

November 9, 2021

Virginia FOIA Council  
900 E. Main St.  
Richmond, VA 23219

Dear FOIA Council Members,

The People's Coalition is writing to you in support of recommending HB 2196 as presented to you by the Records Issues Subcommittee. The People's Coalition has been organizing in Charlottesville for the last four years to demand justice in the criminal legal system by building community power and opposing unjust and racist systems. We have worked on facilitating release of our community members from incarceration, organizing around the expungement of criminal records, and forming a strong civilian oversight board of our local police departments. HB 2196 will make tremendous progress toward police accountability, which remains a top priority in our organizing efforts.

Marginalized communities within Charlottesville have historically been over-policed and have experienced countless incidents of police misconduct. When community members have made complaints about such incidents, the police department's Internal Affairs have predominately not sustained the complaints and have refused to provide the complainants with records supporting the finding. Even just this year, Charlottesville Officer Jeffrey Jaeger used excessive force against a community member and was cleared of misconduct during an internal affairs investigation. Only after the community demanded justice was the officer charged with and convicted of assault and dismissed from the force. These unsustained findings and lack of transparency have dissuaded community members to report police misconduct, perpetuating and encouraging more misconduct.

To establish more transparency in the internal affairs process, we have pushed for a strong civilian oversight board for the past four years, both locally and in the General Assembly, hoping that an oversight board would have access to the internal affairs process. A prevailing issue has been over whether the oversight board should have the power to independently investigate complaints. The city council has dismissed community member concerns, saying that there is no evidence that the internal affairs process is deficient. Yet no one knows what the internal affairs process looks like since the police refuse to turn over disciplinary records, showing the process lacks transparency and is unjust. Access to disciplinary records granted by HB 2196 will empower communities to organize robust oversight boards.

Regardless of whether the oversight board attains real investigative power, it can choose not to share disciplinary records with the public, and the public would still be left in the dark without a mechanism to obtain the records. HB 2196 ensures that communities affected by over-policing can keep police departments *and* oversight boards accountable by checking whether complaints have been thoroughly investigated and taken seriously. For that reason, both sustained and unsustained complaints must be mandatorily released under FOIA. Otherwise, misconduct will continue to be hidden behind an unsustained finding to avoid transparency, as Jeffrey Jaeger's case nearly was as mentioned above. We urge the FOIA Council to recommend HB 2196 as presented for passage by the General Assembly.

Sincerely,

The People's Coalition