

MEDIA AND PUBLIC RELEASE OF CONFIDENTIAL JUVENILE INFORMATION

AUTHORITY: Chief Probation Officer

PURPOSE: To establish guidelines surrounding media and the public release of confidential juvenile information.

I. GENERAL INFORMATION

- A. Confidential juvenile information shall not be publicly released except as authorized by law or court order, and in accordance with Department policy. Nothing in this policy authorizes the release of juvenile information in violation of applicable law, court order, Welfare and Institutions Code confidentiality provisions, or California Rules of Court. (Welf. & Inst. Code, § 827.)
- B. This policy only applies when the Department is initiating the disclosure and does not cover responses to petitions under Welf. & Inst. Code, § 827(a)(1)(Q).
- C. Confidential juvenile information includes the following:
 - 1. A petition filed in a juvenile court proceeding, reports of the probation officer, and all other records, including any writing as defined in Evidence Code Section 250, or electronically stored information relating to the minor, that is filed in that case or made available to the probation officer in making the probation officer's report, or to the judge, referee, or other hearing officer, and thereafter retained by the probation officer, judge, referee, or other hearing officer.
 - 2. The definition of confidential juvenile information is to be interpreted broadly to cover a wide range of records, including agency files where no juvenile court proceedings have been instituted and the matter is handled informally.
- D. Approval Authority:
 - 1. When the Department determines that there is a legal basis to disclose confidential juvenile information, the proposed release shall be reviewed through the chain of command and approved by the Chief Probation Officer or designee.

II. DISCLOSURE

- A. Confidential juvenile information may be disclosed in the following instances:
 - 1. When authorized by statute or other legal authority, including the following:
 - a. Required Disclosure (Welf. & Inst. Code, § 828)
 - (1) When Probation has been notified that a minor has escaped from a secure detention facility, Probation shall release the name of, and any descriptive information about, the minor to a person who specifically requests this information.
 - b. Discretionary Disclosures

- (1) (Welf. & Inst. Code, § 828) Probation may release the information on the minor without a request to do so if it finds that release of the information:
 - a. Would be necessary to assist in recapturing the minor or
 - b. Would be necessary to protect the public from substantial physical harm.
 - (2) (Welf. & Inst. Code, § 827.5) Probation may disclose the name of any minor 14 years of age or older taken into custody for the commission of any serious felony, as defined in Penal Code Section 1192.7(c), and the offenses allegedly committed, upon the request of interested persons, following the minor's arrest for that offense.
 - c. Probation is not required to seek a court order authorizing disclosure if the Department is disclosing pursuant to statutory authority.
 - 2. When authorized by court order.
 - a. The proposed court order shall be drafted in consultation with County Counsel.
 - b. The proposed court order shall be submitted to the Juvenile Court with notice provided to the appropriate parties.
- B. Any release pursuant to this section shall be limited to the information reasonably necessary to accomplish the intended purpose.
- C. The confidentiality authorities contained herein also apply to requests under the California Public Records Act.
- D. The proposed release should be reviewed by County Counsel prior to disclosure unless exigent circumstances require an immediate release to protect public safety or facilitate the apprehension of an escaped individual under juvenile jurisdiction.

III. RESPONSIBILITIES

- A. Coordination
 - 1. The Public Information Officer (PIO), or authorized designee, shall coordinate the review, approval, notification, documentation, and release process and ensure compliance with applicable law, court orders, and Department policy.
 - 2. The PIO shall coordinate and/or notify the Custodian of Records (COR), as applicable.
 - 3. Following the release, the PIO shall complete a Media Advisory in accordance with County policy.
- B. Documentation
 - 1. The Public Information Officer (PIO), or authorized designee, shall maintain documentation regarding:
 - a. The basis for the release
 - b. The approving authority
 - c. Notifications provided

- d. Information released
- e. The date, time, manner, and recipient of the release.
- 2. Documentation shall be maintained in accordance with Department records retention requirements and applicable records management procedures.
- 3. A copy of the documentation shall be sent to the COR.

C. Post-Release Review

- 1. Following resolution of the public safety, operational, legal, or community event, the Public Information Officer (PIO), or authorized designee, shall evaluate whether information released through Department-controlled publications should remain publicly available. Unless otherwise approved by the Chief Probation Officer or designee, the information should be removed from Department-controlled publications.
- 2. Based on that review, the Department may modify, restrict, archive, update, or remove information from Department-controlled publications, including Department websites, social media platforms, press releases, and other public communications, consistent with applicable law, records retention requirements, and operational needs.

IV. LIABILITIES

Failure to follow this policy may result in litigation against the Department, potential sanctions in the event of a violation of a court order, and/or employee discipline.