

What Can We Talk About?

Honoring Victim/Survivor
Confidentiality in SARTs

2022 Revisions by Heather Blanton and Victoria Riechers



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Introduction

A systems change Sexual Assault Response Team (SART) is one strategy a community can use to improve their response to sexual violence. A SART is made up of multi-disciplinary representatives who focus on collaboration for systems change. While other forms of SARTs exist, a systems change SART is one focused on changing the overall response to sexual violence in a community. They focus on the big-picture response, looking at multiple cases and the agencies' overall response to sexual violence. The results of [system change SARTs](#) are usually long-term and widespread.

The professionals and community members who come together to make up a systems change SART often have vastly different confidentiality obligations but are united under the common goal of improving the response to sexual violence victims/survivors. Understanding confidentiality obligations of all team members is important for ensuring SARTs are following all applicable laws, reducing potential team conflict, and most importantly, protecting the privacy and safety of victims/survivors.

This toolkit will help systems change SARTs

- identify their specific confidentiality obligations and understand the differences between team members,
- navigate the complexities of confidentiality in the team, and
- build strategies and skills to prevent confidentiality breaches and mitigate confidentiality risks while centering victims/survivor and working towards systems change.

Confidentiality Overview

There are many federal, state, tribal and local laws that govern the confidentiality of different members of a Sexual Assault Response Team. This section provides a brief overview of some of the laws that may apply to your team.

● WHAT LAWS DETERMINE CONFIDENTIALITY EXPECTATIONS?

Federal Laws

There are various federal laws that may impact different SART members' confidentiality obligations to the victims/survivors they serve.

Violence Against Women Act/Victims of Crime Act/Family Violence Prevention and Services Act

Many victim/survivor service providers receive funding through the Violence Against Women Act (VAWA), the Victims of Crime Act (VOCA), and/or the Family Violence Prevention and Services Act (FVPSA). Victim service providers who receive VAWA, VOCA, or FVPSA funds shall not disclose personally identifying information of anyone who sought or were denied services, unless the person consents or a statute, court order, or case law mandates the disclosure.

Personally identifying information (PII) is defined as information that is likely to disclose the location of the victim, identify the victim/survivor by name, address, contact information, Social Security number, or any combination of information such as date of birth, racial or ethnic background, or religious affiliation that, in combination, would identify a victim/survivor. Teams must consider that personally identifying information varies depending on the size of the community or community demographics. For example, saying that the victim/survivor is Ethiopian may be identifying information if there is a limited number of Ethiopian people within the community or if this is the only case involving an Ethiopian victim/survivor. Similarly, saying that the victim/survivor was the perpetrator's niece may in fact identify the victim/survivor in some circumstances. Teams should be mindful that seemingly insignificant pieces of information could disclose victim/survivor identity.

Victim/survivor service providers cannot share confidential information with their SART unless the victim/survivor provides written, informed,

and time-limited consent. Victim/survivor service providers still may share general, non-identifying information about the services they are providing to all victims/survivors, areas of need, perpetrator tactics, etc. Providers may not require victims/survivors to sign a release as a condition of receiving services.

Brady v. Maryland, 373 U.S. 83 (1963)

Brady v. Maryland was a United States Supreme Court criminal law case that determined that suppression by the prosecution of evidence favorable to an accused upon request violates due process where the evidence is material either to guilt or to punishment. **Brady v. Maryland, 373 U.S. 83, 87 (1963)**. Material evidence is evidence that has any tendency to prove or disprove any disputed fact that is of consequence to the determination of the action and that could affect the outcome of the proceeding. Before a trial, prosecutors tend to turn over to the defendant or the defendant's lawyers all evidence they plan to use in a case because withholding this evidence can subject a case to appeal, for example. The Brady rule functionally applies to victim assistants who work in prosecutors' offices and/or law enforcement agencies. Teams, and the victims/survivors they serve, should expect that confidential information shared with someone to whom the Brady rule applies will be shared with the defendant.

Health Insurance Portability & Accountability Act of 1996 (HIPAA)

HIPAA prohibits covered health care entities, including, for example, medical forensic examiners working for such entities, from sharing protected health information with third parties without a patient's written authorization or an opportunity to agree or object.

Title IX Education Amendments of 1972 (Title IX) and Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act (Clery Act)

Title IX and the Clery Act contain provisions that may apply to the confidentiality and reporting expectations for campus-based responders to gender-based violence. Both have reporting requirements that impact how the school must report certain crimes, and schools often determine certain staff to be "responsible employees" who fulfill the school's reporting requirements. Other staff, such as campus-based advocate, counselors, or clergy, may be designated as confidential supports for victims/survivors, however some schools do not have any designated

confidential support staff. Title IX applies to most K-12 schools, as well as colleges and universities. The Clery Act only applies to higher education.

Family Educational Rights and Privacy Act (FERPA)

Under FERPA, no educational agency or institution receiving funding from a Department of Education program may permit the release of education records, or personally identifiable information from such records, without the written consent of a student's parent(s) or of an eligible student. Some exceptions to this requirement apply.

Prison Rape Elimination Act (PREA)

The PREA standards require incarceration and detention facilities to enable reasonable communication between people being held in their facilities and outside victim advocates and, in some cases, immigrant service agencies *in as confidential a manner as possible*. Facilities are further required to inform people being held, before they access community-based services, of the extent to which communications will be monitored and to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws.

Freedom of Information Act

The U.S. government and other jurisdictions have Freedom of Information Acts (FOIAs), aka "sunshine laws," that allow individuals to request access to government agency records. These laws may apply to records maintained by certain members of a SART. If the SART is run by a government agency, they could further apply to such records as the SART minutes. However, there are many protections for certain government records. For example, law enforcement agency records in many jurisdictions may not be shared with the public during an active police investigation. The SART must clearly understand how FOIA law affects their work. If the SART's records may be shared under FOIA, this is another reason to ensure no confidential information is recorded by, or even shared within, the SART.

Civil Rights Laws

There are many civil rights laws that may also pertain to confidentiality and privacy in many different contexts. For example, the Americans with Disabilities Act (ADA), prevents service providers from disclosing disability status without consent.

State, Local, and Tribal Laws

State, local, and tribal laws vary by location or jurisdiction. It is important for teams to determine which of these laws apply to their members. Below are some common types of laws that may impact victims/survivors and your SART.

Privilege and Confidentiality

Certain professionals have privilege and confidentiality laws that protect their communication with their clients or patients. In some jurisdictions, professionals (such as attorneys, therapists, victim advocates, or health care providers) may not be required to produce subpoenaed information, forced to testify about, or otherwise share, confidential communications about a client or patient without the client or patient's informed consent. There are limits on privilege that also vary by jurisdiction. In some locations, mandated reporting is an exception to privilege and/or confidentiality laws.

Victims' Rights

Victims' rights are the legal rights of crime victims. Victims' rights laws may detail a victim's right to an advocate, their right to privacy and dignity, their right to participate in the criminal legal system, and/or their right to be informed of certain issues that pertain to their case. Victims' rights vary across jurisdictions and may be superseded by defendants' rights to due process.

