



The Process of Law Enforcement and DV Shelter Program Collaboration in Investigations

As a DV Program/Shelter that serves families/individuals that have been impacted by domestic violence in their home and lives, it is our responsibility and legal obligation to maintain their confidentiality. Maintaining confidentiality goes beyond the phrase we are all so familiar with, "I cannot confirm or deny that person is receiving services." It is about autonomy for the survivor to make decisions in their lives about their stories and their information. Sometimes, we, as advocates/ DV Programs must break confidentiality due to mandatory reporting requirements and do our due diligence to report suspected child abuse claims.

If and when, law enforcement is to be called to our locations we must be aware of a few important things. **One**, we as programs still have an obligation to maintain confidentiality of all the other families and individuals we serve. **Two**, we still have an obligation to advocate for the survivor who we may be calling law enforcement about; and **three**, we can still do our jobs as domestic violence advocates even when assisting law enforcement in their investigation. To the third point, we need to discuss the process in which this occurs.

- 1) If we contact law enforcement to our confidential location to respond to a crime in progress or to investigate a crime, we must ask law enforcement to arrive at a "public" location on our property first. This will allow other staff to inform the other residents that an outside agency is coming to the location, which will allow those survivors the choice of how they would like to maintain their confidentiality.
- 2) Upon law enforcement arriving, we need to verify the officers that responded are in fact there in response to our call.
- 3) Provide law enforcement the minimum information necessary to make the report and allow access to the resident in which the call was made.

Should law enforcement arrive with or without a warrant in response to an alleged call made to your confidential location and your program did not make the call, a similar process must be in place.

As stated previously, domestic violence programs and providers are legally mandated to maintain the confidentiality of all its residents. If your program staff did not make a call to law enforcement and law enforcement arrives at your program seeking to investigate without a valid warrant, the program is legally required to not disclose any information or allow entrance into the residents' area. The Violence Against Women Act, along with Victims of Crime Act, Family Violence Prevention and Services Act, and the Arizona Departments of Health Services and Department of Economic Security's administrative rules all have confidentiality provisions. The provisions direct programs (and others) about what is required and the process that shall be put in place to uphold the non-disclosure of personally identifying information and the exceptions (mandated reporting).

Sometimes, this can be challenging for the advocate and responding law enforcement. Law enforcement's job is to respond to crimes, investigate and protect the community. When our confidentiality provisions are in place, they are sometimes seen as an obstacle or we are seen as impeding justice. This is simply NOT the case. We, as advocates have a responsibility and a legal mandate to report on child abuse and vulnerable adult abuse. But we also have to ensure confidentiality and safety of all our residents. If we fail to do so, then we fail in our roles as advocates. If law enforcement responds, it is vital that all staff adhere to your agency's policy on responding to law enforcement. This policy should outline what information to gather from law enforcement, what to inform law enforcement about the process and your obligations, and how to respond if the outside agency is adamant about entrance into the program.