



**INNOCENCE
PROJECT**



The Innocence Project at UVA School of Law // Innocence Project // Mid-Atlantic Innocence Project
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**Virginia Innocence Coalition
House Public Safety Subcommittee #2
Thursday, January 27, 2022, 7:30am**

Supporting HB 493

The Innocence Project at University of Virginia School of Law (UVAIP), Mid-Atlantic Innocence Project (MAIP) and the national Innocence Project make up the Virginia Innocence Coalition, which advocates for policies that address and prevent wrongful convictions.

The Virginia Innocence Coalition supports House Bill 493. We thank Delegate Mullin and this House Public Safety subcommittee for considering this legislation.

Police misconduct has been a factor in 35% of the more than 2,600 exonerations revealed in the United States to date.¹ Virginia's Freedom of Information Act (FOIA) is supposed to empower citizens to hold public officials accountable. However, FOIA gives police agencies discretion over releasing officer disciplinary records, which in practice results in few disclosures. Lack of transparency perpetuates a culture of secrecy that systematically and pervasively shields police misconduct. The public does not know whether police departments are handling complaints against officers effectively or not. Virginia should provide public access to police disciplinary records to build trust with communities and ensure misconduct isn't allowed to persist.

The Virginia Innocence Coalition believes HB 493 will directly help exonerate innocent people currently wrongfully convicted because of police misconduct. Full transparency of all complaints will help the public see that misconduct is appropriately addressed within police agencies, provide complete data to identify patterns or red flags, and ensure agencies are not incentivized to hide records by improperly "unsustaining" a complaint. This will further protect taxpayers from paying for large civil settlements due to misconduct lawsuits or wrongful conviction lawsuits, or for wrongful conviction compensation. And it is good for the vast majority of officers who protect and serve with professionalism, and who are unfairly tarnished by the pervasive misconduct of a minority of their colleagues.

The Problem

Police officers committed misconduct in 35% of the over 2,600 exoneration cases that have been revealed in the United States.² Examples include witness tampering, misconduct in interrogations, fabricating evidence, concealing exculpatory evidence and committing perjury at trial. Keeping misconduct records secret hides bad actors from public scrutiny and further creates distrust in communities who have no way of knowing whether complaints are appropriately addressed. Public access to police internal affairs files not only benefits the public, but can expose disparities in discipline -- particularly for women and officers of color who may be punished more harshly than white male counterparts. There is also a financial cost to the public when taxpayers are left footing the bill for police misconduct and wrongful conviction

¹ Gross, Possley, Roll & Stephens, "Government Misconduct and Convicting the Innocent: The Role of Prosecutors, Police and Other Law Enforcement." *National Registry of Exonerations*, Sept. 1, 2020.

https://www.law.umich.edu/special/exoneration/Documents/Government_Misconduct_and_Convicting_the_Innocent.pdf

² *ibid*

lawsuits, both of which can result from keeping misconduct secret. Indeed, **civil settlements and compensation claims associated with wrongful convictions in Virginia alone have already cost taxpayers more than \$25 million**³ -- and this doesn't account for costs associated with litigation or imprisonment.

Keeping these records in the dark increases the risk of wrongful convictions. First, it allows police who engage in misconduct to continue bad behavior with public scrutiny. Second, prosecutors, defense attorneys, judges and juries are unable to accurately assess a person's innocence or guilt if they are unaware that an officer who built a case has a history of lying, framing and coercion.

Police credibility affects every phase of a case -- including initial police interactions, investigations, and trials. When a factfinder is denied information about a police witness's prior misconduct or dishonesty, assessment of an officer's credibility becomes nearly impossible and results in manifest injustice. Often, prosecutors, defense attorneys, judges, and juries are unaware of the misconduct histories of police officers whose credibility is critical in criminal matters. Factfinders should know whether an officer has a record of lying on the witness stand, planting evidence, or coercing defendants so they can make more accurate judgments about innocence and guilt.

