



STATE OF NEW YORK
OFFICE OF THE STATE INSPECTOR GENERAL
Final Report
November 25, 2009

SUMMARY OF FINDINGS/RECOMMENDATIONS

The New York State Inspector General found that in three separate instances, employees of the Office of Children and Family Services (OCFS) in Rensselaer County, James Plante, Yvonne Lawson, and Megan Flom-Corkrey, accessed confidential information in the State Central Register of Child Abuse and Maltreatment (SCR) and then unlawfully disclosed it to unauthorized persons. The Inspector General arrested and charged Plante, Lawson, and Flom-Corkrey with computer trespass and official misconduct. Plante pleaded guilty to disorderly conduct, was sentenced to 50 hours of community service, resigned his position, and paid a fine. Lawson similarly pleaded guilty to disorderly conduct, resigned her position and paid a fine. Flom-Corkrey died during the pendency of the criminal case against her.

The Inspector General further found that two additional OCFS employees, John Cassidy and Pamela Hill, also improperly accessed confidential records. Cassidy and Hill were referred to OCFS for disciplinary action. OCFS reported that Cassidy was subsequently disciplined, received an eight-day suspension and forfeited eight leave days. Hill received counseling.

Given the number of breaches of the SCR and the ease with which they were accomplished, the Inspector General has recommended, and OCFS has so instituted, an enhancement of the security requirements for the SCR.

ALLEGATIONS

On March 19, 2008, Acting Director of OCFS's Special Investigations Unit Larry Gravett informed the Inspector General of several reports he had received of breaches of the confidentiality of the SCR.

SUMMARY OF INVESTIGATION

Background

In an effort to combat child abuse, OCFS operates the SCR, a computer database containing information regarding persons accused of child abuse or maltreatment in New York. Reports of child abuse and neglect may be made by calling the SCR child abuse

and maltreatment hotline. Where appropriate, the SCR relays information from the calls to local Child Protective Services (CPS) and other relevant agencies for investigation, monitors their prompt response, and identifies if there are prior child abuse or maltreatment reports. The hotline receives calls 24 hours a day, seven days a week from two sources: persons who are required by law to report suspected cases of child abuse and maltreatment; and calls from non-mandated reporters, including the public.

Pursuant to New York State Social Services Law §422(4), information contained in the SCR is confidential and may only be disclosed in limited circumstances to enumerated individuals. Although select employees of OCFS and CPS necessarily are permitted access to the SCR to perform their duties, they are subject to strict prohibitions on dissemination of information. Relevant to the instant allegations, absent written permission from the reporter of the abuse allegation, OCFS staff may not release to a subject of a complaint any identifying information regarding the source of the report. In certain narrow circumstances, however, information regarding the source of a report may be shared with court officials, police, and district attorneys.

Due to the aforementioned confidentiality provisions, the Inspector General has omitted from the following discussion information that would identify the subjects of reports to the SCR.

James Plante

A complainant alleged that during the course of an ongoing custody dispute with his ex-girlfriend, he came to believe that a young woman he claimed to be his child was being abused by his ex-girlfriend and her current boyfriend. The complainant informed the Inspector General that he was an acquaintance of OCFS employee James Plante who was known in the neighborhood as someone who assisted individuals with child custody problems. The complainant asked Plante to access information in the SCR regarding his purported daughter and Plante agreed to retrieve this confidential information for the complainant in exchange for a keg of Heineken beer.

The complainant related that in November 2007, at Plante's home in the presence of Plante's son, Plante indicated that he possessed documents from the SCR related to the complainant's daughter. Plante advised the complainant that he would consult with employees of Albany County CPS with whom he was acquainted to see if any action could be taken to resolve the daughter's situation. The next day, Plante informed the complainant of the results of his SCR inquiry, but advised the complainant that there was nothing he could do. The complainant disclosed that he then had a separate conversation with Plante's son, who told him that he would copy the SCR documents when his father was out of the house. Several days later, Plante's son provided the complainant with a bag of shredded paper, which he claimed were the remnants of the SCR documents which Plante had shredded. The complainant subsequently gave the son a \$20 bill for the purchase of a keg of Heineken. Compounding Plante's violation of the confidentiality provisions of the SCR, it has been reported to the Inspector General that the complainant used the information he had illegally received from Plante to stalk and harass the young

woman he claimed was his daughter. To be sure, prevention of such consequences goes to the very purpose of the statute.

When interviewed by the Inspector General, Plante admitted that, despite knowing that his conduct was illegal and against agency policy, he provided the complainant with information from the SCR. Plante claimed that he never actually provided any documentation to the complainant. Plante confirmed for the Inspector General that he had shredded the documentation and that it was his son who had given the shredded pages to the complainant without permission.

Yvonne Lawson and Pamela Hill

A separate complainant reported to OCFS that employee Yvonne Lawson disclosed confidential SCR information about an individual known to her. An internal audit conducted by the OCFS Special Investigation Unit revealed that Lawson had accessed confidential SCR information relating to this individual's girlfriend on three occasions, and that employee Pamela Hill had accessed the same confidential information on four occasions.

