

## POLICY 37. IDENTITIES OF SEX CRIMES VICTIMS

### A. Legal requirements

1. Government Code section 6254 governs the release of information deemed to be part of the public record. This includes crime and/or arrest reports taken by law enforcement. Information such as the names of victims and suspects, the types of crimes reported and their location have been held to be generally available to the public.
2. However, certain sexual assault victims have the right to keep their personal information from the general public. The parent or guardian of a minor can also request to have a minor's identity withheld if the minor is a victim of a crime. These rights are outlined in 293 P.C. and apply to the following 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, 288.4, 288.5, 288.7, 289, 422.6, 422.7, 422.75, 646.9 and 647.6.

### B. Procedure

1. Deputies responding to and taking a report of a sexual assault incident shall perform the following:
  - a. Notify the victim of the following, either verbally or in writing:

*“Pursuant to California Penal Code Section 293 and 293.5, you have a right to request that your name and residence address not become part of a public record pursuant to California Government Code Section 6254. Before criminal proceedings are initiated in your case, a prosecutor from the District Attorney’s office will fully explain the advantages and disadvantages of electing to keep your name out of public records.”*

- b. Document notification of the victim in the narrative section of the report with the victim’s response as follows:

*“On (date) at (time) I advised (victim’s name) regarding (his/her) rights pursuant to California Penal Code section 293 and 293.5. (his/her) response was ( ).”*