Police departments investigate themselves; thus, it is critical that the public trust their decision making and trust that misconduct is appropriately handled. Departments also rarely substantiate complaints. For example, a 2020 report by the ACLU of Maryland found only 8% of external complaints, including resident complaints, were sustained.⁴ We learned from the records of Derek Chauvin (the officer who murdered George Floyd) and of Daniel Pantaleo (the officer who murdered Eric Garner), two examples among many others, that these officers had misconduct histories with many complaints of "unsubstantiated" but not "unfounded" complaints.⁵ Civil litigation often uncovers significant issues with the investigations that took place.

The Impact on Wrongful Convictions

To date, as least 17 Virginians have been exonerated of crimes they were wrongfully convicted of in part due to police misconduct.⁶ Several of them were wrongfully convicted in part due to the misconduct by Robert Glenn Ford; the extent of his misconduct is still not fully known. In addition to the infamous "Norfolk Four" case of four innocent sailors coerced into false confessions for rape and murder, Ford was also directly responsible for the wrongful conviction of Joseph Carter. Carter was granted an absolute pardon in 2021 on the grounds of innocence; the pardon explicitly states that he "was an unfortunate victim of Norfolk Detective Glenn Ford, who used his official capacity to extort witnesses in order to yield high solvability percentages and was eventually convicted on federal charges."⁷ Ford recently completed his 12-year sentence for corruption and lying to the FBI.

Norfolk has refused to do an audit of Ford's cases and has blocked the efforts of others to do the same. Ford was also involved in several other wrongful conviction cases that are currently being litigated or have previously been pursued by the Innocence Project at UVA School of Law. Without disciplinary and personnel records, however, Innocence organizations cannot conduct a thorough review to determine the full extent of wrongful convictions caused by Ford.

Ford is not the only law enforcement officer whom we have found through our work to have repeated instances of misconduct. The UVA Innocence Project is currently seeking the exoneration of a man who has been conditionally pardoned by Governor Northam. The officer involved in this wrongful conviction (now deceased) has a 70+ page disciplinary report, and UVA's investigation revealed that he lied under oath in the case; however, they have been unable

³ According to civil settlement and compensation claim data collected by Jeffrey Gutman (Professor of Clinical Law, George Washington University)

⁴ American Civil Liberties Union of Maryland. *Chasing Justice - Addressing Police Violence and Corruption in Maryland*, 5. (2021 January 19). Accessible: <https://www.aclu-md.org/en/publications/chasing-justice-addressing-police-violence-and-corruption-maryland>

⁵ For a primer on key terms (unsustained, unfounded, sustained, exonerated), see attached primer from the Virginia State Police ("How the Complaint Process Works")

⁶ A complete list of exonerations in Virginia can be found here:

<https://www.law.umich.edu/special/exoneration/Pages/detailist.aspx?View={FAF6EDDB-5A68-4F8F-8A52-2C61F5BF9EA7}&FilterField1=ST&FilterValue1=VA>

⁷ Joseph Carter, Absolute Pardon from the Commonwealth of Virginia, August 13 2021 (attached)

to gain access to any portion of the disciplinary report. In yet another exoneration, the case of Beverly Monroe, the federal district court noted that tactics of the officer “were deceitful, manipulative, and inappropriate.” That officer was also central to the case of Emerson Stevens, who received an absolute pardon from Governor Northam in August. We cannot allow misconduct to remain secret. The stakes are too high for Virginians, and no more innocent people should lose their liberty due to misconduct that remains hidden:

