



**To: Members of Law Enforcement**  
**From: Michigan Coalition to End Domestic and Sexual Violence**  
**Re: Requests for Client Information from Law Enforcement**

Dear Member of Law Enforcement,

**Thank you** for your service to the community. This letter is intended to explain some of the strict confidentiality requirements that apply to service providers funded under the Violence Against Women Act (VAWA). When VAWA was passed, lawmakers took into consideration that perpetrators of domestic and sexual violence will sometimes go to great lengths to obtain information about their target—sometimes even posing as officers. Accordingly, VAWA and other related laws have incredibly strict confidentiality requirements. This means that sometimes shelters cannot cooperate with law enforcement, even if they may want to. While this can be frustrating for everyone involved, please keep in mind that if shelters violate confidentiality, they risk losing their funding.

The general rule under federal funding is nondisclosure—VAWA along with other federal confidentiality requirements state that no personally identifying information may be disclosed. *See, e.g.* 34 USC 12291(b)(2). Specifically, programs may not “disclose, reveal, or release any personally identifying information or individual information collected in connection with services requested, utilized, or denied through grantees’ and subgrantees’ programs . . . .” *Id.* This means that any information that could distinguish a client from the general population cannot be revealed.

The only exceptions to a program’s confidentiality obligations are as follows:

- When compelled by **state law(s)** that specifically overrides confidentiality protections (*e.g.*, mandated reporting of suspected child abuse or neglect). 34 U.S.C. § 12291(b)(2)(C); or
- When compelled by an official **court mandate**. 34 U.S.C. § 12291(b)(2)(C).
- A specific release document issued by the agency and signed by the person to whom the information belongs that is informed, written, and reasonably limited in scope and timeframe. 34 U.S.C. § 12291(b)(2)(B)(ii).

Unless one of these exceptions is met, staff and management may not confirm or deny any information about clients or prospective clients. If you require the cooperation of a shelter or agency to which these confidentiality requirements apply, please understand that without a valid court order, merely asking them to cooperate does not overcome the confidentiality requirements. However, a valid warrant (MCL 780.651) or investigatory subpoena (MCL 767A.2) may serve as valid court orders to overcome these requirements. Thank you for your understanding and for your efforts to protect victims!

With gratitude and respect,  
Elinor Jordan, Attorney; EJordan@mcedsv.org