

**CONFIDENTIALITY OF CALIFORNIA DEPARTMENT OF CORRECTIONS
DIAGNOSTIC REPORTS**

- AUTHORITY:** Administrative Directive
California Penal Code Section 1203.03
- RESCINDS:** Procedure Manual Item 1-1-109, dated **02/03/12**
- FORMS:** None
- PURPOSE:** To provide guidelines for access to and confidentiality of California Department of Corrections Diagnostic Reports.

I. GENERAL INFORMATION

- A. The Diagnostic Report is completed within a 90-day period by the Department of Corrections and is forwarded directly to the Court.
- B. The Court is authorized to provide copies of the report only to:
1. The defendant or his counsel
 2. The Probation Officer
 3. The Prosecuting Attorney
- C. The information contained in the report shall not be disclosed to anyone else without the consent of the defendant.
- D. After disposition of the case, all copies except the one delivered to the defendant or his counsel shall be filed in a sealed file.
- E. The Probation Officer may retain a copy of the report for the purpose of supervision if the defendant is placed on formal probation.
- F. If the defendant is not granted formal probation and a copy of the report has been provided for the Resident Probation Officer for reference during the hearing, the reference copy shall be returned to the Court Clerk at the conclusion of the hearing.

II. PROCEDURE

- A. Active Case

1. A copy of the diagnostic report is to be kept in the probationer's file. Information contained in the report, or the report itself, shall not be disclosed to any source or individual without the expressed written consent of the probationer.

B. Inactive Case

1. Upon termination or expiration of probation, the assigned Deputy Probation Officer shall secure the report within a sealed envelope marked confidential and place it within the file. The sealed envelope shall include the following admonition clearly written thereon:

“Pursuant to P.C. 1203.03, this report or its contents may not be released to anyone other than a deputized employee of this agency who meets the right to know – need to know criteria without the written consent of the former probationer.”

2. Following review of the file by the Unit Supervisor, the file will be forwarded to the departmental file room.

REFERENCES:

California Penal Code Section 1203.03 (Placement in Diagnostic Facility)

Procedure: **1-1-101** **Access to and Release of Criminal Offender
Record Information (CORI)**

Policies: A-9 Requests for Information Assistance
 B-1 Case Confidentiality-Client's Right to Privacy
 B-2 Inter- and Intra-Agency Confidentiality
 B-3 Case File Management and Security

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APPROVED BY: