

Release of Information (ROI) Form Guidelines

Introduction:

It is important for both the VAP and the victim to clearly understand when a ROI is required and the information it will cover. Most simply put, a ROI is needed to cover information the victim provides that is not part of the prosecution of a criminal case and that the victim wants the VAP to share outside of the case prosecution.

ROI Not Required:

VAP speaks with law enforcement (LE) about the police report, or the notice of crime victims rights the police gave to the victim. This is part of the criminal prosecution.

VAP relates to the DA information about the crime that the victim has recalled since the initial statement to LE. This is part of the prosecution.

Victim's case manager at DHS or shelter calls VAP to ask when a hearing on the case is scheduled. This is public information, which the VAP would know whether or not she was working with the victim.

At the victim's request, the VAP sends a copy of a no-contact order to the victim's child's school with a note from the VAP and with no mention of the victim, saying, "*To be placed in the file of [child's name].*" This is a public record (the order), which the VAP is sending, with no reference to the victim or anything the victim has said.

While victim is sitting with VAP, VAP dials shelter program and says, "I have someone who'd like to speak with you", then passes the phone to the victim. No confidential information is shared because VAP does not mention victim's name. .

DHS CPS worker calls to ask about the existence of a no-contact order issued or a waiver filed in an open case. These documents are public record so no confidential information is being shared.

DHS CPS worker also asks VAP about information included in a report of possible child abuse the DA has made. This is part of the VAP's obligation as a mandatory reporter and, whether or not otherwise confidential, is required to be disclosed by law.

Victim brings shelter advocate to a meeting to discuss plea bargain with the DA. Good practice is to be sure the victim understands the confidentiality or lack thereof of the information being shared by each party in this conversation.

ROI Required:

Victim asks VAP to call shelter and explain victim's circumstances so that victim can go to the shelter. The VAP is sharing confidential information about the victim for a purpose that is not directly related to prosecution of the case.

VAP sends a copy of a no-contact order to the victim's child's school with a note saying "*I'm sending this order on behalf of [victim's name], to be placed in [child's name]'s file.*" The VAP is sharing information about the victim (that the victim has asked for the order to be placed in the child's file) that is not part of prosecution of the case.

Instead of coming herself, the victim sends the shelter advocate to discuss the plea bargain with the VAP. [Note: While this might require a ROI, the bigger question is whether it is good practice to discuss a plea bargain with someone other than the victim or the victim's attorney.]