



# FULLERTON POLICE DEPARTMENT

## TRAINING BULLETIN

ROBERT DUNN, CHIEF OF POLICE

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**AUGUST 2020, TB # 20-04**

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### **VICTIM CONFIDENTIALITY PER 293 P.C.**

Victims of “sex crimes” must be told they have the option of keeping their identity confidential in crime reports. Victims of other specific crimes may also request that their identity remain confidential. The mandatory confidentiality standards can be found in Penal Code § 293 (a)-(f) and Government Code 6254.

#### **§293 (a)**

An employee of a law enforcement agency who personally receives a report from a person, alleging that the person making the report has been the victim of a sex offense, or was forced to commit an act of prostitution because he or she is the victim of human trafficking, as defined in Section 236.1, shall inform that person that his or her name will become a matter of public record unless he or she requests that it not become a matter of public record, pursuant to Section 6254 of the Government Code.

#### **§293 (b)**

Any written report of an alleged sex offense shall indicate that the alleged victim has been properly informed pursuant to subdivision (a) and shall memorialize his or her response.

#### **§6254 Government Code**

The victim of any crime defined by Section 220, 236.1, 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, 288.5, 288.7, 289, 422.6, 422.7, 422.75 or 647.6, 646.9 of the Penal Code may request that their name be withheld, or at the request of the victim’s parent or guardian if the victim is a minor.

#### **INVESTIGATIVE GUIDELINES**

1. When investigating a crime listed under 293 PC, you must advise the victim, or victim’s parent or guardian, that they may choose to have their personal information remain confidential in the crime report. If they elect not to remain confidential, their personal information will become public record.

2. You must record the advisement per 293 PC in your report, along with the victim's response.
3. If the victim chooses confidentiality, refer to the victim as "Jane or John Doe" in your narrative.

Only victims that qualify for confidentiality per 293 will be referred to as "Jane or John Doe." All other persons, even family members of the victim, shall be referred to in the narrative report by their true name."

4. Using the Confidential Party text template in MRE, list the names of all confidential parties related to their "DOE" name. Also in the person entity linkage, mark a "C" in the Special Notification field. This will prevent unauthorized disclosure by Records personnel when reproducing the document.
5. List all non-confidential victims/witnesses as entities in the General Offense report.

There is currently no criminal violation for failure to comply with PC 293, however there may be exposure to civil liability.

#### Source: FPD Critical Issue #14 Victim Confidentiality

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