

New Jersey Coalition for Battered Women Position Statement  
on Domestic Violence Response Teams and Weapons

It is the position of the New Jersey Coalition for Battered Women (NJCBW) that New Jersey Domestic Violence Response Team (DVRT) members are bound by law (*N.J.S.A.* 2A:84A-22.13 – 22.16) to protect the confidentiality of information relayed to them by victims of domestic violence with certain statutory and caselaw exceptions. These exceptions include child abuse, which must be reported to the Division of Youth and Family Services (*N.J.S.A.* 9:6-8.10), and when a victim threatens imminent harm to self or another, which should be reported to law enforcement. (See *Tarasoff v. Regents of the University of California*, 17 Cal.3d 425.) Otherwise, team members do not have a duty or obligation to disclose victim information about weapons or any other topic to law enforcement, and that in so doing, a team member becomes liable for breaching confidentiality and undermines the trust upon which the DVRT program relies. Team members may, of course, discuss the issue of weapons with victims within the context of safety planning to insure that victims understand their safety options, including the provision for forfeiture of weapons under the Prevention of Domestic Violence Act. However, the decision to disclose information regarding the presence of weapons to law enforcement rests entirely with the victim.

The NJCBW expects and assumes that, when intervening in domestic violence situations, law enforcement conduct a thorough investigation, are alert to the possibility of imminent danger including the presence of weapons, take every precaution to protect themselves and others, and ask about the presence of weapons for possible forfeiture. Notwithstanding NJCBW's concern for the safety of both victims and law enforcement personnel, team members should not be asked by law enforcement to become part of the investigation by disclosing confidential information.

Adopted by the NJCBW Board 4/3/2003