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7 SUPERIOR COURT OF WASHINGTON FOR THURSTON COUNTY

8 AMERICAN CIVIL LIBERTIES UNION OF
9 WASHINGTON, THERESA DOE, and M.D.,
a minor

10 Plaintiffs,

11 v.

12 GRAYS HARBOR COUNTY JUVENILE
13 COURT SERVICES,

14 Defendant.

No.

COMPLAINT UNDER WASHINGTON'S
PUBLIC RECORDS ACT, RCW 42.56, *et*
seq.

15 **I. NATURE OF THE CASE**

16 1.1. Plaintiffs ACLU of Washington, and their clients—Theresa Doe and her minor
17 son, M.D.—filed requests under Washington's Public Records Act (PRA), RCW 42.56 *et seq.*,
18 respectively on May 19 and July 6, 2016, with Grays Harbor County Juvenile Court Services.
19 They sought records related to an 8-day period of solitary confinement in March-April 2016 that
20 M.D. was forced to endure at the Grays Harbor County Juvenile Detention Facility, and records
21 related to county policies about the general use of solitary confinement and restricted diets on
22 juvenile detainees in county custody. Plaintiffs pursued their public records requests as part of
23 the ACLU's investigation on behalf of the Does into potential constitutional violations arising
24 out of the 8-day period of solitary confinement.

25 1.2 On April 1, 2016, after the County's use of solitary confinement of M.D. came to
26 light, Gerald Murphy, the Detention Director, and Greg Reynvaan, the Juvenile Court
27 Administrator, were disciplined and suspended without pay, respectively for thirty (30) and

1 seven (7) days. In the days following, the story of the solitary confinement and the suspensions
2 appeared in the press.

3 1.3 Months have passed since the records were requested. The requested records
4 should be easily retrievable; yet the County has produced very few documents to the ACLU's
5 request and no records at all in response to the Does' request. The ongoing delay is unreasonable,
6 and the County's failure to produce promptly the requested records violates the PRA.

7 **II. PARTIES**

8 2.1 Plaintiff Theresa Doe is an adult citizen of the State of Washington and a resident
9 of Grays Harbor County.

10 2.2 Plaintiff M.D. is a minor citizen of the State of Washington and a resident of
11 Grays Harbor County.

12 2.3 Plaintiff ACLU of Washington is a non-profit organization that regularly
13 investigates issues involving civil liberties and potential constitutional violations throughout the
14 State of Washington.

15 2.4 Defendant Grays Harbor County ("the County") is a county within the State of
16 Washington. The Grays Harbor County Juvenile Court Services is a municipal agency within
17 the County and acting in its administrative capacity has compiled records that are responsive to
18 Plaintiffs' PRA requests.

19 **III. JURISDICTION AND VENUE**

20 3.1 This Court has jurisdiction over the parties and over the subject matter of this
21 action.

22 3.2 This Court has jurisdiction under RCW 42.56.550 to review Defendant Grays
23 Harbor County Juvenile Court Services' failure to promptly disclose, produce and/or make
24 available for inspection the requested public records. Venue is proper under RCW 42.56.550
25 because the action is against Grays Harbor County where the events complained of occurred, and
26 Thurston County is an adjacent county pursuant to RCW 36.01.050.
27

IV. FACTS

4.1 On May 19, 2016, Plaintiffs ACLU of Washington submitted a request under the Public Records Act (PRA), RCW 42.56 *et seq.*, for the following records:

- All written policies or protocols related to juvenile confinement (solitary and otherwise) in effect from January 1, 2010 to the present, including current, former, and draft policies, as well as any memos or email communications about such policies;
- All statutes, ordinances, policies, guidelines, or other documents that relate to the County's use of disciplinary segregation and administrative segregation (or as it may also be known as "solitary confinement" or "isolation" or other like terms), and any and all communications (internal or external) among Grays Harbor Sheriff, Grays Harbor Juvenile Probation Department, Grays Harbor Juvenile Detention Center, and Grays Harbor Prosecutor's office that discuss such policies, ordinances, or statutes.
- All written policies or protocols related to use of restricted diet as behavior management tool or otherwise for juvenile pre-trial detainees or post-conviction prisoners in effect from January 1, 2010 to the present, including current, former, and draft policies, as well as any memos or email communications about such policies;
- All statutes, ordinances, policies, guidelines, or other documents that relate to the County's use of use of restricted diet as behavior management tool or otherwise for juvenile pre-trial detainees or post-conviction prisoners in effect from January 1, 2010 to the present, and any and all communications (internal or external) among Grays Harbor Sheriff, Grays Harbor Juvenile Probation Department, Grays Harbor Juvenile Detention Center, and Grays Harbor Prosecutor's office that discuss such policies, ordinances, or statutes.

Attachment A.

