I. POLICY

Proposition 9, the Victim’s Bill of Rights Act of 2008: Marsy’s Law, mandates that crime victims be notified of certain rights contained in the Act. The California Attorney General has provided resource sheets which contain the necessary information. It is therefore the policy of this Department that any member taking or receiving any crime report where there is an identified victim provide a Marsy’s Resource Card to the victim. The Marsy’s card must be provided in addition to any other resource card that may be required by this policy or any other statute.

In addition, crime victims have a right to be informed when the suspect in their case is released from custody. When those victims request to be informed of the suspect’s release, this policy will help ensure that this Marsy’s Law right is provided to them. The Yolo County Sheriff’s Department created a “Victims Have the Right to Know Card”, which shall be provided to the crime victim when the suspect is taken to the Yolo County Jail. If the victim requests they be notified when the suspect in their case is released from custody, the transporting officer is required to provide victim information to the Yolo County Jail on the Yolo County Sheriff’s Department victim card.

Crime victims and other eligible persons may be entitled to monetary or other governmental assistance through the California Victim Compensation and Government Claims Board if they are the victim of a violent crime or crime involving violence. Local law enforcement agencies are required to provide information to crime victims on how to receive assistance from the Board. It is therefore the policy of this Department that a member taking a crime report involving any crime of violence, or where a person has been subjected to violence or personal injury, to provide a written resource card to the victim or other potentially eligible person and to make a notation in the crime report that the information was provided. The business card sized resource card is available from the Board.

PC § 293 and GC § 6254(f)(2) outline the right of specific crime victims to keep their identity confidential and out of public record. It also requires the reporting member to memorialize the fact that the victim was advised of this right and their response to the advisement. If the victim chooses to exercise their right to keep their name confidential, all records and all matters involving that
individual must identify the victim as Jane or John Doe. Law enforcement agencies and the District Attorneys Office shall maintain a record with the victim’s complete identity.

II. **PROCEDURE**

A. Responding Member

1. Marsy’s Card and Resources
   a. Personal contact made with victim - the member making personal contact with the victim and either takes or receives a crime report shall personally provide the resource card.
   b. Report received without personal contact - Records Unit staff shall be responsible for providing a resource card to the victim.

2. Victim Notification of Suspect’s Release from Custody

   The Department member who makes personal contact with the victim in a case where a suspect is arrested and transported to the Yolo County Jail shall provide the victim with a “Victims Have the Right to Know” card (yellow card with Jail phone number on it). If the victim wants to be notified when the suspect is released from custody, the officer shall fill out the bottom half of the card. That card shall then accompany the suspect to the Yolo County Jail with the arrest paperwork and jail staff shall be notified of the request, so that they are able to contact the victim or involved person when the suspect is released. The officer shall make a notation in the report the notification card(s) was/were provided.

3. Victim Compensation and Government Claims Board
   a. The member who makes contact with the victim shall provide a resource card. The card contains a general description of eligible crime victims and potential assistance.
   b. The member shall note in the crime report narrative that the resource card was provided.

4. Victim Confidentiality
   a. The member who makes contact with the victim of a crime, which is designated under PC § 293, will advise the victim that they have a right to keep their name confidential in the police report and during all proceedings.
   b. The member shall record the victim’s response on the “Victim Confidentiality Form.” The victim’s identifying information will be noted on the “Victim Confidentiality Form” for future follow-up.
   c. If the victim chooses to keep their identity confidential, they shall be referred to as Jane or John Doe on all police generated reports and forms, including, but not limited to, the evidence report, crime narrative, arrest report, and medical report. They shall be listed as a “CV” on the RIMS report, using their true name. If the victim does not wish to keep their name confidential, the member will use the victim’s true identity when generating reports.
   d. The “Victim Confidentiality Form” will be scanned to the RIMS report by the reporting member.
   e. If the victim chooses not to keep their name confidential, the report narrative must state that the victim was advised of their right to confidentiality and the victim elected not to exercise this right. The PC § 293 form is not needed if the victim does not elect to keep their identity confidential, as long as the response is stated in the narrative.
B. Records

1. If the report is being copied to the District Attorneys office or to another law enforcement agency, the entire report (un-redacted), including the PC § 293 form and all other accompanying forms that identify the victim (e.g., medical forms) shall be included.

2. If the report is being copied for any other person, company, or organization, only the redacted version (excluding the PC § 293 PC form and other forms identifying the protected person) will be released.

Darren Pytel
Police Chief
10/99

Revised:
3/07 RIMS procedures updated
06/08 Victim Assistance Added
01/09 Marsy’s Resource Card added
12/10 Victim Have the Right to Know card added

Reviewed:
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