Mandated Reporting

Mandated reporting governs certain professionals' legal requirement to report certain information. For advocates, this may include reporting child and elder abuse, and abuse of people with certain disabilities, to local government agencies and/or law enforcement. For hospitals, this may require reporting certain crimes to law enforcement. Each jurisdiction has unique mandated reporting requirements.

Duty to Warn/Protect

A duty to warn or protect creates a mandatory or permissive duty to protect a client and/or a third party from harm in specific situations when there is an imminent threat. Behavioral health professionals are typically

the only profession who have this duty. These duties may require mental health professionals to disclose personally identifying information about their patients to law enforcement or someone else.

Data Privacy

Many jurisdictions have laws governing data privacy and data breaches. These laws often govern how agencies and/or SARTs are required to protect certain data they maintain about their clients and what steps to take if that data is breached.

Case Law

Case law is a law that is determined by a court decision rather than a statute or other codified law developed by legislators, for example. Case law is typically based on precedent and sometimes clarifies how other laws should be interpreted. **Brady v. Maryland**, listed above, is an example of case law.

SART Authorizations/Protections

In some jurisdictions, SARTs and other multi-disciplinary teams are established and authorized to work together by state statute or regulations. These laws may govern who is required to participate in the team, who leads the team, and the coverage area of a team (such as countywide). In some cases, these laws may include confidentiality provisions.

Tribal Law

Tribal law is a factor that must be considered when a SART operates within a tribal nation because of the rights afforded to enrolled members. In addition, there are national resources such as the Tribal Law and Policy Institute (<https://www.home.tppi.org>) and the National Indigenous Women's Resource Center (<https://www.niwrc.org>) that provide guidance around culturally specific related tribal, state, and federal laws and policies.

How to Find Out What Applies to You and Your Team

The Victim Rights Law Center has several resources that can be used as a starting point in determining which federal and state laws apply to your team:

- [Privacy Laws Impacting Survivors \(state by state\)](#)
- [Minors' Privacy Toolkit](#)
- [Privacy on Campus: A Workbook for Advocates](#)

The section below, Confidentiality and SART Member Roles, can be used as a starting point for thinking about what types of laws likely apply to certain roles on the team. The following table is just an example and much of the content may not apply to your team! Your SART will need to determine which laws and regulations impact them.

● CONFIDENTIALITY & SART MEMBER ROLES ¹

The contribution of different members of your SART is affected by the different confidentiality and privilege laws and policies that govern their profession. These differences affect who can share what information in a team. Different members may also be governed by professional ethics and values that influence how they may share information. All team members need to honor the confidentiality of the victims/survivors and the SART even when confidentiality laws do not apply directly to their role. Confidentiality laws may also change depending on the victim's/survivor's status or circumstances (such as a minor, student, person who is incarcerated, etc.). Pages 10-22 provide an overview of some of the ways that confidentiality and privilege laws, policies, and professional requirements how different team members share information. **This is not an exhaustive list and will vary by jurisdiction. Individual teams and team members should make sure their confidentiality obligations are correctly described.** All team members need to be clear about who can share what sort of information with the SART and what information they should not expect certain team members to disclose.

1. This is a sample list. Use the VRLC's toolkit to help determine which laws apply to your team.

● COMMUNITY-BASED VICTIM ADVOCATES

What confidentiality laws may apply to this role? ¹

- VAWA, VOCA, FVPSA
- Privilege and Confidentiality
- Mandated reporting
- Victims' Rights
- Data Privacy

What are this role's professional ethics/values/world view impacting confidentiality?

It is an advocate's role to promote victim/survivor empowerment and protect survivor confidentiality. Victim/Survivor confidentiality and consent to share personal information is essential to survivor safety and empowerment and is one of the highest concerns and values of advocates.

What does this mean for your SART?

Community-based advocates may be the members of the SART with the strictest confidentiality requirements. Absent a statutory or court mandate to disclose, a release of information (ROI) is required for community-based advocates to share confidential or personally identifying information (PII). Without an ROI, community-based advocates cannot share any PII or other confidential information about a victim/survivor, without violating the legal obligations and values of their profession. When community-based advocates do not share information, they are merely staying consistent with their professional confidentiality requirements.

● SYSTEMS-BASED VICTIM ADVOCATES

What confidentiality laws may apply to this role? ¹

- *Brady v. Maryland*
- Mandated Reporting
- Victims' Rights
- Data Privacy
- FOIA

What are this role's professional ethics/values/world view impacting confidentiality?

It is a systems-based victim assistant's role to support victims/survivors through the criminal legal process. Similar to community-based advocates, they value victim/survivor empowerment and safety. Victim/Survivor confidentiality is essential to survivor safety and should be honored to the extent legally possible.

What does this mean for your SART?

Due to *Brady v. Maryland*, and other privacy laws, system-based victim assistants are required and allowed to share information with prosecutors or the law enforcement agency where they work.

● **MEDICAL FORENSIC EXAMINERS AND/OR SEXUAL ASSAULT NURSE EXAMINERS**

What confidentiality laws may apply to this role? ¹

- HIPAA
- Mandated Reporting
- Victims' Rights
- Data Privacy

What are this role's professional ethics/values/world view impacting confidentiality?

It is a Medical Forensic Examiner's/Sexual Assault Nurse Examiner's role to provide quality healthcare, care for patient wellbeing, and collect possible evidence. Confidentiality is crucial for patients to feel safe and comfortable to share their medical history and details of the sexual violence.

What does this mean for your SART?

Medical Forensic Examiners (MFEs), sometimes also referred to as Sexual Assault Nurse Examiners (SANEs), at covered entities hold strict confidentiality requirements for sharing protected patient information under HIPAA. Similar to other roles, HIPAA requires written/signed informed consent to release confidential patient information. When MFEs/SANEs do not share information, they are merely staying consistent with their professional confidentiality requirements.

● LAW ENFORCEMENT OFFICERS

What confidentiality laws may apply to this role? ¹

- *Brady v. Maryland*
- Mandatory Reporting
- Victims' Rights Laws
- Data Privacy
- FOIA

What are this role's professional ethics/values/world view impacting confidentiality?

It is law enforcement's role to investigate crime and to promote public safety. Law enforcement should honor victim/survivor confidentiality to the extent legally possible.

What does this mean for your SART?

Confidential information shared in a SART may be included in the police report or investigation, which could become public information or trigger a mandatory report. All team members need to be mindful of this.

● PROSECUTORS

What confidentiality laws may apply to this role? ¹

- *Brady v. Maryland*
- Victims' Rights
- Data Privacy
- FOIA
- Licensing Standards

What are this role's professional ethics/values/world view impacting confidentiality?

It is the prosecutors' role to prosecute crime and promote offender accountability. Prosecutors should honor victim/survivor confidentiality to the extent legally possible.

What does this mean for your SART?

Confidential information shared in a SART may be required to be shared with the defense attorneys or trigger a mandatory report. All team members need to be mindful of this.

● PROBATION/PAROLE/CORRECTIONS/IMMIGRATION AND JUVENILE DETENTION OFFICERS

What confidentiality laws may apply to this role? ¹

- PREA
- Mandatory Reporting
- Victims' Rights
- Data Privacy
- FOIA

What are this role's professional ethics/values/world view impacting confidentiality?

