

Emergency Response Records

WAPRO Spring Conference 2019

Does it make a difference: 911 Center or Law Enforcement Agency?

South Sound 911

- ▶ Interlocal Administrative Agency Providing Services within Pierce County
- ▶ 911 Dispatch for 38 Law and Fire Agencies
- ▶ Law Enforcement Records and Support Services for 20 Police/Sheriff Departments

King County Sheriff's Office

- ▶ Jurisdiction of unincorporated King County and 13 contract cities
- ▶ Internal 911 Communications Center

Organization, structural, and other issues related to responding to Public Records Act requests; plus Text to 911 and other new technologies.

- ▶ Challenge of working with multiple jurisdictions
- ▶ Responding to requests on behalf of other public agencies
- ▶ Interpreting requests
- ▶ Technological challenges
- ▶ Victim/Witness Nondisclosure
- ▶ Inmate Requests

Challenges in working with multiple jurisdictions

- ▶ Receiving the request
- ▶ Referring requester
- ▶ Assigning task/custodian of record
- ▶ Searching for responsive records
- ▶ Redaction differences
- ▶ Appeal process

Responding to requests on behalf of other agencies

- ▶ Who controls release of the record?
- ▶ Releasing records created by multiple agencies
- ▶ Redacting when basis for redaction is unknown
- ▶ Understanding of responsibilities

Interpreting requests

- ▶ Request scope
- ▶ “any and all” requests
- ▶ Which agency’s records are responsive
- ▶ Communication with requesters

Technology challenges

- ▶ Records versus Data
- ▶ Unsupported (old) technology
- ▶ Email and Texts in an emergency response environment
- ▶ Text to 911
- ▶ AVL & GPS
- ▶ Retention

Common Redactions

- ▶ Victim/Witness non-disclosure
- ▶ Juvenile records
- ▶ ACCESS and DOL records
- ▶ Healthcare information and “Privacy”

Victim/Witness Non-Disclosure

- ▶ RCW 42.56.240(2)
 - ▶ Victim/Witness requests non-disclosure at the time of the incident
 - ▶ Disclosure could endanger a persons life, physical safety or property
- ▶ RCW 7.69A.030(4)
 - ▶ Child victim/witness to violent offense
 - ▶ “victim” definition RCW 9.94A.030(54)
 - ▶ “violent offense” RCW 9.94A.030(55)
- ▶ RCW 10.97.130, RCW 42.56.240(5)
 - ▶ Child victim of sexual assault

Juvenile Records

RCW 13.50

- ▶ RCW 13.50 applies when the juvenile is the subject of the case:
 - ▶ Records relating to the commission of juvenile offenses. RCW 13.50.050
 - ▶ Records not relating to commission of juvenile offenses. RCW 13.50.100(3) and/or RCW 13.50.100(4)(a) and (b)

ACCESS and DOL Records

- ▶ WACIC / NCIC RCW
 - ▶ RCW 42.56.240(1), 28 CFR §20.33(a), WAC 446-20-170
 - ▶ Except to the subject of record or their legal rep
- ▶ Department of Licensing
 - ▶ Not received from DOL - RCW 42.56.230(5), RCW 9.35.005
 - ▶ Received directly from DOL - RCW 46.12.635, 18 UCS § 2721, RCW 42.56.070. *You may refer requestor to DOL.*

Healthcare Information

Typically in an emergency response record (911 call, CAD detail/message, etc.) you will not find “medical records” and HIPPA does not apply

- ▶ References to “Healthcare Information”
 - ▶ “they have Aids”
 - ▶ “I have been diagnosed with schizophrenia”
 - ▶ “they’re acting bipolar”
- ▶ Exempt only if disclosure would be highly offensive to a reasonable person AND of no legitimate concern to the public.
RCW 42.56.240(1)

QUESTIONS?

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