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By

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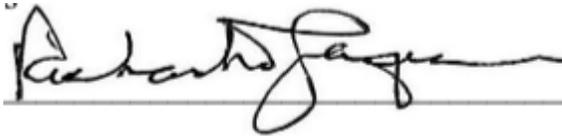
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Introduction

Government transparency is fundamental to a representative democracy. In turn, effective transparency is dictated solely by facilitating the flow of information to the public. In the United States, the Freedom of Information Act (FOIA) is responsible for setting a framework to protect a citizen's right to request records from the executive branch, thus promoting transparency within government (Cohen). While the federal FOIA only outlines protections for a citizen's right to access federal executive branch documents, state implementations of the FOIA have since expanded this framework to include governmental agencies on all levels. For example, the Virginia Freedom of Information Act states that any action taken by any level of government is applicable to disclosure, unless they fall into a few narrowly defined exceptions (Cohen). By utilizing broad language when describing disclosures and narrow language when listing exceptions, the act aims to be flexible so as to be applicable for anything the government does.

The technical project aims to leverage this data availability in a way that can be beneficial to researchers. Specifically, the project will be working with aggregating public Virginia court records into a database that can be easily accessed by researchers. Such data, while public, has been notoriously difficult for researchers to obtain in bulk. By providing up-to-date court data in bulk, this project will allow researchers to gain unique and beneficial insights into the nature of the Virginia criminal justice system. The steps taken by this Capstone project towards solving this problem are two-fold. First, a web scraper must be developed to efficiently gather Virginia court data from their website at once. A web scraper is a program responsible for gathering information from a website. Next, a database holding these case records must be interfaced with a public website to enable those interested in the data from accessing it. Together, this project will eventually pave the way for extensive research to be conducted using Virginia court data. Finally, this project is being completed in conjunction with UVA Law's Legal Data Lab and is based off of work previously done by Ben Schoenfeld.

An Engineer's Approach

As engineers, we are fundamentally driven by data. Regardless of the problem, engineers first and foremost gather and analyze all the information that is available to them. This database approach can be expanded to how engineers should consider ethical dilemmas. Ethical issues are characterized by their immense difficulty in reaching a conclusion. Truly, many of these questions do not even have an inherently correct answer. Given this, we engineers can still use our problem-solving skills to approach a resolution that provides the most positive outcome. Naturally, this outcome must be considerate of all viewpoints – including differences in gender, race, ethnicity, religion and the like.

The purpose of this project's work is precisely to aid in this data availability. Researchers and engineers alike are only as effective as the data available to them. Unfortunately, as mentioned previously, obtaining case records in bulk to perform research is cumbersome and often times implausible. This severely limits the scope of what research can and cannot be conducted regarding criminal justice. As criminal justice reform becomes an ever-pressing issue in today's society, engineers and researchers need access to this data to continue answering pressing questions and solving systemic issues.

The key ethical question discussed throughout this paper will revolve around the balance of privacy and safety. Framed differently, at what point do we sacrifice transparency for public interest? How important is transparency concerning having a functional representative democracy? In addition, how does systemic discrimination (be it race, income, gender, or something else) tie into our apparent right for information?

The Importance of Information

The backbone of any well-functioning representative democracy is an informed citizenry. If a nation were to entrust its citizenry with electing its leaders – as it should – then it is of the utmost importance that the people remain informed. As such, the FOIA stands as the foundation for preserving the people’s access to the government’s affairs. In fact, the federal government has gone so far as to establish an Office of Government Information Services (OGIS) that works to enforce compliance to the FOIA (Semo). Lyndon B. Johnson, the president who initially signed the FOIA into law in 1966, stated that giving people knowledge of what goes on in the government is an essential pillar of democracy (Samahon). This should come as no surprise to us. Logically, to make the best decisions, you need access to the most accurate information. In order to properly hold the government accountable, there must be an ease of knowing what goes on behind closed doors.

However, this access to government transparency is obviously not universal. Some of the most intense debate regarding the FOIA is where we draw the line between increased transparency and secrecy. Naturally, the government cannot freely expose everything it does. There must be some level of privacy for the government to resolve issues of increased sensitivity. The FOIA in particular protects the disclosure of certain documents, including those with national security interests or personally identifiable information (Virginia Freedom of Information Act §§ 2.2-3700 - 2.2-3714). Politicians hoping to work in secrecy have frequently fought back against this access to “open data.” This includes former President Trump, whose administration took down the White House online data portal as well as removed nearly a quarter of the data on data.gov (Berliner et. al). LBJ, ironically the FOIA’s initial signer, secretly loathed the act and ensured that the president had lenient authority to prohibit the release of information.

In Virginia, the liberal language by which the state’s FOIA was created with was intended to provide the broadest range of protections possible. For example, a common tactic employed by shrewd government officials to prevent the disclosure of information is to deny access to the whole document because of a small portion being sensitive. However, the Virginia FOIA establishes that, “only those portions of the public record containing information subject to an exclusion under this chapter or other provision of law may be withheld,” (Virginia Freedom of Information Act §§ 2.2-3700 - 2.2-3714). This laid-back wording leans on the side of transparency, and it prevents hostile government officials from hiding information from the public. Unfortunately, the language is not always this lenient. Often times, courts are called upon to determine what constitutes an “agency” (and thus subject to mandatory disclosure) under FOIA. For example, a Presidential task force would not be subject to disclosure, while the Office for Management and Budget would be, despite both being in the executive branch (Cohen).

Ethical Consequences of Information

The impact of the FOIA is still relevant today, even within our Charlottesville community. Ben Schoenfeld, whose work this project succeeded, aided researchers at Kaiser Health News (KHN) in identifying predatory lawsuits that UVA Health System was leveraging against patients (Hancock and Lucas). From sifting through Albemarle court records scraped by Ben, KHN researchers identified over \$60 million in debt that UVA is demanding of primarily low-income families. Many of these families, as the article states, resorted to foreclosure and bankruptcy in response to these lawsuits. Furthermore, KHN disclosed that the UVA Health System went as far as seizing paychecks from indebted patients. To quote Kaiser, hospitals are frequently guilty of predatory debt collecting, but “UVA stands out for the scope of its collection efforts ... pursuing poor as well as middle-class patients for almost all they’re worth” (Hancock and Lucas).

Information yields power. History has shown us that those with access to relevant information – such as intel during a war, or records from a transparent government – frequently come out on top. In terms of the Charlottesville community, access to aggregated court records brought to light dangerous behaviors conducted by UVA Health against the community. The ethical dilemma of a supposedly non-profit public health system targeting lower class families is evident. As previously highlighted, researchers and engineers are only as good as the data available to them. By easing the access to public court records protected from secrecy by law, researchers are able to highlight injustices within our criminal justice system. The very reason that protections instituted by the FOIA even exist is to shed light on ethical disputes like these. All too often, these injustices fall through the cracks when the information isn’t readily available to dissect. Society needs this information to hold their government accountable. The investigation into UVA Health resulted in a positive outcome as UVA agreed to conduct a comprehensive review of their policies regarding debt collecting (Hancock and Lucas). Moreover, the health system aims to improve their existing financial aid for low-income families according to KHN. As information yielded power, power yielded accountability.

Conclusion

The ultimate goal of this technical project is to facilitate the means in which the people can access governmental information. By providing an easily accessible and queryable database for court records, we can arm researchers with the data necessary for pinpointing and alleviating sources of injustices. Once the research is conducted and the flaws are brought to light, we can then accurately judge those in positions of power. While legislation like the FOIA is a good start towards protecting the people’s right to know, movements for more government transparency are frequently met with hostility from those in power. Naturally for them, the more secrecy the better. Knowing this, we must do everything in our power to hold politicians accountable to what is best for us – the people. Lastly, we must also do everything in our power to elect those in favor of promoting and even expanding governmental transparency. Educated citizens must be wary and keep an eye out for any legislator claiming to curb transparency protections in favor of security, national interest, or the like.

The importance of a transparent government cannot be overstated. As citizens line up at polling stations, they will be responsible for holding their government accountable to both the

promises they made and the injustices they committed. Consequently, the power of information remains critical to maintaining a successful and just democracy. Racial discrepancies when dealing with inequality cannot be overlooked, and having a means of transparency is one of the most effective ways in ensuring that we level the playing field. As citizens of a democracy, we understand that the government is only as corrupt as we allow them to be. When dealing with the fragile balance of public safety and government transparency, we should always opt in favor of the latter. A more informed citizenry is rarely a hindrance to a nation's wellbeing.

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