It is probation, parole, immigration and juvenile detention, and corrections' role to work toward offender accountability and maintain the safety of people who are incarcerated or detained. When working with an incarcerated survivor, officers should honor victim/survivor confidentiality to the extent legal possible.

What does this mean for your SART?

Confidential information shared in a SART may be required to be reported to facility or post-release staff, which may also lead to it being shared with the detained, convicted, adjudicated, or released party. Such staff may also be required to file mandatory reports.

● BEHAVIORAL HEALTH SERVICE PROVIDERS

What confidentiality laws may apply to this role? ¹

- Confidentiality and Privilege
- HIPAA
- Mandated Reporting
- Data Privacy
- Duty to Protect
- Licensing Standards

What are this role's professional ethics/values/world view impacting confidentiality?

It is a behavioral health service providers' role to promote patient wellbeing, which includes upholding confidentiality. All behavioral health providers are subject to licensing requirements that vary based on their specific license, which also requires certain ethical standards and reporting requirements.

What does this mean for your SART?

Covered behavioral health service providers hold strict confidentiality requirements for sharing protected patient information under HIPAA. Patient conversations with such providers are typically confidential and privileged. Similar to other roles, informed consent is needed to release confidential and/or privileged patient information. When behavioral health providers do not share information, they are merely staying consistent with their professional confidentiality requirements.

● TECHNICAL ASSISTANCE PROVIDERS

What confidentiality laws may apply to this role? ¹

- Data Privacy

What are this role's professional ethics/values/world view impacting confidentiality?

It is the technical assistance providers' role to provide support and education to SARTs. While many are funded under VAWA or VOCA, the confidentiality provision of those laws are specific to direct service providers and do not apply to technical assistance providers.

What does this mean for your SART?

Often, teams assume technical assistance providers have confidentiality protections, but many do not. It is important for the team to avoid sharing confidential information with technical assistance providers without the informed, written consent of the victim/survivor.

● TEAM MEMBERS FROM CULTURALLY SPECIFIC ORGANIZATIONS OR ORGANIZATIONS SERVING UNDERSERVED POPULATIONS

What confidentiality laws may apply to this role? ¹

- Data Privacy

What are this role's professional ethics/values/world view impacting confidentiality?

It is the role of a culturally specific organization, or an organization serving underserved populations to serve the unique cultural and other needs of a victim/survivor and provide services in a culturally affirming way. Depending on the types of services an organization provides, there may be applicable confidentiality laws. For example, a culturally specific organization that provides victim advocacy will likely have the same confidentiality restrictions as listed for the community-based advocate role.

What does this mean for your SART?

It is important for individual team members from culturally specific organizations or organizations serving underserved populations to have a clear understanding of their confidentiality obligations. The impacts on the SART are likely similar to the impacts of other roles, depending on the services the organization provides.

● TEAM MEMBERS FROM EDUCATIONAL INSTITUTIONS

What confidentiality laws may apply to this role? ¹

- Title IX
- Clery Act
- FERPA
- Mandated Reporting
- Data Privacy

What are this role's professional ethics/values/world view impacting confidentiality?

It is an educational institution's role to provide students with equitable access to education and promote student and campus well-being. There are many different roles at an educational institution that may have unique confidentiality rules or have been listed above (advocates, campus law enforcement, counselors, etc.). These roles may have additional, education-specific laws that apply to their roles, including Title IX. Some educational institutions may have confidential staff (such as advocates, clergy, counselors) who respond to sexual violence victims/survivors, but many do not have many confidential options for students.

What does this mean for your SART?

It is important for all SART members to have a clear understanding of the confidentiality, privilege, and reporting (whether Title IX or mandatory reporting) obligations of members affiliated with educational institutions. The impacts on the SART are likely similar to the impacts of other roles, depending on the role of the individual within the educational institution.

● CLERGY

What confidentiality laws may apply to this role? ¹

- Confidentiality and Privilege
- Mandated Reporting
- Data Privacy

What are this role's professional ethics/values/world view impacting confidentiality?

School-based campus ministers and hospital or prison chaplains are examples of clergy who may have a role on a SART. SARTs need to be clear about how such clergy's privilege, confidentiality, and mandatory reporting requirements impact their ability to share information with the SART. It is important to also consider that sometimes clergy are the only confidential person available to a victim/survivor.

What does this mean for your SART?

It is important for all SART members to have a clear understanding of clergy people's confidentiality, privilege, and mandatory reporting obligations. The impacts on the SART are likely similar to the impacts of other roles, depending on the services the organization provides.

● TEAM MEMBERS FROM FAITH BASED ORGANIZATIONS

What confidentiality laws may apply to this role? ¹

- Title IX
- Clergy Act
- FERPA
- Mandated Reporting
- Data Privacy

What are this role's professional ethics/values/world view impacting confidentiality?

It is a faith-based organization's role to center the spiritual wellbeing of the victim/survivor. Many faith-based organizations center the values of their religion, which may or may not include confidential support. Faith-based organizations that provide social services, such as community-based advocacy services or behavioral health services, must follow all appropriate confidentiality laws and regulations that apply to those professions.

What does this mean for your SART?

It is important for individual team members from faith-based organizations to have a clear understanding of their confidentiality obligations. The impacts on the SART are likely similar to the impacts of other roles, depending on the services the organization provides.

● COMMUNITY MEMBERS

What confidentiality laws may apply to this role? ¹

- Community members should confirm with their employer and/or licensing requirements if any of the confidentiality laws apply to them.

What are this role's professional ethics/values/world view impacting confidentiality?

It is a community member's role to ensure the team remains centered on the community they serve. Community members may not have any confidentiality laws or regulations that apply to them. However, it is important to be aware of your jurisdiction's laws around mandatory reporting, particularly if a community member on your team holds a type of license that requires mandatory reporting. Some jurisdictions have mandatory reporting laws that apply 24/7, in other jurisdictions it only applies within that individual's professional capacity. We recommend checking with your state licensing board and/or employer as to the specifics of mandatory reporting laws and the work you provide on the SART.

What does this mean for your SART?

It is important for community members to be aware of any confidentiality laws and regulations that may apply to them and to be mindful of the confidentiality rules of the team members.

● RELEASES OF INFORMATION

Releases of Information (ROIs) are required for VAWA, VOCA, and/or FVPSA-governed victim service providers to share personally identifying information about someone who seeks, receives, or is denied their services. ROIs protect victims'/survivors' confidentiality and allow the victim services providers to release specific information for a limited period of time. VAWA, VOCA, and FVPSA do not allow a blanket or unlimited ROI, or to require signing an ROI as a condition for services. Using ROIs is best practice for all victim service providers even if they are not covered by these federal confidentiality laws.

In accordance with VAWA (28 C.F.R. § 90.4 (b)(3)(ii)(A)), in order to obtain an ROI a victim service provider must do three things:

1. Discuss with the person whose information will be released:

- Why the information might be shared
- With whom the information might be shared
- What information might be shared

2. The victim service provider and the person must agree about:

- What specific information will be shared
- With whom the information will be shared

3. The person must sign a written record of the agreement that is for a specific period of time.

The ROI process focuses on assuring that the victim service provider has informed consent to release the information. The person releasing the information should be informed that they may revoke the ROI at any time either orally or in writing. (Any information released before the revocation will not be retrievable).

