

## **New Jersey Domestic Violence Fatality & Near Fatality Review Board Confidentiality Agreement**

The purpose of the New Jersey Domestic Violence Fatality & Near Fatality Review Board (“Board”) is to engage in thorough quantitative and qualitative reviews of domestic violence-related fatalities and near fatalities in order to better understand domestic violence and resulting deaths, and in order to work towards better intervention and prevention efforts. This purpose requires case-specific sharing of records and other information, as provided by the governing authority of NJSA 52:27D- 43.17, which states:

### **52:27D-43.17d Duties of board.**

c. Collect and review death certificates, autopsy, investigative, police, medical, counseling, victim service and employment records, child abuse and neglect reports, survivor interviews, surveys, and any other information the board deems necessary and appropriate in determining the cause of a domestic violence-related fatality or near fatality.

### **52:27D-43.17e Authority of board.**

5. The board is authorized to:

a. Subpoena any records, other than criminal investigatory records pertaining to a criminal investigation in progress, concerning a domestic violence-related fatality or near fatality and other records, which may be deemed pertinent to the review process and necessary for the formulation of a conclusion by the board;

Sharing such documentation is crucial and essential to the Board’s mission. First, complete case files and records help the Board to understand the full scope of the history of the lives of victims and perpetrators – gaps in information only hinder the Board’s ability to understand the totality of domestic violence and make effective recommendations. Second, full case files reveal important information regarding the various systems involved with victims and/or perpetrators of domestic violence and the many opportunities various systems had in each case for identifying and intervening in the domestic violence. Lastly, sharing information regarding a case ensures that any recommendations this Board makes are well-founded, promote victim safety and offender accountability, and ensure that they are based on complete versus partial information or erroneous assumptions.

Although this Board has legislative authority and subpoena power, the Board acknowledges that trust and voluntary cooperation between Board members, or the Board and outside parties involved with the DVFNFRB, are crucial for individuals to feel confident that any information they provide for a case review will be kept confidential and used only for the purposes of the Board as stated above. To that end, the governing statute provides for confidentiality, stating:

### **52:27D-43.17g Accessibility, confidentiality of records.**

7. a. The records compiled by the board, including all investigatory findings, statistical data and information gathered pursuant to subsection c. of section 4 of this act, shall not be subject to discovery, but may be used by the chairperson of the board to refer an individual case, including the board's deliberations and conclusions, to the extent necessary, to an appropriate agency to investigate or to provide services.

b. The records compiled by the board shall not be subject to subpoena or admissible as evidence in any action or proceeding in any court, nor shall a person or entity

authorized by the board to have access to the records pursuant to this act be compelled to testify with regard to the records.

c. Except as provided in subsection a. of this section, the deliberations and conclusions of the board related to a specific case shall be confidential and shall not be deemed a public record pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.) and P.L.2001, c.404 (C.47:1A-5 et al.). Summary records that are prepared by the board and the teams or committees on each reported case shall not contain any information that would identify the victim of a domestic violence-related fatality or near fatality.

Board members and other individuals who may come in contact with information from the case files as part of their work with the Board must also sign and abide by Confidentiality Agreements in order to take personal responsibility for confidentiality and to promote trust among Board members. Therefore, as a participant with the DVFNFRB:

**I agree to keep confidential all identifying information secured in this review process. I agree that the information discussed will not be used for reasons other than for which it was intended. No material will be taken from the case reviews, with the exception of the initial dissemination of a case for review preparation. I agree to take all necessary precautions to keep case files confidentially secured when reading a case file outside of a Board meeting. I understand that if I violate this confidentiality agreement, I will be relieved from serving on the Board.**

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date