4.2 On May 24, 2016, Jamie Bates, the court administrator in Grays Harbor County, contacted the ACLU to acknowledge receipt of the request. Attachment B. She also noted that the County "expected to have the review completed and to have the documents available by July 22, 2016." *Id.*

4.3 Upon learning of the July 22, 2016 target date for production, counsel for the ACLU wrote to Ms. Bates by email on June 2, 2016 "that many of the requested documents—primarily written policies and protocols about the use of solitary confinement and restricted

1 diet—should be readily available (if they exist), and made available for inspection, on a faster
2 schedule than two months.” Attachment C. The email continued: “Even if other requested
3 documents—such as email communications—may take longer to retrieve and process, I
4 respectfully ask that the responsible county employee collect and produce first the requested
5 written policies and protocols that, again, should be available and producible without too much
6 effort or time.” *Id.*

7 4.4 Ms. Bates responded on June 2, 2016 to explain the delay: “Grays Harbor County
8 does not have an employee whose primary responsibility [it] is to respond to public records
9 requests.” Attachment C. Ms. Bates’ explanation continued that “any time a public records
10 request is received, we must ask an employee to take time away from their regular primary duties
11 to respond,” and that “[t]his is the reason for the July 22, 2016 anticipated production date.” *Id.*

12 4.5 On July 6, 2016, Plaintiffs Theresa Doe, and her minor son, M.D., filed a public
13 records request with Gerald Murphy, Grays Harbor County Director of Juvenile Detention, for
14 “disciplinary records relating to employees Gerald Murphy and Greg Reynvaan, arising out of
15 [M.D.’s] detention during the time period March to April 2016,” and other juvenile records
16 under RCW 13.50. Attachment D.

17 4.6 On July 18, 2016, Ms. Bates sent the Does the County’s 5-day response letter,
18 informing the Does that the County “expect[ed] to have the review completed and to have the
19 documents available by September 16, 2016.” Attachment E.

20 4.7 On July 22, 2016, Ms. Bates responded to the Does’ request: “This letter will
21 serve as an acknowledgment of your public records requests received by the Grays Harbor
22 County Juvenile Facility on July 13, 2016.” Attachment F. Ms. Bates reiterated the substance of
23 the Does’ July 6, 2016 request, stating that “[w]e expect to have the review completed and to
24 have the documents available by September 16, 2016.” *Id.*

25 4.8 On August 2, 2016, counsel for the ACLU followed up with Ms. Bates about the
26 basis for the ongoing failure to produce timely the requested records:

27 We are puzzled by the County’s ongoing failure to produce responsive records
within a reasonable period. On May 24, 2016, the County stated that the records

1 would be available by July 22. On June 2, we expressed our concern for the delay
2 and requested that responsive documents be provided as soon as they became
3 available, particularly since the records requested consist of readily identifiable
policies and protocols. As of today's date, over two months from the original
request, we have received no responsive records at all.

4 Moreover, we are aware that other public records requests have been made to
5 Grays Harbor Juvenile Services for similar records related to the County's
6 policies on use of solitary confinement and other disciplinary measures used at the
7 Grays Harbor County Juvenile Detention Center, and that the County has
8 identified and produced documents to satisfy such request(s). The reasons offered
for needing additional time—another two months based on the purported “staffing
issues and the large number of documents generated” by the request – do not
satisfy the clear duty under the Public Records Act to produce records promptly.
See RCW 42.56.520. This is particularly the case since it appears you already
have identified at least some responsive documents.

9 Attachment G.

10 4.9 Ms. Bates responded to this letter on August 24, 2016, explaining that county staff
11 was working on the request with its “available resources,” which was “particularly limited due to
12 vacations taken over the summer months.” Attachment H.

13 4.10 By this time, the County had already identified and produced to a third-party PRA
14 requester (Lawrence Larson) many of the same or similar policies requested by the ACLU. By
15 this time, too, the County had identified and produced to Mr. Larson disciplinary letters issued to
16 Gerald Murphy and Greg Reynvaan setting for their respective suspensions—records that were
17 responsive to the Doe requests.

18 4.11 The County responded to the Does' request on September 16, 2016, but continued
19 to withhold the documents. In the County's response letter, Ms. Bates referred to “staffing
20 issues” and the “large number of documents generated by your Public Records request,” and set
21 a new deadline of November 4, 2016, by which time the County “expect[ed] to have the review
22 completed and to have the documents available.” Attachment I.

23 4.12 On September 20, 2016, the County produced as a “first installment” the
24 “Juvenile Detention Policy Manual” and set October 11, 2016 as the deadline whereby it
25 “expect[ed] to have the review completed and to have the documents available.” Attachment J.

26 4.13 On October 11, 2016, the County produced as a second installment a single email
27 with a document attached entitled “Grays Harbor Sheriff's Department Policies and Procedures:

1 Juvenile Operations” along with a second document of metadata. In Ms. Bates’ cover email
2 communication, she stated: “We expect to have the review completed and documents available
3 by November 10, 2016.” Attachment K.

