

Rocky Mountain News

Victims' records to stay private

High court sides with domestic-abuse shelters

By Sarah Langbein, Rocky Mountain News
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Advocates for victims of domestic violence celebrated a major victory Monday when the state Supreme Court upheld a basic tenet of shelters: A victim's right to confidentiality is sacred.

The court ruled that communications - specifically records of assistance - between a victim and domestic violence shelters are not available to alleged abusers or the public.

"This is a significant ruling for advocates," said Trish Thibodo, executive director of the Colorado Coalition Against Domestic Violence. "(Confidentiality) is the core of what we do. It's the core to victim services and victim advocacy."

The Supreme Court case stemmed from an incident in Salida, where Robert R. Turner Jr., a man accused of domestic abuse, sought information about the assistance his alleged victim was receiving from the Alliance Against Domestic Abuse.

Turner asserted that the victim-advocate privilege should only cover information that victims give to shelter staff. He said "advice, information, assistance and/or services provided to the victim by a victim's advocate organization" should be public. Turner was arrested in November 2003 on charges of third-degree assault and harassment. The status of the case was not clear from court records.

Turner's attorneys said the alleged victim changed her story after initially reporting she had fallen down the stairs. Turner's defense team argued that the records would entitle them to explore whether the alliance's aid influenced her decision to make the accusations.

A Chaffee County judge ruled that records of assistance were not protected by privilege. He ordered the agency to turn over documents detailing the woman's monetary and housing assistance. The alliance refused the court order and later said it was confident that a higher court would rule in its favor.

"We were very hopeful and optimistic," said Megan Numair, community outreach coordinator for the Alliance. "We didn't have a lot of fear."

But many advocates were holding their breath. They feared the opposite outcome would create a slippery slope, deterring victims from coming forward.

"It seems like a small thing if you've never been a victim of domestic violence and had to hide," said Vicki Lutz, executive director of Crossroads Safehouse in Fort Collins. "Why would you go to a safehouse if it wasn't a safe place to be?"

Colorado is one of 38 states that protects communication between advocates and victims.

A 36-year-old woman who escaped an abusive relationship two weeks ago called the decision a smart one.

"I don't want my abuser to take control of me all over again or find out where I am," said the woman, who asked that her name be withheld because she fears for her safety. "This gives me hope that the system works in favor of the victims."

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