- **“The Norfolk Four”** -- Eric Wilson, Danial Williams, Joseph Dick and Derek Tice-- spent between 11 and 18 years in prison for a rape and murder they did not commit in Norfolk, VA. Police used coercive interrogation tactics that resulted in false confessions and withheld evidence confirming an alibi witness and pointing to a different perpetrator. Detective Robert Glenn Ford, who led the interrogations, was convicted on federal charges of extortion and lying to the FBI in unrelated cases in 2011. UVAIP has filed 4 wrongful conviction claims and is currently investigating 2 other cases involving Detective Ford.
- **Joey Carter**, a Navy veteran, spent over 26 years in prison for a Norfolk murder based solely on on tainted witness testimony obtained by Detective Robert Glenn Ford and his partner. As a direct result of Detective Ford’s coercion and threats of the Commonwealth’s eyewitnesses, Mr. Carter was convicted of first-degree murder and sentenced to two life sentences and an additional thirty years in prison. Mr. Carter’s co-defendant was acquitted in a separate trial. In his August 2021 absolute pardon, Governor Northam noted that “Mr. Carter was an unfortunate victim of Norfolk Detective Glenn Ford, who used his official capacity to extort witnesses in order to yield high solvability percentages and was eventually convicted on federal charges.”
- **David Boyce** was wrongfully incarcerated for 23 years for killing his roommate in a motel in Newport News. A police officer falsely testified that Boyce matched an eyewitness’ description of a perpetrator with shoulder-length hair when she met him on the day of the crime, and withheld a photograph she took at the time showing him with short hair. Prosecutors failed to disclose a deal to drop charges against a jailhouse witness who testified that Boyce confessed to him.
- **Emerson Stevens** was convicted of the abduction and murder of a Lancaster woman in 1986. UVAIP’s investigation discredited all of the evidence against Mr. Stevens, including scientifically unreliable physical evidence and false eyewitness testimony. The lead investigator on Mr. Stevens’ case, Virginia State Police Special Agent David Riley, has a documented history of misconduct; it was in part his improper conduct in the case of Beverly Anne Monroe, who was wrongfully convicted of murder, that led a federal court to grant Ms. Monroe a writ of habeas corpus. Mr. Stevens spent 31 years in prison before he was paroled in 2017 and eventually pardoned on the grounds of innocence.

The Solution

Virginia should make all complaints of police misconduct publicly available. It is critical that all complaints be accessible so the public can see that each and every allegation is handled appropriately, especially in cases where an officer was found to have acted inappropriately. It is critical that all files are made available so that the public has faith in the investigation and disciplinary process, and also to avoid creating an incentive for police departments to investigate accusations of misconduct less thoroughly or to falsely “unsubstantiate” true allegations explicitly to avoid public disclosure. Last year, the FOIA Committee already heard such a prediction from one Virginia sheriff: Sheriff Lane Perry of Henry County expressed in the May 18, 2021, hearing in front of the Records Issues subcommittee that he was concerned this legislation may lead to certain law enforcement agencies refusing to properly conduct disciplinary investigations for fear of creating a public record; this was echoed other written testimony.⁸ The Virginia Innocence Coalition agrees with this concern. The best way to address the issue is not to further restrict transparency, but rather to ensure that all records are publicly available, so that unscrupulous officers can no longer hide in the shadows.

Nationally, at least 13 states allow complete public access to police disciplinary records. Virginia is also one of just 5 states in the country that leaves the release of these records solely up to law enforcement discretion (DC, MD, MI, MT,

⁸ See written testimony of Martin R. Crim, submitted for 6/14/21 hearing: “doing so would...have the opposite effect of what is intended, because it would disincentivize management from committing anything to writing regarding law enforcement officer discipline.”

NE, VA). Law enforcement in Florida and Ohio, states with public access to police disciplinary records, attest that policing is improved with transparency, not harmed.⁹

Virginia took a step in the right direction by passing recent reforms to improve access to police misconduct records by Commonwealth's Attorneys, increase transparency for police departments when hiring, and address issues related to decertification in instances of serious misconduct. While laudable, these reforms still leave the public in the dark and do nothing to build the public's trust that police misconduct is appropriately addressed. These reforms also minimally impact the role of misconduct in criminal matters; the reforms rely on information being turned over to Commonwealth's Attorneys, and the Commonwealth's Attorneys then identifying exculpatory information to be released to the defense -- creating a multi-step process, with layers of judgment calls, that does not guarantee all relevant players will be made aware of an officer's full disciplinary history. These reforms constitute important progress, but still leave significant room for misconduct to hide. Further, the information provided to Commonwealth's Attorneys is only as good as the police investigation that generated the findings, and whether these investigations are fair and adequate is squarely in question. Finally, while these reforms may help prevent future miscarriages of justice, they do not address the misconduct that has already led to innocent people sitting behind bars today.