During an interview with the Inspector General, Lawson admitted to searching the SCR to confirm her suspicions that the individual known to her was allegedly abusive. Although she admitted knowledge of the unlawful nature of her actions, Lawson claimed that she conducted the unauthorized searches to protect people close to the individual. The Inspector General determined that Lawson provided confidential SCR information to the individual. Lawson, however, claimed that she never asked Hill, her colleague and friend, to conduct a search for her.

When interviewed by the Inspector General, Hill also claimed that Lawson never requested that she search the file. Hill initially maintained that she may have inadvertently accessed the file during the performance of her official duties. Subsequently, however, Hill admitted that she did "peek" at the file out of curiosity, but she insisted that she never disseminated the information in the file to anyone. She added that OCFS employees frequently access files out of curiosity, especially if they involve the death of an infant. Despite Lawson's and Hill's consistent excuses, it strains credulity to believe their access to this information during the same time period was merely coincidental.

John Cassidy

John Cassidy, an information technology specialist at OCFS, discovered through an improper computer search that an individual had been named in an SCR report and disclosed this information to another person. Cassidy admitted that he conducted the computer search of the SCR, but claimed he did so for legitimate reasons. The Inspector General finds Cassidy's claim unavailing.

Megan Flom-Corkrey

On May 5, 2008, OCFS Associate Attorney Charles Carson informed OCFS Special Investigations Unit of an allegation that employee Megan Flom-Corkrey had inappropriately accessed the SCR to obtain information in an effort to discredit a social worker who had allegedly made a report to the SCR regarding a relation of Flom-Corkrey's.

In October 2007, a student at local high school reported to a county social worker assigned to the school concerns about conditions in a friend's home. The social worker filed an SCR report based on the student's information and a CPS investigation ensued. As part of the investigation, the social worker met with Flom-Corkrey. During the meeting, Flom-Corkrey confronted the social worker with SCR information which she stated she had accessed through her job at OCFS revealing that since 2001 the social worker had made 44 calls to the SCR hotline, but that only three of the calls had resulted in substantiated abuse cases.

After this meeting, the social worker reported Flom-Corkrey's unauthorized access and disclosure of confidential information to her supervisor. An ensuing OCFS Special Investigations Unit audit found that Flom-Corkrey had improperly accessed the particular case file which piqued her interest as well as 17 other case files, some of which involved hotline calls from the social worker. Based on this information, OCFS placed Flom-Corkrey on administrative leave. OCFS Special Investigations Unit was also advised of another report, stating that Flom-Corkrey had searched other case files absent authorization or a legitimate business reason.

The Inspector General interviewed Flom-Corkrey, who denied accessing data pertaining to how many reports the social worker filed, as she knew such inquiries are illegal and against OCFS policy. Despite computer records verifying her unlawful access, Flom-Corkrey claimed that she did not have access to any case files through the SCR database. She also maintained that during her conversation with the social worker, she was speaking generally of SCR trends regarding the percentage of reports filed that are actually substantiated. She further claimed to have merely opined that before reports are filed parents should be contacted in order to ensure that some basis exists for what the child has alleged.

In order to examine, Flom-Corkrey's claim of lack of access to the SCR database, the Inspector General contacted Joanne Schrader, the Information Security Officer for OCFS. Schrader confirmed that Flom-Corkrey had access to the databases which contain SCR reports. The Inspector General also obtained an audit log for two relevant databases which revealed that Flom-Corkrey had conducted case searches of the specific case which initially provoked her interest in the social worker, three other cases, all of which involved the same social worker, and several other related cases.

FINDINGS AND RECOMMENDATIONS

The Inspector General determined that Plante, Lawson, and Flom-Corkrey had committed computer trespass and official misconduct. The Inspector General arrested Jim Plante and Yvonne Lawson on June 5, 2008 and Megan Flom-Corkrey on March 18, 2009. The Rensselaer County District Attorney's Office charged Plante, Lawson, and Flom-Corkrey with computer trespass and official misconduct. Plante pleaded guilty to disorderly conduct, was sentenced to 50 hours of community service, resigned his position, and paid a fine. Lawson similarly pleaded guilty to disorderly conduct, resigned her position, and paid a fine. Flom-Corkrey died during the pendency of the criminal case against her.

The Inspector General further found that while Hill and Cassidy did conduct unauthorized searches of the SCR database, they did not disclose the information to outside persons. Therefore, the Inspector General referred the misconduct to OCFS for disciplinary action. OCFS has reported that Cassidy was subsequently disciplined and received an eight day forfeiture of annual leave. Hill received counseling.

The Inspector General has been informed by OCFS that as a result of this investigation and a prior investigation by the Inspector General,¹ measures have been instituted to safeguard the confidentiality of information contained in the SCR. Relevant to the above findings, OCFS has developed materials and training programs on the confidentiality of information contained in its databases and the SCR for all OCFS employees and other authorized users of the system. OCFS has also sent letters to all agency staff and authorized entity employees reminding them of the applicable legal prohibitions on disclosure of SCR information.

¹ See the Inspector General's December, 2008 report entitled, "Investigation of Allegations Concerning the Confidentiality of the New York Statewide Central Register of Child Abuse and Maltreatment." (<http://www.ig.state.ny.us/pdfs/Inspector%20General%20Finds%20Privacy%20Breaches%20in%20State%20Child%20Abuse%20Register.pdf>).