

National Police Accountability Project

A Project of the National Lawyers Guild

SUPPORT HB 1965– An Act That Will Improve Transparency in Policing and Build Community Trust

Written and Oral Testimony of National Lawyers Guild-National Police Accountability Project, Lauren Bonds, Executive Director

House General Laws Committee-Subcommittee #4 –January 24, 2023

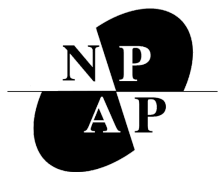
Dear Members of the General Laws Committee,

Thank you for the opportunity to submit testimony on this important issue. My name is Lauren Bonds and I am the Executive Director of the National Lawyers Guild National Police Accountability Project (“NPAP”). We strongly support HB 1965. This bill will shed light on patterns of police misconduct and help ensure communities can evaluate whether law enforcement agencies are conducting fair investigations into citizen complaints.

NPAP is a nonprofit organization dedicated to holding law enforcement and corrections officers accountable to constitutional and professional standards. Our clients are often victims of officers who have extensive and documented histories of abusive conduct. Many of these officers are able to evade public detection because their disciplinary history is deemed “confidential” under state public records law and consequently exempt from public disclosure. In states like Virginia, law enforcement officers are currently able to hide their abusive histories from the communities they police.

Closing disciplinary records from the public permits police officers to accumulate complaints of misconduct without facing consequences. Without public oversight of disciplinary processes, officers who repeatedly engage in misconduct are permitted to keep their jobs or be rehired in different cities. This is often the case because complaints against officers are investigated by each police department’s internal affairs unit, which consists of the officer’s own co-workers. Data shows that complaints from the community are rarely sustained,¹ but there is no public oversight to ensure the internal investigations are conducted properly and there are too many high-profile incidents which prove they are not. The officers who

¹ See Rachel Moran, *Ending the Internal Affairs Farce*, 64 Buffalo L. Rev. 837, 877-879 (2016).



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murdered George Floyd, Eric Garner, and David Jones each had a lengthy trail of citizen complaints prior to taking a life.² The public must play an oversight role.

It is important to note that Black and Brown communities in particular will suffer if police disciplinary records remain shielded from public review. Revelations about the levels of law enforcement participation in the Capitol Hill insurrections has helped expose the depths of white supremacy in many police departments and agencies.³ Absent access to information about police misconduct, communities of color will have a more difficult time exposing officers with a history of racially biased conduct and advocate for their removal.

HB1965 will empower the public by providing them with information about complaints against police officers and the opportunity review how the investigations are conducted. Opening access to misconduct records will bring Virginia in line with states like New York,⁴ Florida,⁵ Georgia,⁶ Ohio,⁷ and Washington⁸ and provide communities with the tools to identify officers with a history of misconduct and hold local police agencies accountable.

We urge you to pass HB 1965. Thank you for the opportunity to provide comment on this important issue.

² Claudia Lauer and Colleen Long, *Across the US, most police disciplinary records are secret*, Associated Press. June 13, 2020, <https://www.mercurynews.com/2020/06/12/across-the-us-most-police-disciplinary-records-are-secret/>

³ Anna North, *The Capitol riot is a reminder of the links between police and white supremacy*, Vox, Jan. 16, 2021, <https://www.vox.com/2021/1/16/22233514/capitol-riot-rally-police-white-supremacy>

⁴ S.B. 8496, 243rd Leg., (N.Y. 2020).

⁵ Fla. Stat. § 119.071(k)

⁶ Ga. Code Ann. § 50-18-72(a)(8)

⁷ Ohio Code §149. 43

⁸ RCW 42.56.010 et. al.