Making police disciplinary records transparent will help weed out bad actors, strengthen confidence in law enforcement, and help recruit and retain good officers. HB 493 appropriately balances redacting personal information with transparency. This bill is foundational to building trust with communities and ensuring that wrongful convictions are revealed and prevented.

Responses to Common Concerns

1. *"HB 493 treats police officers differently -- and unfairly -- from other public employees."*

This legislation only applies to law enforcement disciplinary records for the simple reason that no other public employee is granted as much power to take life and liberty. **Police officers are agents of the government, and in exchange for the powers granted to them by the public, there must also be greater accountability to the public.**

2. *"Virginia already passed sufficient criminal justice reforms last session."*

Recent reforms are important, but they do not address the same issues that HB 493 tackles. Virginia took a step in the right direction by passing recent reforms to improve access to police misconduct by Commonwealth's Attorneys, increase transparency for police departments in hiring officers who have worked in other departments, and address issues related to decertification. While laudable, these reforms leave the public in the dark and do nothing to build the public's trust that police misconduct is appropriately addressed. These reforms also minimally impact the role of misconduct in criminal matters; they rely on information being turned over to Commonwealth's Attorneys, and then rely on those attorneys to identify exculpatory information and release it, in turn, to defense attorneys. In matters of life and liberty, direct access for all players -- including defendants, judges, and juries -- is necessary to prevent miscarriages of justice. These reforms were a step in the right direction, but still leave significant room for misconduct to hide. **Recent reforms help prevent future miscarriages of justice but do not address the misconduct that has led to innocent people sitting behind bars today.**

3. *"Transparency will hurt recruitment and retention efforts for police officers."*

While we recognize concerns about existing retention issues, the VA Innocence Coalition does not agree that HB 493 will impact retention or recruitment, based on experiences in the 13 (or more) states that already provide public access to misconduct records. **As Newtown, Ohio, Police Chief Tom Synan of the Law Enforcement Action Partnership explains, "This bill would bring Virginia in line with other states on this issue, such as Ohio, Florida, Colorado, Georgia, and New York. We believe that Ohio's example shows that Virginia can pass this legislation and the sky will not fall."**¹⁰ Additionally, the VA Innocence Coalition strongly believes that law enforcement agencies should want to

⁹ See attached letter from Newtown, OH Chief Tom Synan, Law Enforcement Action Partnership, submitted in favor of HB 2196 for the June 14, 2021 hearing of the FOIA Records Issues subcommittee.

¹⁰ See attached letter from Newtown, OH Chief Tom Synan, Law Enforcement Action Partnership, submitted in favor of HB 493 at 6/14/21

hire officers committed to transparency and public accountability. That people who may engage in regular misconduct will be deterred from applying for policing jobs is a feature of, not a problem with, HB 493.

Completed investigations of alleged police misconduct have been public in Florida for decades. Lisa Henning, legislative liaison for the Florida Fraternal Order of Police, was asked in 2021 by the Washington Post whether Florida's open-records law -- which sprang from a traditionally conservative distrust of government -- makes it harder to attract officers to the state. "No, I would not say that," she said. "Officers...are more concerned about benefits, salary and other proposed police overhaul efforts."¹¹

After New York police unions filed suit to block the release of misconduct files after the state passed legislation substantively similar to HB 493, a [federal appeals court rejected this argument](#) explicitly, writing that, "**despite evidence that numerous other States make similar records available to the public, the Unions have pointed to no evidence from any jurisdiction that the availability of such records resulted in harm to employment opportunities.**"¹²

4. *"Transparency will result in harassment or doxxing of officers."*

HB 493 requires that personal information be redacted before release, including home, work, or school addresses or home or work telephone numbers of any officer, officer's family member, complainant, complainant's family member, witness, or witness's family member; any social security numbers; and any medical information concerning the law-enforcement officer or the complainant.