A sample ROI form can be found in the [Appendix](#).

Navigating Confidentiality in SARTS

● WHEN DOES CONFIDENTIALITY COME UP IN SARTS?

There are different ways confidentiality can become an issue in SARTs. Confidentiality primarily becomes an issue in SARTs when specific cases are talked about. We use the term “case conversations” to refer to the formal or informal process that teams use to discuss what is happening with individual sexual assault cases or the system in general. Case conversations are frequently related to the ongoing work of systems change SARTs, and teams need to be mindful of how to conduct these conversations in a way that preserves the victim/survivor’s rights to confidentiality.

Beyond case conversations, confidentiality can also become an issue depending on the activities and projects a SART undertakes. Teams may conduct community needs assessments, evaluations, surveys, focus groups, and more as ways to learn about their community and ways to improve the response to sexual violence. SARTs need to be mindful of confidentiality whenever conducting any type of data collection, both to protect victim/survivor safety and follow all needed data privacy and/or data breach laws.

Finally, it is also important for teams to consider confidentiality regarding technology. This might be whether meetings are recorded, what is included in meeting minutes, or any other way technology is incorporated into the team. SARTs should consider how confidentiality breaches will be contained if meetings are recorded and shared, or what can or cannot be recorded in the meeting minutes. It is also important to note that victim/survivor information should never be shared via email as most email and electronic systems are vulnerable to data breaches. We encourage teams to have a data breach response plan in place.

● TYPES OF CASE CONVERSATIONS & CONFIDENTIALITY RISKS


There are many reasons why a SART may need to have case conversations. Typically, a team may feel a need to discuss case specifics because there is a desire to:

- Identify and fix a problem, either a one-time problem or a recurring problem
- Improve the response to victims/survivors as it is happening or shortly after the initial response has taken place
- Evaluate and improve the response protocol or the work of the SART
- Become more victim/survivor-centered

SARTs are a great setting for this type of work to take place because it can lead to meaningful, widespread change. Through the case conversation process, it is possible to improve team and system response to sexual violence. The process can also increase individual and team capacity to become more victim/survivor-centered and provide opportunities to adapt to changes or unforeseen challenges that were not anticipated when current protocols or procedures were implemented.

Despite the potential benefits of case conversations, it is important for teams to be cautious when considering how to have these conversations to protect victims/survivors' safety and make sure all team members are able to follow confidentiality laws, as they have a number of confidentiality risks:

- **Victim/survivor loss of privacy:** Case conversations can pose a significant risk to victim/survivor privacy and safety. Loss of privacy is a significant concern for victims/survivors and is one of the main reasons victims/survivors cite for not reporting sexual violence. Case conversations that discuss confidential information can complicate this concern and may lead to victim-blaming or inaccurate information about the victim/survivor or the case being spread. Victim/survivor safety can also be comprised through case conversations. Confidential information about victim/survivor location, safety planning, or other aspects of the case if shared improperly could be devastating to the victim's/survivor's safety. Victim/survivor loss of privacy can significantly impact their trust in the systems and the response to sexual violence.
- **Compromises to an open case:** Open cases that are currently being investigated or prosecuted could easily be compromised in certain case conversations. If a team member shares confidential information with law enforcement and/or prosecutors, they may be required to



share that information with the defendant. This could impact the viability of the case, victim/survivor safety, and victim/survivor trust in the system and responders.

- **Risk to the suspect:** Another less commonly thought of risk of the case conversation process is the risk to the suspect. Depending on how the team is talking about the case and the people involved, it's possible that case conversations could lead to gossip or unfair profiling of a suspect, their family, the "bad" part of town, or a particular demographic. Teams should always consider the difference between morally reprehensible behavior vs. actual evidence. It can be important to question if information is improving community safety or just rumors about the suspect.
- **Team conflict:** Case conversations can lead to conflict and disagreement regarding how the case should have been handled. While disagreement is a necessary part of systems change SART work, it is important to be mindful of ways to have healthy conflict, so these conversations do not pull the team apart.

Pages 27-31 review the different types of case conversations a SART may choose to have, the associated risks, and some strategies to navigate those risks.

ACTIVE CASE MANAGEMENT

RISK LEVEL: HIGH

Purpose of the Conversation

Active case management is when team members come together to discuss an individual active case. They may come together to support the investigation and prosecution of the case, catch cases that slip through the cracks, and/or brainstorm services for the victim/survivor.

What Could Go Wrong?

SVJI does not recommend SARTs engage in Active Case Management, given the significant risks associated with it. Active case management often falls outside of the scope of systems change SARTs and cannot include most team members to follow the confidentiality laws.

Confidentiality risks include:

- Victim/survivor loss of privacy
- Compromises to open cases
- Risk to the suspect
- Team conflict

Ways to Have These Conversations Safely

It is very difficult to have Active Case Management conversations safely in a SART, however some SARTs still choose to hold them. If your team needs to hold Active Case Management conversations to fulfill the team's purpose and goals, there are a few ways to safeguard the conversations:

1. Determine the purpose of the Active Case Management conversation. Typically, this is either about investigating the case or helping the victim/survivor locate certain services.

a. Investigating the case: limit the conversation to system providers involved in the case (but not the victim assistant). If an advocate or medical perspective is needed, only include them if they did not work with that victim/survivor.

b. Locating services: This should generally happen outside of a SART context but often involves SART members. If a SART conversation is needed, service providers should have a separate conversation that does not include any systems-based practitioners. Advocates must have a signed ROI to share any identity specific information.

2. Determine a specific and discrete timeline for the conversation.

3. Identify if there is a need for a Release of Information (ROI) and get informed consent from the victim/survivor to have this conversation.

4. Consider redaction of any personally identifying information that would identify the victim/survivor and also specific names of professionals involved.

5. Hold a subcommittee or separate meeting with only the members who absolutely need to be involved in the conversation.

CASE STUDY

RISK LEVEL: MEDIUM/LOW

Purpose of the Conversation

Case Study is the review of a closed case that has gone through the criminal justice system. This model came out of the idea of domestic fatality review teams. Case Studies are often done to evaluate a SART. They may be done on their own or as part of a larger Case File Review. For more information on Case File Review and confidentiality, refer to our Case File Review Toolkit.

What Could Go Wrong?

Case Studies can be a way teams evaluate their work; an essential task of systems change SARTs. Given that Case Studies are only for closed cases, they are a good option for teams to identify and discuss different system change improvements with fewer confidentiality breach risks. The formalized process of conducting a Case Study can also safeguard confidentiality risks before the case conversation begins.

Confidentiality risks include:

- Victim/survivor loss of privacy
- Risk to the suspect
- Team conflict

Ways to Have These Conversations Safely

Since Case Studies are formalized reviews of closed cases, there are a few steps teams should take to prepare for these conversations:

1. All cases used in a Case Study should be based on the criminal

legal case file (law enforcement/prosecution).

2. Cases should be redacted of all PII by the organization providing the case.

3. The Case Study should be limited to the purpose of evaluating the team and the team's response to sexual violence.

4. Team members should not share any additional information about the case (such as services received) that is not include in the case file without obtaining an ROI from the victim/survivor.

