



CONFIDENTIAL SERVICES FOR VERMONT'S FIRST RESPONDERS

Confidentiality Policy

To provide an appropriate confidential clinical service for law enforcement, EAPFirst adheres to strict federal and state confidentiality laws and the ethical rules set forth by the primary organizations of each clinical profession, including the American Psychological Association, the American Mental Health Counselors Association, the National Association of Social Workers and the American Association for Marriage and Family Therapy. These laws and rules dictate that all communications between a law enforcement officer and an EAP counselor be kept strictly confidential, with only the following exceptions:

1. If an officer indicates an intent to do harm to a specific person or thing, the EAP counselor has a responsibility to do what is necessary to prevent that harm. Notification would typically involve the intended victim and the law enforcement organization with jurisdiction.
2. If an officer mentions any abuse of a child or vulnerable adult, the EAP counselor must report that to the appropriate State agencies.
3. If an officer indicates an intention to harm him or herself, the EAP counselor may break confidentiality to ensure no harm comes to that person. Notification would typically be made to a medical or mental health provider, close friend and/or family member.
4. Formal Referrals: When a Chief or other supervisor has an employee exhibiting performance problems (behavioral/interpersonal, productivity or unusual absenteeism), they often make a Formal Referral to EAP for the employee to receive assistance in problem-solving how to correct the performance problem. The content of the sessions is confidential with the above exceptions (1-3), but if the employee signs the release on the Formal Referral Form, the EAP will report **only** the following **limited status** information to the referring manager:
 - a. If the employee has attended appointments
 - b. If the employee has developed a Plan of Action that will lead to correcting the problem(s)
 - c. If the employee is following that Plan of Action.

Formal Referrals begin with a Management Consultation to assure that this is the correct intervention for the problem and that the manager is prepared to deal with all aspects of the referral.

If an officer presents a situation that causes an EAP counselor to be concerned about the officer's fitness-for-duty, that counselor will do everything possible to get that officer to agree to discuss a leave of absence with his or her direct supervisor or chief, including convincing that officer to sign a release that provides the EAP counselor with permission to discuss the situation with the officer's supervisor or command. Federal law precludes any involuntary or systematic waiver of these rights to confidentiality.

Further, the United States Supreme Court has found that the confidentiality of psychotherapy serves important public as well as private interests, and as such has ruled that Federal courts must allow psychotherapists and other mental health professionals to refuse to disclose patient records in judicial proceedings. Vermont courts have consistently upheld the right of psychotherapists to withhold personal psychotherapy notes from disclosure in judicial proceedings.