

Case Reviews

SART Listserv

November 2006

States are listed as a point of reference rather than as a statewide perspective

Case review policies and procedures.

Background: How do teams ensure victim advocate privilege and client confidentiality are maintained during case reviews? Do teams review cases only after the case has been adjudicated in the criminal justice system?

Iowa (Ames)

- Case reviews are part of monthly team meetings to assess SART collaboration.
- If the victim has signed the confidentiality waiver with the hospital, the nurses will share pertinent information.
- The advocates usually don't offer information to maintain confidentiality.
- Most information comes from law enforcement.
- Case reviews focus on the systems' response rather than the facts of the case; unless there is a criminal justice update.

Maine (Winthrop)

- Two SARTs in the district.
- Teams only review *closed* cases.
- District Attorney's Office to lead the discussion. (Keeps advocates out of a lead role in order to maintain confidentiality).
- Case reviews are kept fairly informal, positive and proactively focus on improving the systems' responses.

Minnesota (St. Paul)

- Rather than have case reviews, we do system consultation.
- Systems' issues are assessed as to whether the response was according to protocol or outside of it.
- The victim is never the focus of the discussion - about what went well or went poorly.
- If there is an egregious problem regarding one specific case, we request the victim's permission to bring the issue to the team.
- The victim is never named nor is identifying information shared in the system consultation.

New York (Albany)

- Confidentiality is an ongoing issue during case reviews.
- The SART is creating a release form that is acceptable to hospital administrators, meets HIPAA guidelines, and supports the statewide Rape Crisis Center confidentiality rules.

Texas

- MDT (multi-disciplinary team) staffs case reviews monthly.

- Members include a law enforcement officer, child protective and adult protective services professionals, an advocate, a SANE, a representative from the child advocacy center, a counselor, and prosecuting attorney.
- The MDT is separate from the SART and all members sign a confidentiality agreement.
- Cases are staffed until they are out of the justice system.
- When cases are "prosecution pending" we do not discuss them unless there is a case development.
- If team visitors are involved in the discussion, they attend only the part of the meeting that pertains to their client(e.g., if an adult gives permission for their therapist to attend a team meeting and staff their case, then the therapist would only be in the room for the staffing of their client's case).
- Adult sexual assaults that are not reported to LE are not staffed during team meetings.
- Advocates must have signed confidentiality waivers in order for the rape crisis center to discuss their cases

Adult and child cases are staffed separately,(e.g., child advocacy center does not attend adult case reviews and adult protective services do not attend when we review child cases)

**SART Listserv
August 2005**

Case Reviews

Purposes or goals of case reviews

- To problem-solve difficult cases
- To share information
- Education
- Team building and/or support
- To make sure adult victims are receiving the follow up care they need
- To keep each other accountable
- To work out kinks in the system and the way victims are treated
- SANE's do case review for the purpose of reviewing injuries/findings

Case updates

Procedures, protocols for adult case reviews

Michigan

- Monthly review of all of our SANE cases with a multidisciplinary group consisting of Nurses, Prosecutor's Office, Child Protective Services, Law Enforcement, and Advocacy
- Considered inviting defense attorney, but have not found one yet
- Is it important to include the defense, so the SANE Program does not appear biased?

Prosecutor Perspectives on Defense Attorneys attending Case Reviews

- It is an enormous mistake to include defense attorneys in reviews of ongoing cases
 - It's one thing to include the defense bar in long term projects designed to change the way systems operate; however, it is completely another to include defense attorneys in the review of ongoing cases
This is legally inappropriate
 - You may have major HIPPA and other privacy issues
 - The legal system has a procedure known as discovery which is designed to provide defense attorneys with what they are entitled to receive.
 - Prosecutors would not feel comfortable speaking freely in this setting
 - The practice of sharing information about victims in ongoing cases with defense attorneys outside of the discovery process could endanger victims at worst and at best violate their privacy.
 - It is important to maintain the neutrality of local SANE programs in order for the expertise of the individual SANE to be accepted in court with a minimal level of accused bias. But including defense attorneys in the actual review of cases is not the way to ensure this
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Battle Creek, Michigan

- Case reviews met with great resistance from Prosecutors (fearful that to discuss open cases would cause discovery issues with the defense)
- Law Enforcement was fearful that they would be criticized for their work
- We tried reviews a couple of times with Law Enforcement, Prosecution, Advocacy and SANEs but there was not full participation or buy-in for the process
- We have 11 police departments we work with; all doing things differently and the case reviews seemed like a great way to garner consistency
- Our CAC project is going through the NCA accreditation process and case review is a required, which has been happening in a very positive way for the last few months. Perhaps reviews for adult sexual assault cases will be revisited in the future

Minnesota

- We do not do case reviews but systems' reviews
- The focus is not on the victim or the specifics of the case, but on an aspect of the system that worked particularly well or didn't work well
- The focus of the discussion is how to institutionalize the positive procedures and change negative ones
- The changes are seen as protocol updates/corrections
- Changes arise when something was missed in the protocol writing - such as the bench warrant service process
- Teams never identify the victim or even discuss issues related to the victim
- As an advocate, I would be concerned that case review may take us places that are not useful or helpful