5. Team members should agree to not share if they worked on the case or not, regardless of their role.

6. The qualitative data from a case study can be aggregated through doing a Case File Review, which can further anonymize and prevent confidentiality breaches during the analysis of the data.

SYSTEM CONVERSATIONS

RISK LEVEL: MEDIUM

Purpose of the Conversation

Systems Conversations are the informal case conversations that are raised in team meetings to improve the overall systems response to survivors. Typically, these cases are raised in generalities and not specifics (e.g., an advocate has noticed that frequently the hospital calls the advocate toward the end of the forensic exam, but the protocol indicates the advocate should be called as soon as a victim/survivor discloses at the hospital)

What Could Go Wrong?

Systems Conversations are an essential way SARTs work toward systems change. Systems Conversations should be lower risk

because they discuss cases in general terms rather than specifics, however because they tend to be informal, they may be harder to safeguard. Confidentiality becomes an issue with Systems Conversations when cases are discussed specifically, or when it is difficult to speak generally about cases in a way that does not reveal PII (e.g., in a rural community where there is a small number of cases).

Confidentiality risks include:

- Victim/survivor loss of privacy
- Risk to the suspect
- Team conflict

Ways to Have These Conversations Safely

Systems Conversations are likely the most common case conversation type a team will have. While they tend to be informal, it is important for teams to:

1. Remind all team members to respect each other's confidentiality obligations at the beginning of every meeting.
2. Keep the conversations general and avoid hypotheticals.
3. Do not use specific examples without a signed ROI in place from the victim/survivor.
4. Keep in mind that PII is more than name, date of birth, and social security number, especially in small communities and sub-communities. PII may include immigration status, a need for interpreters, religion, and more.
5. If a team member recognizes the case or is able to identify who the victim/survivor is, they should not identify who the victim/survivor is to the team.

Strategies to Prevent & Respond to Confidentiality Challenges

● STEPS FOR TEAMS TO TAKE

1. Determine Which Confidentiality Laws & Regulations Impact Each Agency Represented on the Team

Take turns having team members research and present on the confidentiality rules that either limit what information they can share or dictate what they must do with certain information that they receive. Allow time for team members to ask questions or give scenarios to ensure that the team understands how these rules might impact case conversations. Team members can use the Victim Rights Law Center toolkit and the Confidentiality and [SART Member Roles section](#) as a starting point to figure out which rules apply to them. SARTs may also want to utilize their local technical assistance providers or local practitioners of the law when further clarification is needed.

2. Decide on the Needs of the Team

Once you have determined which confidentiality laws and regulations apply to each team member, you can then determine what types of activities your team may want to work on that involve confidentiality risk and prepare for those specific challenges.

Data Collection

There may be many different reasons your team plans to collect data. Often, this maybe to conduct a community needs assessment or an evaluation of the team. Your team may want to understand how the current sexual violence response is working for the community and ways they can improve the response. Data collection is often a regular part of systems change SART work.

Digital/Virtual Tools

As we learn new ways to use technology with our team and navigate virtual teams, it is important to consider confidentiality risks associated with technology. Technology is often used to host and/or video record the team meetings through virtual meeting platforms. SARTs should consider the [safety risks of the platforms they chose](#) to use and when it is appropriate or not to record the meetings. SARTs should also consider how to handle confidentiality breaches in the event one happens during a meeting and a meeting is recorded.

Case Conversations

Your team may likely already be holding case conversations whether formally or informally, however it is important to consider the purpose of those conversations. As discussed in the previous section on [types of case conversations](#), there are many different reasons to have case conversations, and many are important to the goals of a systems change SART. When considering if case conversations are right for your team, or if your team is already holding case conversations, it is important to decide what type of case conversations fit the purpose and needs of your team. Team should think about your overall mission and purpose, the goals you are trying to achieve, and any confidentiality risks that come with case conversations when making a decision that is right for your team.

Before beginning case conversations, it is important to consider:

- How long has the team been formed? Are the team members familiar and comfortable with one another? Do the team members have a good understanding of each other's professional roles and responsibilities?
- Has the team held case conversations in the past? If so, was it a good experience for the team?
- Has the team developed a mission and/or definition of 'victim-centered'? If so, was either the mission or the definition developed with the idea of case conversations in mind?
- Has the team developed a separate philosophy about how the mission will be carried out? If so, does the team philosophy contemplate using case conversations to further the mission?
- Has the team already developed expectations for the case conversation process? For instance, has the team already decided how often case conversations will be held?
- Has the team discussed why they want to hold case conversations?
- Has the team discussed which cases will be discussed and why (e.g.,

only cases which were adjudicated not guilty at trial)?

- Has the team discussed how information learned during case conversations will be shared and used? (e.g. will team members be sharing information with personnel at their respective agencies?) Has the team discussed whether/how any information learned will be recorded (e.g., will notes on the conversation be reflected in team meeting minutes)?
- Has the team discussed how to ensure victim privacy and safety through the case conversation process?
- Has the team developed a [Memorandum of Understanding \(MOU\)](#) or any other formal agreement that demonstrates the team members' commitment to hold case conversations in a particular way?
- Knowing this information will help your team identify whether you are ready for case conversations, why types of case conversations fit the needs of your team, and what risks your team might face. In the Appendix, there is a [Case Conversations Readiness Tool](#) that can be used with your team to guide this conversation around case conversations.

3. Update/Revise Protocol to Safeguard Confidentiality

Most teams will have a section of their protocol dedicated to confidentiality considerations for the teams. Once teams understand confidentiality and what projects and activities involve confidentiality risks, they can update their protocol with the policy and practices they plan to use to safeguard confidentiality.

In general, teams should consider:

1. What policies and practices do they need in place for to prevent confidentiality breaches during SART meetings or events?
2. What policies and practices do they need in place for when confidentiality is broken during SART meetings or events?
3. How will team members be encouraged to respect each other's confidentiality obligations?

Data Collection Considerations

When considering ways to incorporate data collection into the protocol, it is helpful to think about the following questions:

1. When will data collection take place within the SART? What kinds of

- projects will involve data collection?
2. How will the team plan to store and maintain any data collected? How will the team ensure the data is kept safe and confidential?
 3. How will the team evaluate the confidentiality risks and data collection needs for each project the team undertakes? (See [Assessing Data Collection Needs and Confidentiality Risks Tool](#) in the Appendix)

Digital/Virtual Considerations

When a team uses digital or virtual resources as part of the SART (for hosting meetings, notes, and more), it can be important to include digital/virtual considerations in the confidentiality section of the protocol. It is helpful for teams to think about the following considerations:

1. How will confidentiality be considered in the meeting minutes or recordings of the meeting?
2. What protections will the team have in place to prevent confidentiality breaches when using digital platforms, such as Zoom?

Case Conversation Considerations

Once a team decides on which case conversation fit the team's purpose and goals, it is important for teams to safeguard the process of having those conversations to mitigate and prevent any confidentiality risks. For each type of case conversation, the team decides to have, whether Active Case Management, Case Studies, or Systems Conversation, the team should decide on policies and practices to have those conversations and revisit them regularly. When making these determinations teams should consider:

1. Who can participate in these conversations based on their confidentiality obligations? Does a subcommittee make sense when certain team members are unable to participate?
2. What is the timeline of these conversations?
3. What information about the cases can be redacted or not disclosed while still fulfilling the purpose and goals of the conversation?
4. How will the team prevent disclosure of PII?
5. When is a release of information needed for these conversations?
6. How will the team handle confidentiality breaches that occur during case conversations?