4 4.14 On November 4, 2016, again referring to the “type of documentation search
5 required by your Public Records request,” Ms. Bates wrote to the Does to extend the deadline to
6 December 2, 2016 to complete review of the documents and make them available. Attachment
7 L.

8 4.15 On November 10, 2016, Ms. Bates wrote to the ACLU, without any document
9 production, to advise that she was again postponing the deadline, this time to December 2, 2016
10 by which time she “expect[ed] to have the review completed and documents available.”
11 Attachment M.

12 4.16 Defendant has failed to respond promptly to the Plaintiffs’ requests, by not
13 completing review, disclosure and production of all non-exempt public records requested, in
14 violation of the PRA. Defendant has missed every deadline for production that it has set.
15 Despite a 6-month delay, the County has produced a total of two records to the ACLU. These
16 and most other records not yet produced to the ACLU and the Does are easily identifiable and
17 retrievable, and should have been produced sooner. The County’s ongoing failure to produce all
18 non-exempt records is unreasonable.

19 4.17 The County’s delay in producing public records has interfered with Plaintiffs’
20 ability to investigate what they believe are a pattern and practice of depriving juvenile detainees
21 of constitutional due process protections.

22 4.18 The County’s withholding of the requested non-exempt public records is
23 negligent, reckless, intentional, and/or in bad faith which aggravates Defendant’s culpability.

24 V. CAUSES OF ACTION

25 5.1 Due to the acts and omissions described above, Defendant Grays Harbor County
26 Juvenile Court Services failed to meet its burdens in disclosing and/or responding to Plaintiffs’
27 public records request, in violation of RCW 42.56 *et seq.*

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VI. PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for judgment to be entered against Defendant as follows:

6.1 Disclosure and production of any and all non-exempt documents and information requested, but not yet disclosed or produced by Defendant;

6.2 Penalties awarded to the Plaintiffs under RCW 42.56.550(4);

6.3 Reasonable attorneys' fees and costs under RCW 42.56.550(4) and to the extent otherwise permitted by law;

6.4 Such other relief as may be just.

WHEREFORE, Plaintiffs request relief against Defendants as follows:

DATED this 21st day of November, 2016.

MacDONALD HOAGUE & BAYLESS

By: 

David J. Whedbee, WSBA #35977
davidw@mhb.com
Attorneys for Plaintiffs

ATTACHMENT A



705 Second Avenue
Suite 1500
Seattle, Washington
98104-1745

Tel 206.622.1604
Fax 206.343.3961

Alec Bayless (1921-1991)
Francis Hoague (1909-1993)
Kenneth A. MacDonald (1917-2012)

Miguel A. Bocanegra
Tiffany M. Cartwright
Katherine C. Chamberlain
Andrew T. Chan
Kirsten Eklund
Timothy K. Ford
Karin E. Frank
Angela C. Galloway
Ester Greenfield
Leslie J. Hagin
Ralph Hua
Joe Shaeffer
David J. Whedbee
Jesse Wing
Lola S. Zakharova

May 19, 2016

Grays Harbor Juvenile Services
Attn: Greg Reynvaan
103 Hagara Street
Aberdeen, WA 98520

Re: Public Disclosure Act Request

Dear Mr. Reynvaan:

This is a request under the Washington State Public Records Act, RCW 42.56 *et seq.*, for the following records on behalf of the ACLU of Washington:

- All written policies or protocols related to juvenile confinement (solitary and otherwise) in effect from January 1, 2010 to the present, including current, former, and draft policies, as well as any memos or email communications about such policies;
- All statutes, ordinances, policies, guidelines, or other documents that relate to the County's use of disciplinary segregation and administrative segregation (or as it may also be known as "solitary confinement" or "isolation" or other like terms), and any and all communications (internal or external) among Grays Harbor Sheriff, Grays Harbor Juvenile Probation Department, Grays Harbor Juvenile Detention Center, and Grays Harbor Prosecutor's office that discuss such policies, ordinances, or statutes.
- All written policies or protocols related to use of restricted diet as behavior management tool or otherwise for juvenile pre-trial detainees or post-conviction prisoners in effect from January 1, 2010 to the present, including current, former, and draft policies, as well as any memos or email communications about such policies;

Grays Harbor Juvenile Services
May 19, 2016
Page 2

- All statutes, ordinances, policies, guidelines, or other documents that relate to the County's use of use of restricted diet as behavior management tool or otherwise for juvenile pre-trial detainees or post-conviction prisoners in effect from January 1, 2010 to the present, and any and all communications (internal or external) among Grays Harbor Sheriff, Grays Harbor Juvenile Probation Department, Grays Harbor Juvenile Detention Center, and Grays Harbor Prosecutor's office that discuss such policies, ordinances, or statutes.

Please provide the above referenced documents in native format including any and all metadata associated with the file.

The records are requested for a non-commercial use. As required by law, please respond to this request within five working days.