Additionally, it is already a crime in Virginia to threaten or harass a police officer, with punishment ranging from 12 months¹³ to 5 years confinement¹⁴ and/or up to a \$2,500 fine.

Finally, a 2019 survey of 344 law enforcement administrators across 12 states with public access found only one respondent who indicated that an officer had experienced physical harm as a result of disclosure, and it was unclear from the response whether the incident involved actual or threatened physical harm.¹⁵ **Researchers also found that among surveyed officers with substantial years of experience, fewer than one in five believed that public misconduct records had harmed officers.**¹⁶

5. *"Transparency in HB 493 is too broad, and should be limited to only sustained complaints."*

¹¹ Thompson, Steve. "After decades of secrecy, Maryland might make police disciplinary records public." *The Washington Post*, March 5, 2021. https://www.washingtonpost.com/local/md-politics/maryland-police-records/2021/03/05/91a6977a-717a-11eb-93be-c10813e358a2_story.html

¹² *Uniformed Fire Officers Ass'n v. De Blasio*, No. 20-2789-cv(L) (2d Cir. Feb. 16, 2021)

¹³ **Va. Code Ann. § 18.2-460. Obstructing justice; resisting arrest; fleeing from a law-enforcement officer; penalties.**

B. Except as provided in subsection C, any person who, by threats or force, knowingly attempts to intimidate or impede . . . any law-enforcement officer . . . lawfully engaged in his duties . . . is guilty of a Class 1 misdemeanor.

C. If any person by threats of bodily harm or force knowingly attempts to intimidate or impede . . . any law-enforcement officer, lawfully engaged in his discharge of his duty . . . relating to a violation of or conspiracy to violate § 18.2248 [sale of controlled substance] or § 18.2-46.2 [criminal street gang participation] is guilty of a Class 5 felony.

Va. Code Ann. § 18.2-11. Punishment for conviction of misdemeanor.

(a) For Class 1 misdemeanors, confinement in jail for not more than twelve months and a fine of not more than \$2,500, either or both.

¹⁴ **Va. Code Ann. § 18.2-60. Threats of death or bodily injury to a person.**

A.1. Any person who knowingly communicates, in a writing, including an electronically transmitted communication producing a visual or electronic message, a threat to kill or do bodily injury to a person, regarding that person or any member of his family, and the threat places such person in reasonable apprehension of death or bodily injury to himself or his family member is guilty of a Class 6 felony. However, any person who violates this subsection with the intent to commit an act of terrorism as defined in § 18.2-46.4 is guilty of a Class 5 felony.

Va. Code Ann. § 18.2-10. Punishment for conviction of felony; penalty.

(f) For Class 6 felonies, a term of imprisonment of not less than one year nor more than five years, or in the discretion of the jury or the court trying the case without a jury, confinement in jail for not more than 12 months and a fine of not more than \$2,500, either or both.

¹⁵ Hodge, J., Moran, R., *Law Enforcement Perspectives on Public Access to Misconduct Records*, Unpublished. Cardozo L. Rev. 3 (2019) Accessible: <https://poseidon01.ssrn.com/delivery.php?ID=52511103112708807109409310410308912405604202800601902411209408911700212102409202707010310101001401402410809401302802010100308100702500801509202411806400108500510801101902604706809300301612107206807010206806073084028094113110107120023022111124008072000&EXT=pdf&INDEX=TRUE>