4. Develop or Revise Memorandums of Understanding (MOUs)

It is recommended to have a current team Memorandum of Understanding (MOU), sometimes called an interagency agreement, as a foundation prior to discussing cases. The MOU makes clear that all involved agencies are committed to improving their response to sexual assault. The MOU uses the power of the entire team to prompt necessary change. It is best practice to add to or create a new MOU among team members to describe 1) the agreed-upon purpose of discussing cases 2) the role of each team member during the case conversation process 3) the limitations of each team member during case conversations 4) how victim/survivor privacy will be protected during case conversations and 5) an articulated process for amending the case conversation process in the event of a concern or grievance.

A [sample MOU template](#) can be found in the Appendix.

● SKILLS FOR TEAMS TO BUILD TOGETHER

Developing and sustaining the relationships between members of the SART and community allies is an important step to ensure the lines of communication between systems is not only transparent but also efficient. The section below is divided into three portions and is focused on providing practical skills for SART coordinators, skills for advocates, and skills that can be developed as a team to assist in navigating difficult conversations.

Skills for SART Coordinator

As a SART Coordinator there are many different hats you may be juggling at once. One main function of a SART Coordinator is assisting with ensuring collaboration between all agency members on the SART while upholding victim/survivor confidentiality and safety. However, there may be times when confidentiality is unintentionally breached.

Although some breaches of confidentiality do involve unforeseeable circumstances, in most cases there is plenty of opportunity to (1) establish clear policies and procedures in advance and (2) explain their implications to the team in advance.

Confidentiality Breach Scenarios

Time to Complete: 30 minutes



The section below focuses on identifying potential areas where confidentiality breaches may occur and how to best navigate those conversations in the moment. Depending on the structure of your SART, this activity may be helpful to do as a team.

Breach Scenario 1

During the monthly SART meeting, a new team member who is a representative from the county court, begins to discuss their frustration about the protection order process and how some victims/survivors “misuse the system and the court’s time” by filing multiple protection orders but never following through with finalizing the process. They continue the conversation by referring to a particular victim/survivor who has 10 children, all under the age of 12, noting that the older children are homeschooled. At this point, enough personally identifying information has been provided that most members of the team know which victim/survivor this individual is talking about.

Sample Model Conversation 1

As the SART Coordinator, you may want to intervene on this conversation in the moment. While this individual may not have specific confidentiality restrictions, this may require a conversation with the team around how to discuss system issues versus specific cases so as not to identify anyone while also protecting victim/survivor confidentiality and privacy.

If your team does not currently have onboarding practices in place for new SART members or guests that may attend meetings, developing onboarding practices may be a good first start. Onboarding practices could include providing new team members with previous meeting minutes, the mission/vision statement, confidentiality agreement and/or Memorandum of Understanding (MOU). It may be helpful to have a one-on-one conversation with the new team members before their first SART meeting specifically around the issue of confidentiality on the team.

Sample Model Conversation 2

Since you have a new team member, in addition to creating onboarding practices, you may want to take a moment to have the team identify opportunities to educate team members about different confidentiality obligations (e.g., during the introductions part of every meeting, everyone mentions their confidentiality and mandated reporting requirements, build in time for team building exercises such as Roles in the System activity listed under the [Skills for the Team](#) section on page 43).

Breach Scenario 2

A law enforcement officer provided transportation to a victim/survivor to the local advocacy office yesterday to receive services. Before the start of the monthly SART meeting, as everyone is filing in, the law enforcement officer asks the advocate (who is new to the advocacy agency) if that specific victim/survivor followed through with filing a protection order. You notice the advocate looks uncomfortable and looks to you for help navigating this conversation.

Sample Model Conversation 1

One way to respond is to present a reminder to the entire group about confidentiality and disclosure requests of other agencies at the start of the meeting. This allows individuals to self-reflect without being put on the spot.

Sample Model Conversation 2

You may assess the situation and decide whether to meet individually with each member that was involved in the confidentiality breach before or after the meeting.

● SKILLS FOR COMMUNITY-BASED ADVOCATES

As a community-based advocate upholding confidentiality is one of the most important aspects of the work. Advocates play a pivotal role in upholding victim/survivor confidentiality and privacy. However, there may be times when information is requested of advocates that simply cannot be disclosed. This section will focus on tangible, practice statements advocates can implement into their daily work to help navigate this issue. Knowing effective ways to respond to a request for disclosure of information can ensure victim/survivor privacy and confidentiality are being upheld. Below are a few variations of sample phrases that can be used as a guide when addressing disclosure requests.

- “Due to survivor confidentiality, I am unable to disclose that information. I can post a message on our bulletin/message board if you would like.”
- “For the survivor’s privacy and safety and federal confidentiality requirements, I cannot answer that question.”
- “Due to confidentiality requirements, I cannot confirm nor deny that I am assisting that individual. I would be happy to take your contact information though.”

As described in the Releases of Information section of this toolkit, there may be situations where information needs to be shared with another agency to improve the outcome for the victim/survivor. In this case, the victim/survivor will need to complete a written, informed, reasonably time-limited release of information.

Confidentiality Breach Scenarios

Time to Complete: 20 minutes

Use the following flowchart as a guide to walk through the scenarios on page 41.



ACTIVITY

What Can I Share?

Community-Based Advocate's Flowchart Guide to Confidentiality

Step 1

Am I being asked to share or do I need/want to share information that is personally identifying about a victim/survivor (i.e. name, gender, racial, or ethnic background) or information about the victim/survivor's choices or referrals?

Yes

Step 2

Has the victim/survivor provided consent to provide information through a written, informed, time-limited release to share this information?

YES, you can only share what the victim/survivor has consented to.

NO, proceed to the next step.

Step 3

Are there any mandatory reporting laws in your state that require you to disclose information about the victim/survivor (i.e. child abuse/elder abuse)?

YES, you can only share the bare minimum required to make a report.

NO, proceed to the next step.

UNSURE, talk to your supervisor about mandatory reporting requirements in your state.

Step 4

Are there any court orders such as subpoenas or warrants that require you to disclose information?

YES, talk with your supervisor about your agency's policies around court orders. For more information, visit techsafety.org.

NO, no information about the victim/survivor can be shared.

Scenario 1

You have just attended the hearing date for protection order court with a victim/survivor. As you are leaving the court room, an attorney who frequents the protection order docket, approaches you and asks how you know the victim/survivor. He states that he helped the victim/survivor on a previous civil case. What, if anything, can you tell them?

Scenario 2

You take a phone call from the prosecutor's office. They are looking for a specific victim/survivor who had previously told them she had been utilizing services from your agency. The prosecutor states that the criminal case pending against this victim/survivor's perpetrator hinges on her involvement in the case and she has stopped returning their phone calls. The prosecutor's office then inquires as to whether this victim/survivor is still receiving services and/or is currently in emergency shelter. What, if anything, can you tell them?