Please note that the policy of the Public Records Act is to favor disclosure and the exemptions of the Act are narrowly construed. *Woods v. Lowe*, 102 Wn. App. 872, 10 P.3d 494 (2000). If your agency withholds any of the requested documents under one or more of the Act's exemptions, it must nevertheless disclose which records exist so the requestor can assess the validity of any asserted exemption. See *Sanders v. State of Washington*, 169 Wn.2d 827, 240 P.3d 120 (2010). An agency that denies access to public records must cite the relevant exemption and explain how it applies to the withheld records. RCW 42.56.520.

If the requested records are available in digital form please contact me at the telephone number listed above or via email at davidw@mhb.com so we can determine if production in that format is more convenient for both of us. If there is a cost associated with the request please contact me immediately so that our office may provide you with prompt payment.

Thank you for your time and attention to this matter.

Sincerely,

MACDONALD HOAGUE & BAYLESS

s/DAVID J. WHEDBEE

David J. Whedbee
Cooperating Attorney for the ACLU of
Washington

DJW:tf

cc: Nancy Talner, Senior Staff Attorney
for the ACLU of Washington

ATTACHMENT B

THE SUPERIOR COURT OF WASHINGTON
GRAYS HARBOR COUNTY

STEPHEN E. BROWN, JUDGE
DAVID L. EDWARDS, JUDGE
F. MARK McCAULEY, JUDGE
(360) 249-5311 Ext 4
JAMIE BATES, ADMINISTRATOR
(360) 249-5311 Ext 3

102 W. BROADWAY
ROOM 305
MONTESANO, WASHINGTON 98563

May 24, 2016

David J. Whedbee
Attorney at Law
Sent Electronically
davidw@mhb.com

Re: Your Public Records Request Dated May 19, 2016 and Received May 23, 2016


This letter will serve as an acknowledgment of your public records requests received by this office. You have requested:

- All written policies or protocols related to juvenile confinement (solitary and otherwise) in effect from January 1, 2010 to the present, including current, former, and draft policies, as well as any memos or email communications about such policies;
- All statutes, ordinances, policies, guidelines, or other documents that relate to the County's use of disciplinary segregation and administrative segregation (or as it may also be known as "solitary confinement" or "isolation" or other like terms), and any and all communications (internal or external) among Grays Harbor Sheriff, Grays Harbor Juvenile Probation Department, Grays Harbor Juvenile Detention Center, and Grays Harbor Prosecutor's office that discuss such policies, ordinances, or statutes.
- All written policies or protocols related to use of restricted diet as behavior management tool or otherwise for juvenile pre-trial detainees or post-conviction prisoners in effect from January 1, 2010 to the present, including current, former, and draft policies, as well as any memos or email communications about such policies;
- All statutes, ordinances, policies, guidelines, or other documents that relate to the County's use of use of restricted diet as behavior management tool or otherwise for juvenile pre-trial detainees or post-conviction prisoners in effect from January 1, 2010 to the present, and any and all communications (internal or external) among Grays Harbor Sheriff, Grays Harbor Juvenile Probation Department, Juvenile Detention Center, and Grays Harbor Prosecutor's office that discuss such policies, ordinances, or statutes.
- Please provide the above referenced documents in native format including any and all metadata associated with the file.

We are currently in the process of locating the documents you describe, and determining if the documents or portions thereof are exempt from disclosure pursuant to the Public Records Act or other applicable statutes. We expect to have the review completed and to have the documents available by July 22, 2016. If we are unable to meet this deadline, or in the case of a large volume of records, we may extend the time to respond to your request, and/or provide the records in installments.

Please call if you have any questions.

Yours truly,


Jamie Bates
Court Administrator

ATTACHMENT C

David J. Whedbee

From: Jamie Bates <JBates@co.grays-harbor.wa.us>
Sent: Thursday, June 02, 2016 1:37 PM
To: David J. Whedbee
Cc: Nancy Talner (TALNER@aclu-wa.org)
Subject: RE: Public Records Request

Mr. Whedbee,

I have reviewed your below email concerning the anticipated production date of July 22, 2016. Grays Harbor County does not have an employee whose primary responsibility is to respond to public records requests. As such, any time a public records request is received, we must ask an employee to take time away from their regular primary duties to respond. This is the reason for the July 22, 2016 anticipated production date.

We may be able to respond to your request earlier and you may receive the response in installments. We will continue to work on the public records request and will get the response to you as soon as possible.

