



Community Partnerships and Confidentiality

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Thanks:

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- Georgia Criminal Justice Coordinating Council
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Learning Objectives

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- Develop strategies for meaningful and productive agency collaboration while adhering to confidentiality requirements and using a survivor-centered approach
- Understand the differences in confidentiality requirements between partner agencies
- Identify the roles of various agencies within a collaboration
- Navigate potential conflicts within collaborative relationships with respect to confidentiality

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Poll Question

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A collaborative community response must maintain the goal of working in the survivor's best interests and wishes.



A Survivor-Centered Approach to Collaboration

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Ethics and Philosophy of Confidentiality

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- Is it the program’s information/data/records or the survivor’s information?
- First and foremost, remember the information belongs to the survivor!
- The survivor has the right to say what information is shared, when it is shared and with whom the information is shared.



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A survivor’s information is not shared outside the program unless she gives the staff permission to do so.

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This protection reflects and reinforces three vital goals of advocacy:

1. To preserve a survivor’s safety and prevent retaliation from her abusive partner;
2. To provide the privacy needed to allow a survivor to talk freely with an advocate in order to effectively plan for safety; and
3. To place control of information in the survivor’s hand, thus recognizing and reinforcing her autonomy.



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Why Confidentiality is Important

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- It impacts safety and healing
- Unprotected information could get to the perpetrator, to the perpetrator’s attorney or out in the community, etc.
- Without it, survivors won’t use our services
- Federal funding contracts for victim services require confidentiality
 - ◊ Risk losing funding (VAWA, VOCA, FVPSA)
- Risk liability due to consequences of breaking confidentiality
- Common ethical standards across the “industry” (precedent)



What is a Community Partnership?

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- **Can be formal:**
 - Coordinated Community Response Team (CCRT)
 - Multidisciplinary Team
 - Family Violence Task Force
 - Fatality Review Team
 - SART (Sexual Assault Response Team)
 - Interagency case management meetings
 - Shared space
 - Advocate placed within the court house, DFCS, outreach office, police dept.
 - FVIP/Victim Liaison

What is a Community Partnership?

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- **Or informal:**
 - Law Enforcement
 - Police transport, criminal investigations, safety checks
 - Prosecutors
 - VWAPs, expert witness testimony, investigations
 - Conversations between advocates and other agency employees
 - Referrals between agencies
 - Volunteer groups (churches, clubs, etc.)
 - DFCS
 - School Systems – school social worker

Benefits of Collaboration

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- Increased victim safety
- Increased batterer accountability
- Enhanced networking among providers
- Better monitoring and tracking of DV cases, statistics, trends
- A more supportive community infrastructure for victims
- Improved services for children exposed to DV
- Shared “best practices” among agencies



Advocacy Through Collaboration

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- **Collaboration is a major part of the role of an advocate**
 - Collaboration ensures that systems working on behalf of victims of domestic violence prioritize victim safety.
 - Coordinated services within a community improve the quality and effectiveness of responses to victims.
 - Some OVW grant programs require evidence of a coordinated community response in order to qualify for funding.
 - Victims and advocates rely on community partners such as law enforcement, healthcare providers, court systems and other social service agencies to tackle the many barriers faced by victims when leaving a violent relationship.



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Risks and Benefits

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A well-formed collaboration can engage the entire community in efforts to change the social norms and attitudes that contribute to domestic violence, but...

Collaborations that do not put victim confidentiality and safety first can do more harm than good and increase risk to victims.

- Expose location, other information to abuser
- Violate survivor's trust
- Take away ability to choose – survivor's empowerment

Questions...

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Poll Question

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Members of a community partnership have different confidentiality requirements



Differences in Confidentiality Requirements and Roles

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DV or SA Program

Guiding Principle for DV & SA Programs: Survivor empowerment and autonomy



- Provide support and advocacy for the survivor, with safety being the primary goal
- Adhere to confidentiality requirements as outlined by VAWA, FVPSA, CJCC
 - No identifying information released without the survivor's written, informed, time-limited consent
- Provide general information and education on the dynamics of domestic violence or sexual assault
 - Barriers, types of abuse, lethality factors
 - Not specific to one case or individual

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DV/SA Program – Confidentiality Exceptions

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- Court Orders/Legal Processes
 - Service of court documents/orders for survivors receiving services at your program (or not)
 - Missing persons investigations by law enforcement
 - Search and arrest warrants for survivors receiving services at your program (or not)
 - Subpoenas for survivor files or staff testimony re: a survivor
 - × File a motion to quash
 - Child/Elder Abuse or Neglect
- Contact GCADV staff for more information on how to respond to arrest warrants, subpoenas, etc.

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Courts, Prosecutors & Police



- For law enforcement, prosecutors, judges or victim witness assistance programs:
 - VAWA/FVPSA Privacy rule does not apply to information **generated** by court, prosecutor & law enforcement
 - Used for court, prosecutorial & law enforcement purposes within legal system
- Primary goal is to protect and serve the community
- Investigate and prosecute criminal cases

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Family Violence Intervention Programs (FVIPs)



- Administer an approved curriculum to batterers over the course of 24 weeks
 - Holds batterer accountable for abusive behavior
 - Utilizes power and control model to illustrate motives for abusive behavior
 - Teaches alternative, healthy behaviors
- There are NO confidentiality requirements as outlined by the state
- Information WILL and MUST be released to victim liaison, referring source, probation, courts, the state, etc.

Questions...

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How to remain an effective partner within a community partnership while still protecting confidentiality of survivors



Strategies for a Meaningful and Productive Collaboration

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Relationships & Communication

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- **Get to know your community partners**
 - Lunch meetings, phone conversations, regular interaction outside of a specific situation, need or incident
- **Be clear and upfront about confidentiality requirements**
- **Acknowledge different roles**
- **Express appreciation – find the positives!**
- **Keep a warm and friendly tone while staying firm on putting survivor needs and safety first**

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Building Formal Partnerships

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- **Taking Stock:**
 - What is our purpose? Who should participate?
 - Member recruitment and engagement
 - Key beliefs and common goals: mission statement
- **Work Plan:**
 - How is the agenda created?
 - What are the goals and objectives?
 - Clearly defined roles and responsibilities
- **Memorandum of Understanding (MOU)**
 - Policies and procedures
 - Conflict resolution
 - Confidentiality Monitor (see example MOU)

MOU vs. Release of Information

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- DV/SA advocates cannot talk about specific cases/identifying information with community partners, law enforcement, task forces, etc. This is true even if there is a signed MOU/confidentiality statements from participants.
- You can discuss:
 - ✦ General trends
 - ✦ Hypothetical cases
 - ✦ How your organization would respond in a variety of situations
 - ✦ Exception for mandated reporting of child/elder abuse

Victim Service Organizations: Requests for Information

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- Remember, the information belongs to the survivor.
- Goal is not to block the exchange no matter what, but to give the survivor the opportunity to make an informed choice.
- Always get a signed release before disclosing information!



Questions...

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Guest Presenter

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Questions...

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Thank You!

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