

5-09/350.00 - Policy and Procedure for Sex Related Crimes

Per Government Code sections 7923.610, 7923.615, and 7923.620, the names and addresses of victims of Penal Code sections 220, 236.1, 261, 261.5, 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, 647.6, or former sections 262 and 288a shall be confidential and not disclosed to the public.

The watch sergeant shall stamp all such reports as confidential.

Refer to Manual of Policy and Procedures section 4-01/020.60, Confidential Reports for further information regarding the processing of confidential, and the above specified sex offense reports.

In accordance with California Penal Code section 293(a), it is mandatory for all personnel who receive a report from an alleged victim of a sex offense, to advise the victim that his name will become a matter of public record unless he requests otherwise (pursuant to sections 7923.600, 7923.605, 7923.610, 7923.615, 7923.620, and 7923.625 of the Government Code). Any written sex offense report shall indicate the alleged victim has been so informed. The victim's response shall be documented by the appropriate notation on the "Victim of a Sex Crime Request for Confidentiality" box on the Incident Report form (SH-R-49).

Pursuant to Penal Code section 264.2, deputies assigned to handle alleged cases of violations of Penal Code sections 261, 261.5, 273.5, 286, 287, or 289 shall furnish the victim with the Department's Sexual Assault pamphlet for sexual assault victims and/or the Department's Family Abuse Intervention Resource/Domestic Violence (FAIR) pamphlet for victims of domestic violence. Deputies shall document in the incident report the issuance of the appropriate pamphlet.

Pursuant to Penal Code 264.2(b)(1), deputies shall notify the local rape counseling center whenever the victim of an alleged violation of Penal Code sections 261, 261.5, 286, 287, or 289 is transported to a hospital for examination. Deputies shall document on the incident report, the notification to the rape counseling center. It is the responsibility of the station/unit handling the alleged sexual assault to provide their deputies with a current and up-to-date list, with phone numbers, of their jurisdictions' rape counseling centers.

In all cases when the crime was an attempt, victims shall be provided the same information and notification.
