

Victim Confidentiality

317.1 PURPOSE AND SCOPE

By law, law enforcement is required to hold information about the victims of many crimes in strict confidence. The purpose of the Victim Confidentiality Policy is to provide a single, comprehensive point of reference for Department Members regarding such crimes and requirements.

317.1.1 CONFIDENTIALITY FOR ADULT AND MINOR VICTIMS

Deputies investigating or receiving a report of an alleged offense requiring victim confidentiality shall inform the victim that his/her name will become a matter of public record, unless the victim requests that their name not be made public.

Whether or not the victim requests confidentiality, the deputy shall complete and submit a Victim Confidentiality Report Form (Inv 43). This form must be attached to all criminal reports relating to victims, or alleged victims, of sex crimes, child abuse, felony domestic violence, civil rights violations, stalking, or other crimes addressed in PC 293 or Section 6254 of the Government Code.

The reporting deputy shall document in his/her report (1) that the victim was properly informed, and (2) any related response made by the victim. If the victim is a minor and has NOT requested confidentiality, any response made by the victim's parent or guardian (Penal Code 293 § (a) and (b)) shall also be included.

Minor victims who request 293 confidentiality have the same protections as an adult. If the minor requests 293 confidentiality, deputies shall not disclose to the victim's parents that the minor is a victim of a sexual assault unless the minor agrees to the disclosure.

Except as required or authorized by law, Members of this Department shall not publicly disclose the address of any victim of a sex crime. Except as required or authorized by law, Members of this Department shall not publicly disclose the name of any adult or minor victim of a sex crime who has exercised his/her right to confidentiality (Penal Code § 293 (c) and (d)).

317.1.2 CRIMES REQUIRING VICTIM CONFIDENTIALITY

As of the latest update of this policy, victim confidentiality is required for any crime defined by the following Penal Code 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, 288, 288a, 288.2, 288.3 (as added by Chapter 337 of the Statutes of 2006), 288.3 (as added by Section 6 of Proposition 83 of the November 7, 2006, statewide general election), 288.5, 288.7, 289, 422.6, 422.7, 422.75, 646.9, or 647.6.