Regards,

Jamie Bates
Court Administrator
Grays Harbor County Superior Court
102 W. Broadway St., Room 305
Montesano, WA 98563
(360) 249-5311 ext.3

-----Original Message-----

From: David J. Whedbee [<mailto:davidw@mhb.com>]
Sent: Thursday, June 02, 2016 11:11 AM
To: Jamie Bates
Cc: Nancy Talner (TALNER@aclu-wa.org)
Subject: RE: Public Records Request

Ms. Bates:

Thank you for your recent letter, dated May 24, 2016, acknowledging receipt of the public records request I made on behalf of the ACLU of Washington. I was surprised to see that the anticipated production date is July 22, 2016, or roughly two months after my request was submitted. I do understand that the Grays Harbor Juvenile Services Department may have other requests to process. But it strikes me that many of the requested documents--primarily written policies and protocols about the use of solitary confinement and restricted diet--should be readily available (if they exist), and made available for inspection, on a faster schedule than two months. Even if other requested documents--such as email communications--may take longer to retrieve and process, I respectfully ask that the responsible county employee collect and produce first the requested written policies and protocols that, again, should be available and producible without too much effort or time.

Thank you,

David

David Whedbee
Attorney
MacDonald Hoague & Bayless
705 Second Avenue, #1500
Seattle, WA 98104-1745
(206) 622-1604 (phone)
(206) 343-3961 (fax)
davidw@mhb.com - www.mhb.com

Confidentiality Notice: This e-mail and any attachments are intended for the named addressees only. It contains private, confidential, or privileged information which is protected by law. I'm sorry if you received this mail in error -- please reply to sender to let me know about the mistake, and then delete it. Thank you.

-----Original Message-----

From: Jamie Bates [<mailto:JBates@co.grays-harbor.wa.us>]
Sent: Tuesday, May 24, 2016 4:29 PM
To: David J. Whedbee
Subject: Public Records Request

Mr. Whedbee,

See attached letter, dated May 24, 2016.

Regards,

Jamie Bates
Court Administrator
Grays Harbor County Superior Court
102 W. Broadway St., Room 305
Montesano, WA 98563
(360) 249-5311 ext.3

ATTACHMENT D

July 6, 2016

Gerald Murphy

Grays Harbor County Director of Juvenile Detention

103 Hagara St.

Aberdeen, WA 98520

RE: Request for my son's records

Dear Mr. Murphy:

My son, M■■■■ D■■, was an inmate at the Grays Harbor County Juvenile Detention Center for various periods of time between March 9, 2015, and April 27, 2016. I am writing to request a copy of all his records, including medical records. We also request disciplinary records relating to employees Gerald Murphy and Greg Reynvaan, arising out of M■■■■'s detention during the time period March to April 2016.

An authorization form showing my and my son's consent to release of these records, signed by M■■■■ and me as his parent and legal guardian, follows below. Also see RCW 13.50.100(7), authorizing access by a juvenile and his parents to "to all records and information collected or retained by a juvenile justice or care agency which pertain to the juvenile."

CONSENT AND AUTHORIZATION FOR RELEASE OF INFORMATION

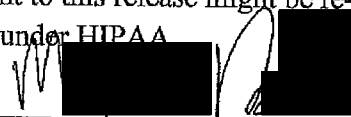
We, M■■■■ D■■ and his mother Theresa Doe, hereby authorize the Grays Harbor County Juvenile Detention Center and its employees or representatives to furnish full and complete file records, medical records including records containing private health information, records discussing changes in M■■■■'s conditions of confinement, corrective action documentation, and any and all other information, or a copy thereof, to us. For purposes of this authorization, "information" means all records or knowledge concerning my health care, medical history, and mental and physical conditions, before and after the date of this authorization, regardless of the time of occurrence. This authorization also extends to the release of any records received by you from other providers. You should not disclose information to any other person without my written authorization unless required by law to do so.

This authorization includes release of any drug/alcohol abuse treatment records, psychiatric or psychological records, and records concerning treatment for HIV/AIDS.

I understand that authorizing the disclosure of this health information is voluntary. I can refuse to sign this authorization. I need not sign this form in order to be provided treatment. I understand that I may inspect or copy the information to be used or disclosed, as provided in 45 CFR 164.524 and RCW 70.02. I understand that any disclosure of information carries with it the potential for an unauthorized redisclosure and may not be protected by federal or state confidentiality rules.

I agree that this authorization overrides any existing agreement to restrict information pursuant to 45 CFR 164.502(b)(2)(ii). I understand that I have a right to revoke this authorization in writing. I understand that such revocation will not apply to information that has already been released in response to this authorization. Unless otherwise revoked, this authorization will expire in one year, on July 6, 2017. A copy of this authorization is as valid as an original. I understand that the information provided pursuant to this release might be re-disclosed as necessary and such re-disclosure may not be protected under HIPAA

7-6-16

A black rectangular box redacting a signature.

