



## **B. Select C4RJ Policies**

### **1. Confidentiality Policy and Guidelines, Applied in all Cases**

*The privacy of all individuals, including victims, offenders, and family members involved in C4RJ cases will be protected. To that end C4RJ volunteers and staff agree to follow confidentiality guidelines as outlined below. The guidelines will be applied to all stages of our restorative justice process.*

#### *The Identity of Victims and Offenders*

Police will inform the victim of the offender's identity. The police will inform the offender of the victim's identity, *with the permission of the victim*. In the Circle meetings, people are asked to introduce themselves using only their first name (last name is optional).

#### *Police and C4RJ Volunteers/Staff*

Police and restorative circle volunteers working with victims, offenders, and family, need to know the identities of the individuals with whom they are working, as well as identifying circumstances of the incident(s). Details of the incident, identities, and other personal information of involved parties must not be divulged to anyone who does not have a "need-to-know" status, including C4RJ volunteers not assigned to the case. Because of the sensitive nature of the work, violations of confidentiality by C4RJ volunteers/staff may result in dismissal.

#### *Confidentiality: Informing and Adherence*

All victims, offenders, and family members are informed of our confidentiality policy both in the Intake Meeting and the Opening Circle itself. Everyone involved is asked to abide by the confidentiality policy. However, although volunteers and staff take all reasonable efforts to protect the privacy of all involved, they cannot *guarantee* that others involved in the process (victims, offenders and their families) will adhere to the guidelines.

#### *Written Notes/Reports*

Volunteers may take written throughout the process, but these must be brought to the Closing Circle. The Case Coordinator or Keeper will ask for the written documents which will then be shredded. One copy of a C4RJ summary report will remain in a secure file at C4RJ's offices. A second copy will be submitted to the referring police department.

#### *Confidentiality Exceptions/Mandatory Reporting*

There are important exceptions to the C4RJ confidentiality policy.

1. If someone is in danger of physically hurting themselves or others, these matters must be reported to the authorities.
2. Anything that raises a suspicion of physical or sexual abuse or neglect of children or seniors must also be reported to authorities.
3. Additionally, police are required to report to their superior officers anything they learn about past crimes or threats to the future security and safety of anyone. For this reason, the Keeper will clarify that the circle process will address only the referring incident.
4. Police also maintain a Memorandum of Understanding with school administrators and the Middlesex District Attorney's office which permits the sharing of information on a need-to-know basis; this MOU supersedes the C4RJ confidentiality policy.

### **2. Summary of Federal Confidentiality Laws, Applied in Substance-Related Cases**

The purpose of these laws is to ensure that people with alcohol or drug abuse who need to seek treatment are assured that no record of treatment will be shared with employers, health insurance companies or the public.

1. Information about alcohol or other drug abuse cannot be used to initiate or substantiate criminal charges against a client. Any use of alcohol by a minor if not provided by their parent, grandparent or guardian is considered abuse.
2. Disclosure of identity is legal only in cases of health emergency, suspicion of child abuse, by court order (not just subpoena), under threat of harm or with prior written consent of the client. In any case, you must let the client know first.
3. A minor can request treatment without consent of their parents. Most states require that service be provided even if the minor cannot pay.
4. When reviewing a case for evaluation or research, the client may not be referred to in any way that could identify them.
5. It is legal and acceptable to defer requests for information about a client by stating that the law forbids us giving any name at any time. (Further, it is legally acceptable to say that a person named has never been a part of our program.)
6. Confidential information must be kept in a secure room or locked file cabinet when not in use. Programs must have procedures to regulate and control access to this information.
7. C4RJ will ask clients/parents or guardians to sign a *Release of Information* consent form. This enables qualified substance abuse professionals to communicate that an assessment has been completed and that only relevant recommendations be shared with Case Coordinator or Executive Director.



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## Confidentiality Policy Acknowledgement

I, (print name) \_\_\_\_\_, have reviewed the C4RJ Policy on Confidentiality (pg. 28 of the Introductory Training manual) and agree to uphold this policy to the best of my ability. I understand that a violation of confidentiality may result in my dismissal as a volunteer.

Signed,

**Name** \_\_\_\_\_ **Date** \_\_\_\_\_