¹⁶ Hodge, supra 3

Across the country, internal affairs departments sustain a small percentage of complaints filed against officers. If public access is limited to sustained complaints, the majority of complaints would still be inaccessible, and the public will have no way of knowing whether complaints are being thoroughly investigated. Some examples from around the country include:

- In 2019, the Las Vegas Metropolitan Police Department sustained 15 out of 134 complaints of excessive force.¹⁷
- A survey of over 323,000 allegations of police misconduct in New York revealed that fewer than 3% of the complaints resulted in any kind of penalty for the officers. Only twelve of those penalties (fewer than .0004% of the complaints) were terminations.
- In New Jersey in the City of Orange only 13% of complaints were sustained and only 7% resulted in major discipline¹⁸
- A 2020 report by the ACLU of Maryland found only 8% of external complaints, including resident complaints, were sustained.¹⁹
- A dozen of Oregon's largest police departments and sheriff's offices gave The Oregonian/OregonLive data on excessive force complaints from 2013 through last year. The law enforcement agencies investigated at least 340 allegations and sustained only 26.²⁰

6. *“Transparency will tarnish the reputations of officers who were exonerated of wrongdoing.”*

Agencies can adopt a policy permitting officers to respond to unsustained complaints, allowing the public to see all sides to an incident.²¹ Additionally, police agencies across the country practice community engagement through platforms such as Twitter and Facebook. If an agency or individual officer is concerned about their public reputation, they can use traditional PR tactics, as they already do, to combat those concerns.²²

7. *“Transparency will result in loss of credibility with the public.”*

Plenty of evidence from around the country dispels this concern. In a 2005 report of best practices, the **National Institution of Justice** referenced a survey of 30 police agencies that resulted in **researchers recommending disclosure of the police disciplinary process** and resulting discipline for public scrutiny to enhance integrity of police agencies. The researchers explained that disclosure may deter individuals and organizations from concealing misconduct.²³

In 2008, Professor Brian Forst, American University, presented to the Bureau of Justice Statistics that public “scrutiny is essential to making the police more accountable and effective, and to giving it legitimacy.”²⁴

A United States District Court of Northern Illinois explained, **“the general public is sophisticated enough to understand that a mere allegation of police torture . . . does not constitute actual proof of misconduct.”**²⁵ An agency need not worry about loss of credibility from mere allegations.

8. *“Transparency is an invasion of officer privacy.”*

In addition to current bill language in HB 493 mandating redactions to preserve officer privacy, **federal courts have found that revealing on-duty misconduct is not an invasion of privacy** for purposes of exempting police disciplinary files under open records requests. In *King v. Conde*, federal district court Judge Jack Weinstein wrote, “the privacy interest

¹⁷ *Use of Force Statistical Analysis 2015-2019*, Las Vegas Metropolitan Police Department, p15.

¹⁸ Testimony of CJ Griffin, Esq. to the Senate Committee on Law and Public Safety. Hearing on Police Reform in New Jersey. 3-4 (2020).

¹⁹ American Civil Liberties Union of Maryland. *Chasing Justice - Addressing Police Violence and Corruption in Maryland*, 5. (2021 January 19). Accessible: <https://www.aclu-md.org/en/publications/chasing-justice-addressing-police-violence-and-corruption-maryland>

²⁰ https://www.oregonlive.com/police-fire/2017/12/police_brutality_and_incompetence.html

²¹ Nevada has adopted this. NEV. ST. § 289.057.

²² *Public Relations in Law Enforcement: Is the PIO Obsolete?* 2020.

<https://www.police1.com/media-relations/articles/public-relations-in-law-enforcement-is-the-pio-obsolete-C3ExN4qFndlv46jo/> (suggesting tactics to law enforcement to maintain public image).

²³ Gonzales, A., Schofield, R., Schmitt, G., *Enhancing Police Integrity*. U.S. Dep't of Justice, National Institute of Justice. 6, 2005.