Date

M  D  Signature

7-6-16

Theresa Doe

Date

Theresa Doe Signature

theresadoe1975@yahoo.com
360-500-6035

ATTACHMENT E

THE SUPERIOR COURT OF WASHINGTON
GRAYS HARBOR COUNTY

STEPHEN E. BROWN, JUDGE
DAVID L. EDWARDS, JUDGE
F. MARK McCAULEY, JUDGE
(360) 249-5311 Ext 4
JAMIE BATES, ADMINISTRATOR
(360) 249-5311 Ext 3

102 W. BROADWAY
ROOM 305
MONTESANO, WASHINGTON 98563

July 18, 2016

Theresa Doe
Sent Electronically
theresadoe1975@yahoo.com

Re: Your Public Records Request Dated July 6, 2016 and Received July 13, 2016

This letter will serve as an acknowledgment of your public records requests received by the Grays Harbor County Juvenile Facility on July 13, 2016. You have requested:

"My son, M█████ D█████, was an inmate at the Grays Harbor County Juvenile Detention Center for various periods of time between March 9, 2015, and April 27, 2016. I am writing to request a copy of all his records, including medical records. We also request disciplinary records relating to employees Gerald Murphy and Greg Reynvaan, arising out of M█████'s detention during the time period March to April 2016."

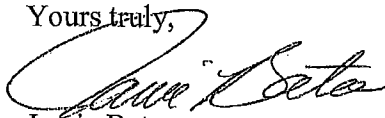
Your request states that the consent and authorization for release of information includes full and complete file records including records containing private health information, records discussing changes in M█████'s conditions of confinement, corrective action documentation, and any and all other information, or a copy thereof. For purposes of your authorization, "information" means all records or knowledge concerning M█████ D█████'s health care, medical history, and mental and physical conditions, before and after the date of this authorization, regardless of the time of occurrence. Your authorization also extends to the release of any records received by the Juvenile Detention Center from other providers. The authorization includes release of any drug/alcohol abuse treatment records, psychiatric or psychological records, and records concerning treatment of HIV/AIDS.

We are currently in the process of locating the documents you describe above, and determining if the documents or portions thereof are exempt from disclosure pursuant to the Public Records Act or other applicable statutes. Please be advised that in answering this Public Records request, we are obligated to provide only documents in response to your request, not information concerning the subject of the request. In addition, under the Public Records Act, we are required only to provide those records which were generated on or before the date of the request. Therefore, we will not be

providing any records which may have been generated after the date of this request.

We expect to have the review completed and to have the documents available by September 16, 2016. If we are unable to meet this deadline, or in the case of a large volume of records, we may extend the time to respond to your request, and/or provide the records in installments.

Yours truly,

A handwritten signature in cursive script, appearing to read "Jamie Bates", written over the printed name.

Jamie Bates
Court Administrator

ATTACHMENT F

THE SUPERIOR COURT OF WASHINGTON
GRAYS HARBOR COUNTY

STEPHEN E. BROWN, JUDGE
DAVID L. EDWARDS, JUDGE
F. MARK McCAULEY, JUDGE
(360) 249-5311 Ext 4
JAMIE BATES, ADMINISTRATOR
(360) 249-5311 Ext 3

102 W. BROADWAY
ROOM 305
MONTESANO, WASHINGTON 98563

July 22, 2016

David J. Whedbee
Attorney at Law
Sent Electronically
davidw@mhb.com

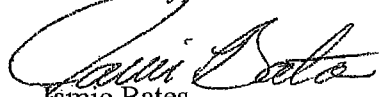
Re: Your Public Records Request Dated May 19, 2016 and Received May 23, 2016

This letter will serve as the second response to your public records request received by this office. Due to staffing issues and the large number of documents generated by your Public Records request, we are advising you that additional time will be needed in order to complete your request. At this time, we expect to have the review completed and to have the documents available by September 20, 2016.

If we are unable to meet this deadline, or in the case of a large volume of records, we may extend the time to respond to your request, and/or provide the records in installments.

Please call if you have any questions.

Yours truly,


Jamie Bates
Court Administrator

ATTACHMENT G



705 Second Avenue
Suite 1500
Seattle, Washington
98104-1745

Tel 206.622.1604
Fax 206.343.3961

Alec Bayless (1921-1991)
Francis Hoague (1909-1993)
Kenneth A. MacDonald (1917-2012)

Miguel A. Bocanegra
Tiffany M. Cartwright
Katherine C. Chamberlain
Andrew T. Chan
Kirsten Eklund
Timothy K. Ford
Katrin E. Frank
Angela C. Galloway
Ester Greenfield
Leslie J. Hagin
Ralph Hua
Joe Shaeffer
David J. Whedbee
Jesse Wing
Lola S. Zakharova

August 2, 2016

Grays Harbor Juvenile Services
Attn: Jamie Bates
103 Hagara Street
Aberdeen, WA 98520

Re: Delay in Response to Public Records Act Request regarding Juvenile Detention
policies dated May 19, 2016

Dear Ms. Bates:

We received your letter, dated July 22, 2016, that concerns my public records request, dated May 19, 2016, on behalf of the ACLU of Washington, for the County's policies regarding solitary confinement and diet restrictions as behavior management. (See original request attached to today's email transmitting this letter). In that letter, you indicated that the County would not be responding to the request under the previous deadline set by the County (7/22/2016), and that the County would not be providing any responsive records until September 20, 2016, four months after the original request.

