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Sexual assault victims retain right to privacy
by Julie Kunce Field

Domestic violence and sexual assault persist in Larimer County. Just last month, a Coloradoan front-page headline read: "Woman reports spousal rape."

Victims of domestic violence and sexual assault are well-served in this community by Crossroads Safehouse and the Sexual Assault Victims Advocate Center, whose efforts are assisted, in part, by one critical legal tool: confidentiality. Without this tool, such victims would not be as able or willing to seek help.

Just last year, the law of confidentiality for victims was clarified by the Colorado Supreme Court in *People v. Turner*. It is worth celebrating the first anniversary of the Turner case for the safety that it helps to guarantee to intimate violence victims. Turner defined the standard for protecting domestic violence and sexual assault victim information. Because of Turner, and recent congressional and Colorado legislation, victims can be assured that whatever information they share with a shelter or advocate will be kept confidential.

In Turner, a criminal defendant tried to obtain information from a Salida domestic violence program about whether his girlfriend had been at the program, and whether she had received help there. The trial court ordered the program to turn this information over to the defendant. The domestic violence advocates refused and were ready to be held in contempt to protect the safety and confidentiality of the victim's information. The advocates did not have to go to jail to defy the trial court's order because the Colorado Supreme Court quickly heard the case, and held, in no uncertain terms, that confidentiality is critical to victim safety. The court found that it was important for victims to know, even before going to an agency, that their communications will be confidential.

Just as a client or patient has confidentiality with an attorney, doctor or therapist, so, too, does a victim have confidentiality with a domestic violence or sexual assault advocate. Turner does not apply just to the criminal defendant who might be trying to get a victim's information from a shelter. Because of the profound safety implications if a victim's identity or location is revealed, the law applies regardless of who seeks such confidential information. Even police and other government agencies are prohibited from getting access to victim communications or identifying information under Colorado law.

Since Turner, federal legislation has strengthened confidentiality protections for domestic violence and sexual assault clients who are served by programs (such as Crossroads) that receive certain federal funds. Earlier this year, President Bush signed (and Sens. Ken Salazar and Wayne Allard and Rep. Marilyn Musgrave voted for), the Violence Against Women Act Reauthorization of 2005. And last spring, the Colorado Legislature passed a

resolution, sponsored by local representative Angie Paccione, that reaffirmed the need for rigorous protection of domestic violence victim information.

What all this means is that domestic violence and rape victims can be confident that their private information will be kept that way, and that they can seek help from a domestic violence or sexual assault program without worrying that the fact that they sought help, or the type of counseling or help that they received, will become known. Because of Turner, they can share their innermost thoughts and their very real fears and find support and safety. As a result of Turner, and the recent federal legislation, Colorado has the strongest confidentiality protections in the country. That commitment to victim safety and privacy is something that every Coloradoan should be aware of, and very, very proud of. I know I am.

Julie Kunce Field is an attorney in Fort Collins. She is a nationally recognized expert on the law of confidentiality as it relates to domestic violence and sexual assault.

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