

Overdose Fatality Review Teams: Limiting Use of Shared Information

How can we limit attendees' use of shared information?

Response

OFR teams can limit how information shared in an OFR team meeting can be used by attendees (such as police departments and prosecutors' offices that pursue charges against those who sold drugs to overdose victims) by using interagency data-sharing agreements and confidentiality agreements.

OFR teams should be governed by an interagency data-sharing agreement (DSA) or data-sharing memorandum of understanding (MOU) that specifically defines how information obtained as part of the OFR process can and cannot be used outside of that process. The DSA or MOU should be developed and signed during the formation of the OFR team.¹

In addition, the OFR team should require each team member and observer to sign a confidentiality agreement that sets out all requirements for keeping information shared during the meeting confidential and that prohibits any use of such information not in alignment with the OFR team's goals and responsibilities.² The confidentiality agreement should be clear that it does not prevent a team member from fulfilling any agency-mandated responsibilities of that individual.³

Because an OFR team may find it problematic to determine who has and has not signed a confidentiality agreement due to the number of people in attendance at a team meeting, the OFR team should require each team member and observer to sign the confidentiality agreement at the start of each meeting. Confidentiality agreements should be kept with the other documents related to the team meeting.

PRACTICE TIP

More information about an OFR team's use of data-sharing agreements and confidentiality agreements can be found at <https://www.cossapresources.org/Tools/OFR>.

Interagency MOU

- Signed by senior leadership of each participating agency/member of the OFR team during the team's formation
- Specifically sets out how information obtained by the OFR team can and cannot be used outside of the OFR process

Confidentiality Agreements

- Signed by each member of the OFR team and every nonmember observer at the start of each OFR team meeting
- Set out confidentiality requirements and prohibitions against using information in a manner inconsistent with the goals and responsibilities of the team

¹ Melissa Heinen and Mallory O'Brien, "Overdose Fatality Review: A Practitioner's Guide to Implementation," Bureau of Justice Assistance's Comprehensive Opioid, Stimulant, and Substance Abuse Program, July 2020, pg. 29, available at https://www.cossapresources.org/Content/Documents/Articles/Overdose_Fatality_Review_Practitioners_Guide.pdf.

² *Id.* at 29–30.

³ This would include persons who are required to report child abuse or domestic violence learned of during an OFR team meeting.