We are puzzled by the County's ongoing failure to produce responsive records within a reasonable period. On May 24, 2016, the County stated that the records would be available by July 22. On June 2, we expressed our concern for the delay and requested that responsive documents be provided as soon as they became available, particularly since the records requested consist of readily identifiable policies and protocols. As of today's date, over two months from the original request, we have received no responsive records at all.

Moreover, we are aware that other public records requests have been made to Grays Harbor Juvenile Services for similar records related to the County's policies on use of solitary confinement and other disciplinary measures used at the Grays Harbor County Juvenile Detention Center, and that the County has identified and produced documents to satisfy such request(s). The reasons offered for needing additional time—another two months based on the purported "staffing issues and the large number of documents generated" by the request – do not

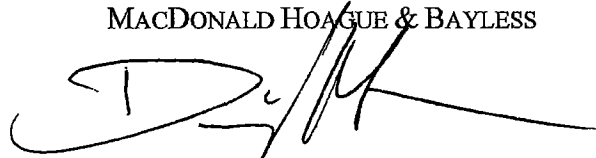
Grays Harbor Juvenile Services
August 2, 2016
Page 2

satisfy the clear duty under the Public Records Act to produce records promptly. *See* RCW 42.56.520. This is particularly the case since it appears you already have identified at least some responsive documents.

For these reasons, we reiterate our request that the County produce immediately any responsive records that have already been identified and that it produce the remainder of the requested records on a rolling basis rather than wait for compilation of all records. Thank you for your time and attention to this matter.

Sincerely,

MACDONALD HOAGUE & BAYLESS

A handwritten signature in black ink, appearing to read 'D. Whedbee', with a long horizontal flourish extending to the right.

David J. Whedbee
Cooperating Attorney for the ACLU of
Washington

DJW:tf
cc: Nancy Talner, Senior Staff Attorney
for the ACLU of Washington

ATTACHMENT H

THE SUPERIOR COURT OF WASHINGTON
GRAYS HARBOR COUNTY

STEPHEN E. BROWN, JUDGE
DAVID L. EDWARDS, JUDGE
F. MARK McCAULEY, JUDGE
(360) 249-5311 Ext 4
JAMIE BATES, ADMINISTRATOR
(360) 249-5311 Ext 3

102 W. BROADWAY
ROOM 305
MONTESANO, WASHINGTON 98563

August 24, 2016

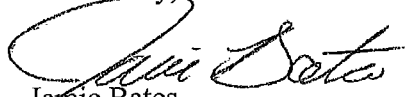
David J. Whedbee
Attorney at Law
Sent Electronically
davidw@mhb.com

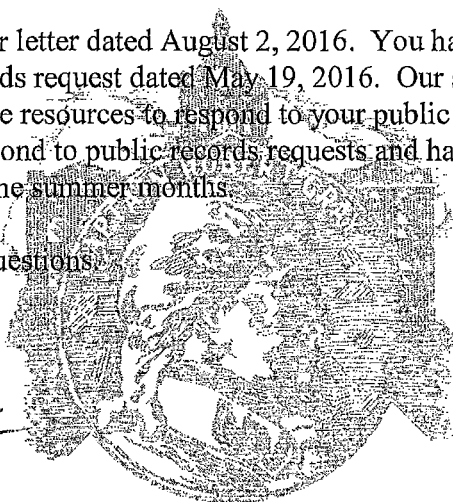
Re: Your Public Records Request Dated May 19, 2016 and Received May 23, 2016

This letter in response to your letter dated August 2, 2016. You have raised concerns about the response to your public records request dated May 19, 2016. Our staff continues to work diligently within our available resources to respond to your public records request. We have had limited staff available to respond to public records requests and have been particularly limited due to vacations taken over the summer months.

Please call if you have any questions.

Yours truly,


Jamie Bates
Court Administrator



ATTACHMENT I

THE SUPERIOR COURT OF WASHINGTON
GRAYS HARBOR COUNTY

STEPHEN E. BROWN, JUDGE
DAVID L. EDWARDS, JUDGE
F. MARK McCAULEY, JUDGE
(360) 249-5311 Ext 4
JAMIE BATES, ADMINISTRATOR
(360) 249-5311 Ext 3

102 W. BROADWAY
ROOM 305
MONTESANO, WASHINGTON 98563

September 16, 2016

M [REDACTED] D [REDACTED]
c/o Theresa Doe
Sent Electronically
theresadoe1975@yahoo.com


Re: Your Public Records Request Dated July 6, 2016 and Received July 13, 2016

This letter will serve as the second response to your public records request received by this office. Due to staffing issues and the large number of documents generated by your Public Records request, we are advising you that additional time will be needed in order to complete your request. At this time, we expect to have the review completed and to have the documents available by November 4, 2016.

If we are unable to meet this deadline, or in the case of a large volume of records, we may extend the time to respond to your request, and/or provide the records in installments.