Scenario 3

You have been working with a victim/survivor to help navigate a pending criminal case. The victim/survivor has asked for your assistance in finding out why the recent criminal case has been postponed. The victim/survivor has signed a release of information for you to contact the district attorney's office, to provide the case number for the criminal case, with the goal of getting more information on why the most recent court date was moved. The district attorney's office provides you the information requested. Before the end of the call, they ask for you to confirm the victim/survivor's email and phone number as they have been trying to reach them but have not heard anything back. What, if anything, can you tell them?

● SKILLS FOR THE TEAM

Regardless of the makeup of your SART, understanding the roles and responsibilities of each member is paramount to the team's functioning and efficiency. The section below provides activities, scenarios, and flowcharts that can be utilized by the team to help frame conversations about role clarification and to build skills around navigating tough conversations including what can be discussed as a team.

Roles in the System

Time to Complete: 15 minutes

Break the team into partners or small groups. Each group will receive a handout with a list of different professions you would typically see represented on a SART. The list is not exhaustive so add any professions that may be missing. Give participants time to list ways that each profession within the system acts to promote victim/survivor safety and hold perpetrators accountable.



ACTIVITY

Discussion

Time to Complete: 10 minutes

Lead a large group discussion afterwards about how even though we have very different jobs, we all share similar values: safety of victims/survivors, perpetrator accountability. If you have additional time, you can pose additional questions. Do we need further clarification on any specific profession to better understand their role? What, if any, are the implications of a disclosure request to any of the team members?

Roles in the System

Take a few moments to list ways that each profession within the system acts to promote victim/survivor safety and hold perpetrators accountable.

Law Enforcement

Prosecutors

System-Based Advocates

**Community-Based
Advocates**

**Probation & Corrections
Officers**

**Sexual Assault
Nurse Examiners**

Other

Other

Case Conversation Scenarios

Time to Complete: 20 minutes

ACTIVITY

Use the flowchart on page 47 as a guide to walk through the scenarios below and identify how the conversation should proceed, if at all.

Scenario 1: Active Case Management

During a SART meeting, a law enforcement officer brings forward a case that they are currently working. The victim/survivor needs assistance locating services for a variety of things such as rental/financial assistance, food assistance, and assistance with their landlord who is who is wanting to evict them because the police had been called “too many times.” The advocate agency does have a current release of information to speak with the victim assistance staff within the district attorney’s office regarding the status of a different pending case involving the same victim/survivor and offender. No other releases of information are in place currently.

Discussion: Should or can this conversation safely proceed?

Scenario 2: Case Study

A team decided to review a specific case of intimate partner sexual violence. This case had been deemed “closed” by both law enforcement and prosecution, meaning that there was a final disposition in the case and no further action was planned. The case had been charged and resulted in a conviction. After sentencing, the team wanted to review the case to evaluate the effectiveness of their current protocol to compare it with service delivery for both the victim/survivor as well as the offender. During the review, the team learned that some information known to several responders was not communicated with all team members or with the offender's court services officer. The court service officer is asked to attend the next meeting to further the case review conversation.

Discussion: Should or can this conversation safely proceed? What considerations may need to be taken regarding the defendant? What about the victim/survivor?

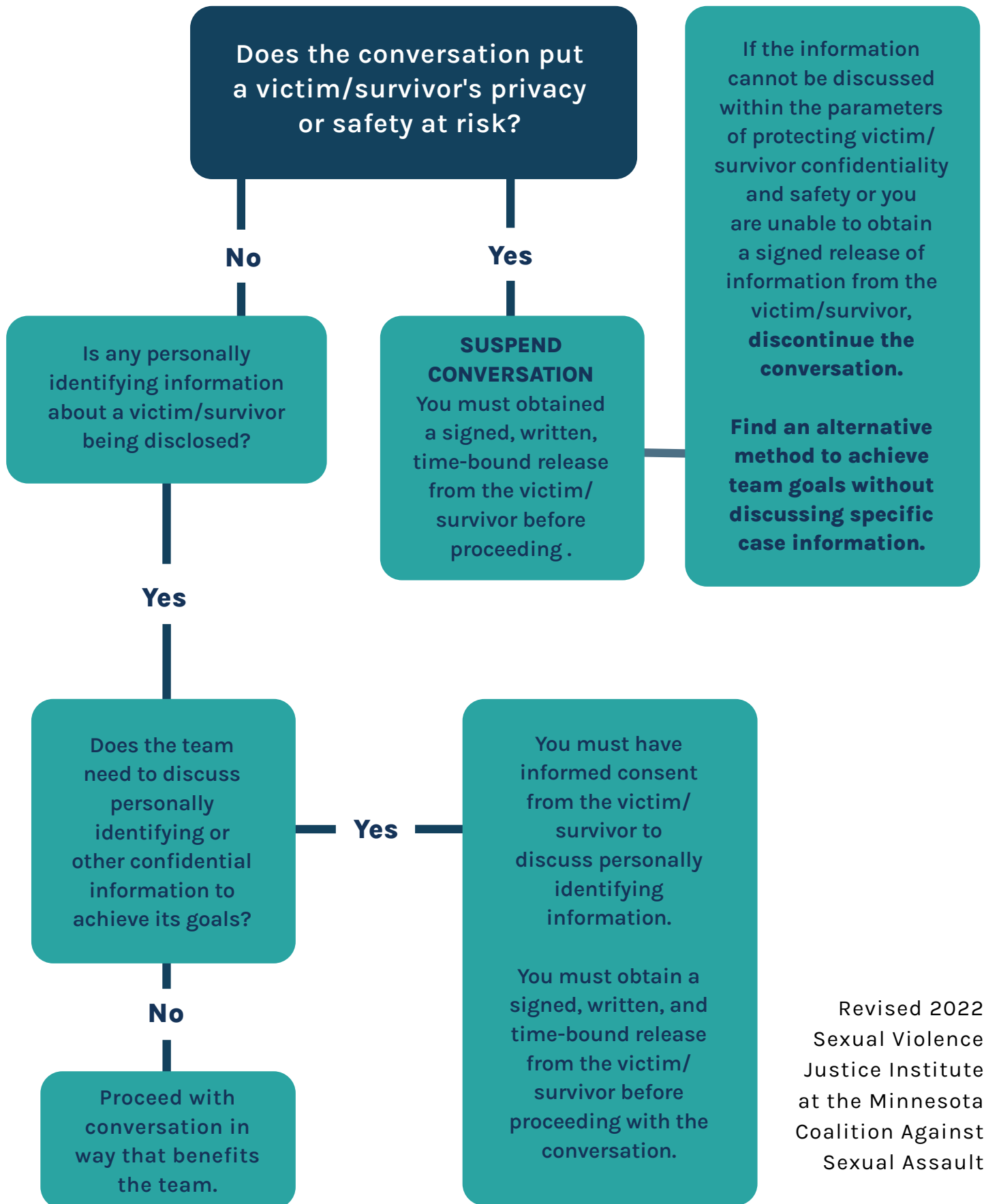
Scenario 3: System Conversations

Hospital staff reports at the monthly SART meeting that the advocates from the local advocacy program routinely fail to respond to the hospital in a timely manner when called to meet with a victim/survivor. Hospital staff goes on to state that there was a case last week where it took the advocate over an hour to respond to the hospital call. The victim/survivor had left by the time the advocate arrived. The advocate on the team suggests they set up a one-on-one meeting to discuss this further.

