Institutions Code, or to a licensing agency when abuse or neglect in out-of-home care is reasonably suspected, or when those persons waive confidentiality, or by court order.

(2) No agency or person listed in this subdivision shall disclose the identity of any person who reports under this article to that person's employer, except with the employee's consent or by court order.

Further, business addresses, not personal addresses, should be entered for social workers involved in these investigations.

### **In brief:**

- 1) Notify/document confidentiality**
  - 2) Check non-disclosure box if confidentiality requested**
  - 3) Use business addresses for mandatory reporters and social workers**
  - 4) Do not tell the suspect the name of the mandatory reporter**
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