Please call if you have any questions.

Yours truly,


Jamie Bates
Court Administrator

ATTACHMENT J

David J. Whedbee

From: Jamie Bates <JBates@co.grays-harbor.wa.us>
Sent: Tuesday, September 20, 2016 10:27 AM
To: David J. Whedbee
Subject: Public Records Request
Attachments: Juvenile Detention Policy Manual.docx

September 20, 2016

Mr. Whedbee,

This email will serve as the first installment to your public records request dated May 19, 2016. See attached *Juvenile Detention Policy Manual* in word format.

Our staff continues to work diligently within our available resources to respond to your public records request. We expect to have the review completed and to have the documents available by October 11, 2016. If we are unable to meet this deadline, or in the case of a large volume of records, we may extend the time to respond to your request, and/or provide the records in further installments.

Jamie Bates
Court Administrator
Grays Harbor County Superior Court
102 W. Broadway St., Room 305
Montesano, WA 98563
(360) 249-5311 ext.3

ATTACHMENT K

David J. Whedbee

From: Jamie Bates <JBates@co.grays-harbor.wa.us>
Sent: Tuesday, October 11, 2016 3:11 PM
To: David J. Whedbee
Subject: Public Records Request
Attachments: 20161011_135201.pdf

October 11, 2016

Mr. Whedbee,

This email will serve as the second installment to your public records request dated May 19, 2016. See attached email, with metadata.

Our staff continues to work diligently to respond to your public records request. We expect to have the review completed and documents available by November 10, 2016. If we are unable to meet this deadline, we may extend the time to respond to your request, and/or provide the records in further installments.

Jamie Bates
Court Administrator
Grays Harbor County Superior Court
102 W. Broadway St., Room 305
Montesano, WA 98563
(360) 249-5311 ext.3

ATTACHMENT L

THE SUPERIOR COURT OF WASHINGTON
GRAYS HARBOR COUNTY

STEPHEN E. BROWN, JUDGE
DAVID L. EDWARDS, JUDGE
F. MARK McCaULEY, JUDGE
(360) 249-5311 Ext 4
JAMIE BATES, ADMINISTRATOR
(360) 249-5311 Ext 3

102 W. BROADWAY
ROOM 805
MONTESANO, WASHINGTON 98563

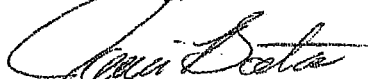
November 4, 2016

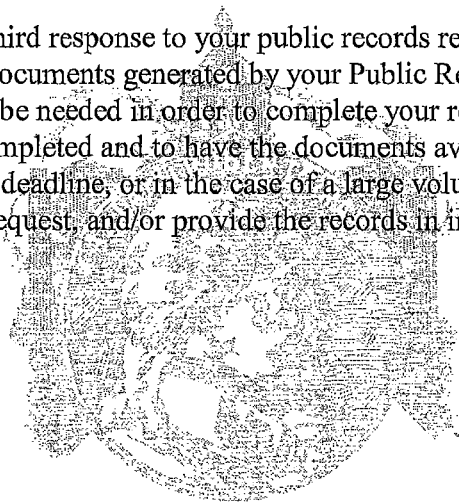
M [REDACTED] D [REDACTED]
c/o Theresa Doe
Sent Electronically
theresadoe1975@yahoo.com

Re: Your Public Records Request Dated July 6, 2016 and Received July 13, 2016

This letter will serve as the third response to your public records request received by this office. Due to the large number of documents generated by your Public Records request, we are advising you that additional time will be needed in order to complete your request. At this time, we expect to have the review completed and to have the documents available by December 2, 2016. If we are unable to meet this deadline, or in the case of a large volume of records, we may extend the time to respond to your request, and/or provide the records in installments.

Yours truly,


Jamie Bates
Court Administrator



ATTACHMENT M

THE SUPERIOR COURT OF WASHINGTON
GRAYS HARBOR COUNTY

STEPHEN E. BROWN, JUDGE
DAVID L. EDWARDS, JUDGE
F. MARK McCAULEY, JUDGE
(360) 249-5311 Ext 4
JAMIE BATES, ADMINISTRATOR
(360) 249-5311 Ext 3

102 W. BROADWAY
ROOM 305
MONTESANO, WASHINGTON 98563

November 10, 2016

David J. Whedbee
Attorney at Law
Sent Electronically
davidw@mhbc.com


Re: Your Public Records Request Dated May 19, 2016 and Received May 23, 2016

This letter will serve as the fifth response to your public records request received by this office. Due to the type of documentation search required by your Public Records request, as well as ongoing staffing issues, we are advising you that additional time will be needed in order to complete your request. At this time, we expect to have the review completed and to have the documents available by December 2, 2016.

If we are unable to meet this deadline, or in the case of a large volume of records, we may extend the time to respond to your request, and/or provide the records in installments.

Please call if you have any questions.

Yours truly,



Jamie Bates
Court Administrator