

2014 SUPPLEMENTAL BUDGET

PUBLIC DISCLOSURE SUPPORT

Request	FY14	FY15	13-15
FTE	0.6	2.0	1.3
GF-State	\$30,000	\$120,000	\$150,000
Total	\$30,000	\$120,000	\$150,000

DECISION PACKAGE SUMMARY

The Juvenile Justice & Rehabilitation Administration (JJ&RA) requests two Forms and Records Analyst positions to assist the agency in responding to the public's rapidly expanding demand for public disclosure and juvenile records. By funding this request, JJ&RA will improve responsiveness to increasing numbers of records requests from the public and key stakeholders (e.g., Mental Health Hospitals, End of Sentence Review Committee, and Office of Attorney General), and enhance public safety by providing timely records to the Department of Corrections (DOC) for risk determinations and law enforcement notifications.

PROBLEM STATEMENT

JJ&RA wants to fulfill the Public Records Act requirement for timely and full release of records by providing the level of staff support needed to meet this statutory requirement. Not meeting these requirements results in penalties and ultimately impacts services to our customers. In the last three years, time spent on records requests has more than tripled. In addition, the DOC requires a substantial amount of records from JR to prepare for sex offender release, including End of Sentence reviews. State budget reductions have created critical deficits in administrative support for high profile functions such as coordinating and responding to public disclosure requests. Reductions also impacted staff resources to respond to juvenile records requests from the DOC and Mental Health Hospitals. The Administration has faced a nearly 50 percent increase in the number of requests being made for juvenile justice records. The Administration receives an average of 48 requests per month, and does not have staff assigned to this specific duty. Rather, the Administration assigns these tasks to persons whose positions are not normally directed to this type of work.

The Public Records Act requires the state to respond to all individuals asking for records within five business days. Preparing a response in five days requires careful attention to the description of the requested records, research on availability of records and steps required to access, and a detailed understanding of what is protected and public information. The requests require time-consuming hands-on review and redaction to ensure federal Health Insurance Portability and Accountability Act (HIPAA) laws regarding protected health information (PHI) and juvenile record confidentiality requirements per RCW 13.50.100 are met. Once the five-day letter is sent, records must be gathered from multiple electronic, archives, and other records; reviewed, copied and redacted; and numbered and logged.

With each step, errors can occur particularly when staff is overloaded and responding to multiple competing demands. Errors occur and can also result in fines for: 1) not producing all relevant records (as evidenced by many state agencies facing large penalties for not producing all relevant records or within reasonable timeframes); 2) unintentionally providing PHI and receiving HIPAA fines which can vary from \$100 - \$50,000 for each violation; and 3) not sending the five day letter within the designated

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timeframe is considered an automatic violation and fees and penalties from \$5 – \$100 per day can be imposed.

The top requestors of public records are attorneys, agency personnel requests and investigations, and former and current JR youth and parents. Other requestors include Western State Hospital, Social Security Administration for disability claims, and juvenile justice related agencies.

Without resources to respond to these requests, the agency is at risk of violation of public disclosure law and other statutory requirements for the production and release of records. Timely production of records assists the Office of Attorney General to respond to litigation and the DOC to fulfill their statutory requirements to assess risk and protect public safety in the release of offenders.

PROPOSED SOLUTION

The Forms and Records Analyst positions will be given the primary responsibility to manage the volume of records requests received by the Administration. The positions will receive specialized training in public disclosure, privacy laws, public request processes, and uphold client privacy through analysis and review of requests to ensure they comply with Federal and State laws. The individuals in these positions will also collect, collate, and produce discovery records holds for the End of Sentence Review Committee's records necessary for the release of Sex Offenders under state statutes for community protection. For all requests, they will review files, scan for electronic copy, work on redaction of confidential information, prepare invoices to requestors, and send out requested records.

EXPECTED RESULTS

A professional group of individuals with focus on these issues will reduce the agency's risk exposure for financial penalties under RCW 42.56 Public Disclosure Law and the Office of Civil Rights under HIPAA. The sharing and use of juvenile records has continued to increase in terms of the number and type of persons who seek these records for purposes of accessing services, mitigating risk to community safety, tort litigation response, and general public and media interest in juvenile justice and rehabilitation programs. Access to juvenile records for purposes of conducting a risk assessment at the End of Sentence Review Committee for current or former sex offenders protects the public by ensuring an accurate and thorough review is completed prior to release.

This decision package supports the Results Washington goals to:

Ensure efficiency, performance, and accountability to the public by providing transparency and accountability in state agency operations and:

--Increase customer satisfaction.

STAKEHOLDER IMPACT

The primary stakeholders in terms of agency risk and community protection is the general public and the End of Sentence Review Committee. Timely access to juvenile records in order to meet statutory obligations for information sharing and avoiding fines, as well as to establish a risk level classification for sex offenders in Washington State is critical.