<https://www.ncjrs.gov/pdffiles1/nij/209269.pdf>

²⁴ Forst, B. *Improving Police Effectiveness and Transparency: National Information Needs on Law Enforcement*, 1 (2008).

<https://www.bjs.gov/content/pub/pdf/Forst.pdf>

²⁵ *Wiggins v. Burge*, 173 F.R.D. 226, 230 (N.D. Ill 1997).

in this kind of professional record [of a police officer] is not substantial, because it is not the kind of ‘highly personal’ information warranting constitutional safeguard.”²⁶

9. *“Transparency will have a chilling effect on police work/filing complaints.”*

As the associate general counsel for the Miami Herald said in 2009, “the fact is that people have not been chilled or inhibited from filing complaints,” because complaints are made public.²⁷ Indeed, news reports indicate that cities with open access to misconduct investigations earn the highest marks for integrity in the country. For example, the National Institute of Justice found that St. Petersburg Police in Florida have “exemplary” integrity.²⁸ **In a 2019 survey of 344 law enforcement administrators in twelve states with public access, fewer than 8% of respondents indicated that records transparency negatively affected their officers’ job performance.**²⁹

²⁶ Conti-Cook, *A New Balance: Weighing Harms of Hiding Police Misconduct Information from the Public*. 22 CUNY L.Rev. 12, (2019). quoting *King v. Conde*, 121 F.R.D. 180, 191, (1998).

²⁷ Machet, J.R. *Should Police Misconduct Files by Public Record? Why Internal Affairs Investigations and Citizens Complaints Should be Open to Public Scrutiny*. 45 No.6 Crim. Law Bulletin Art 5, 8 (2009)

²⁸ Machet, *supra* at 14.

²⁹ Hodge, *supra* at 18.



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June 9, 2021

Re: HB 2196 - Freedom of Information Act; required release of law enforcement disciplinary records

Position: SUPPORT

Virginia Freedom of Information Advisory Council

Dear Advisory Council Members:

As law enforcement in Ohio, we are writing to express our support for HB 2196 in Virginia. We believe that transparency of police misconduct records is benefiting law enforcement in our state and would do the same in Virginia.

In addition to our public safety careers, we are speakers for the Law Enforcement Action Partnership (LEAP). LEAP is a nonprofit group of police, prosecutors, judges, and other criminal justice professionals who speak from firsthand experience. Our mission is to make communities safer by improving police-community relations.

We urge you to support **HB 2196**, which would make police misconduct records open to the public. Currently, Virginia is among a minority of states that allow limited availability to the public. This bill would bring Virginia in line with other states on this issue, such as Ohio, Florida, Colorado, Georgia, and New York. We believe that Ohio's example shows that Virginia can pass this legislation and the sky will not fall.

In fact, we believe that this bill would make Virginia police more effective. Without transparency in policing, the public will not trust us, which makes our job harder. Shining a light on officer misconduct and how it is investigated by departments is a necessary first step towards improving police-community trust in Virginia.

LawEnforcementActionPartnership.org

Formerly known as Law Enforcement Against Prohibition

Police-community trust is central to public safety. The police are only as strong as our relationships with the public, because we prevent and solve crime based on information from witnesses and victims. A recent report found that more than half of all violent crimes went unreported between 2006 and 2010.¹ To increase crime reporting and information sharing, we need to take action to improve police-community trust.

The trust issue is particularly important in communities of color. Mistrust in the Black community and the killing of George Floyd sparked national protests. Unveiling and examining complaints filed against officers will help to improve cooperation between law enforcement and communities of color.

Finally, opening misconduct records would benefit officers directly. It would allow them to see if disciplinary action is fairly administered throughout their department.

We hope that Ohio can be an example for Virginia in improving police-community trust by making police misconduct records available to the public.

Thank you for the opportunity to share our experience in support of this bill.

Respectfully,

Chief Tom Synan
Newtown Police Department

Assistant Chief Tom Thompson (Ret.)
Miamisburg Police Department, OH