Discussion: Should or can this conversation safely proceed? What additional information would be helpful at this point?

Navigating Case Conversations

A Flowchart for SARTs



Revised 2022
Sexual Violence
Justice Institute
at the Minnesota
Coalition Against
Sexual Assault

Conclusion

Case conversations can be very effective in helping teams identify successes, gaps, and challenges within current response. It is important, however, that teams take time to develop a process that fits with their goals, does not violate any 'rules' that govern how information can be shared, and preserves victim/survivor privacy and safety. Following the steps outlined in this toolkit will take time but hopefully will assist your team in determining if case conversations are a fit and establishing a more productive, responsible process should you choose to move forward.

Appendix

● CASE CONVERSATIONS READINESS TOOL

The topic of case conversations will undoubtedly come up on sexual assault response teams (SARTs). This readiness tool is meant to help teams evaluate their need and capacity for having case conversations, assist them in developing an approach that will best fit their needs, and identify steps that may help them prepare for having case conversations for the first time or strengthening their existing practice. Due to the complexity of this issue and the uniqueness of every SART, this tool should only be looked at as a starting point and is not meant to indicate whether a team will be successful.

This tool may be used in a variety of ways based on team need or preference. This tool may be completed independently by the team coordinator, as a group by the entire team, or each member may complete it on his or her own before either passing it along to the team coordinator or taking part in a full team discussion.

What Is the Team's History?

1. How long has the team been in existence?
2. How long have team members been part of the team?
3. Has the team discussed cases previously? If so, was it a positive, negative, or neutral experience? What worked well and what didn't work well?

If a team is new or the team members are new, foundation work of developing strong relationship and learning each other's role and confidentiality obligation is needed before beginning case conversations. If teams have discussed cases previously, the above questions can be a guide for what kinds of challenges, considerations, or conflicts you may need to navigate as you continue to talk about cases.

Is the team ready to begin case conversations?

Yes/No	The team has:
	Developed a guiding values or philosophy statement.
	Defined victim/survivor-centered and discussed how that looks in practice.
	Created a written Memorandum of Understanding or Interagency Agreement that outlines information sharing obligations and restrictions for each team member.
	Discussed how it will ensure victim/survivor privacy and safety.
	Thoroughly discussed the process that will be used for case conversations.
	Talked about how diverging from the established case conversation process will be handled.
	Talked about how confidentiality breaches will be handled.
	Established a process for orienting new team members to the case conversation process.
	Ensured that each team member has a thorough understanding of the internal/agency rules or policies that guide how and when information will be shared.
	Ensured that each team member has a thorough understanding of the external limitations and requirements about information sharing (statutes, funding requirements, etc.).

	Ensured that each team member has a thorough understanding of the internal and external rules or requirements that influence ALL disciplines and agencies represented on the team.
	Developed dynamics that will allow for team members to be self-critical and openly receive feedback from others.

In general, a team should go through everything in the above list before engaging in case conversations to ensure the team is adequately prepared. If you answer “Yes” to all of the questions above, you are more than ready for case conversations. If you answered “Yes” to seven or more out of the twelve questions, you have some more work to do before discussing cases. If you answered “Yes” to less than seven of the questions, your team is not ready at this time.

Which Method of Case Conversations Is the Best Fit?

Now that you have determined you are ready for case conversations, these questions will help guide the type of case conversations that are most appropriate for the team’s needs.

1. What do team members hope to achieve from the case conversation process? What is the purpose of discussing cases?
2. How much preparation work do team members, or the coordinator want to do in advance of each conversation?
3. How often does the team wish to have case conversations (monthly, quarterly, annually, etc.)
4. What is the size of the community in which the team exists? What implications will this have on victim/survivor, offender, and responder anonymity?
5. What types of cases does the team want to discuss? At what stage in the criminal justice process will cases be in when case conversations occur (closed cases, active cases, cases never charged)?
6. Has the team discussed who will be part of case conversations (whole team or sub-committee)
7. Has the team discussed if there will be a need for Releases of Information to have this case conversation?
8. What is the timeline for this case conversation?

● ASSESSING DATA COLLECTION NEEDS & CONFIDENTIALITY RISKS TOOL

Before collecting any data for a project, it is important to determine all your data collection needs and if there are any confidentiality risks associated with that data. This tool can be used to help SARTs review their data collection projects and plan any next steps before beginning a project.

Data collection is the process of gathering and measuring information on topics important to your team in a systemic way to answer questions and evaluate outcomes. For SARTs, data collection may be part of community needs assessments, project evaluations, case file reviews, and more. SARTs conducting data collection directly with individuals, such as through surveys, interviews, and focus groups with victims/survivors or community members, must always be aware of confidentiality risks. Before beginning any team project that includes any type of data collection with individuals, go through these questions and answer them thoroughly. We recommend going through this list of questions even if you've gone through it before for previous projects.

1. What is the purpose of the project? (for example: a community needs assessment looking for gaps in the sexual violence community response)
2. How does this project fit in with the systems change purpose of the SART? How does it support the needs of the team?
3. Is data collection needed for this project? Is there another way to find out the information needed for the project without collecting new data? (for example: data collection from the community is needed so we do not rely on subjective, anecdotal opinions about the community's needs; or data collection is not needed because recently the hospital conducted a community needs assessment and their data can answer the questions we have for our project)
4. What specific data do you plan to collect for this project? (for example: name, gender, race, experiences with sexual violence, etc.)
5. Is the data you plan to collect **specifically needed** to achieve the purpose of the project? (for example: before collecting any personally identifying information, ask yourself if that information is truly needed for the purposes of the project)
6. Does the data you plan to collect have the potential to cause re-traumatization, discrimination, or other harm? What steps can you take

to minimize this risk of harm?

7. Do you plan to anonymize the data? If so, how? (this may be possible for surveys, but not for interviews or focus groups)
8. What confidentiality risks are associated with that data? What would happen if this data was leaked, or someone accessed it without permission? (for example: if collecting contact information, what would happen if this information got into the wrong hands? Consider if that information is completely necessary)
9. How do you plan to store and maintain the data collected? How will the team ensure the data is kept safe and confidential? When will this data be destroyed?
10. Who on the team will analyze the data? Do any of their specific legal obligations impact the types of questions you ask? How are these legal obligations communicated to the individuals who are participating in the project and providing information about themselves? (for example: if a mandated reporter analyzes the data and a participant has revealed child abuse in the data).

● SAMPLE RELEASE OF INFORMATION

English: <https://victimrights.org/wp-content/uploads/2021/02/VAWA-Compliant-Release-of-Information-English.pdf>

Spanish: <https://victimrights.org/wp-content/uploads/2021/02/VAWA-Compliant-Release-of-Information-Bilingual.pdf>

Plain language: <https://victimrights.org/wp-content/uploads/2021/02/VAWA-Compliant-Release-of-Information-Plain-Language.pdf>

● SAMPLE MEMORANDUM OF UNDERSTANDING

Find a sample MOU on MNCASA's website: <https://mncasa.org/tools/sart-case-review-mou-template-and-example/>

