

From: **Jessica Sapalio** <[jsapalio@gmail.com](mailto:jsapalio@gmail.com)>  
Date: Wed, Sep 1, 2021 at 4:57 PM  
Subject: Public Comment in Support of HB 2196  
To: <[foiacouncil@dls.virginia.gov](mailto:foiacouncil@dls.virginia.gov)>

Dear Members of the FOIA Council,

We are a coalition of community members, organizations, and localities advocating for increased accountability and transparency in policing throughout Virginia, and we support HB2196 as currently drafted. We strongly believe that access to police disciplinary records through FOIA requests is a critical component to accountability and community trust of the police.

We are working to establish civilian oversight boards (COBs) for local police departments in several cities and counties across Virginia. Access by COBs to records from internal investigations of complaints is key to full transparency. Because access by parties outside of police departments is at each department's discretion, it is not currently being granted by most police departments. Police departments are public bodies that are accountable to the people. By conducting government affairs in an atmosphere of secrecy, police departments are depriving the people of their right to ensure that their police are properly investigating and disciplining themselves.

**One of the most important parts of this bill is that it would grant access to both sustained and unsustained allegations.** Only a small portion of complaints are usually sustained, so without disclosure of both types, the public would have very little access to complaints and transparency and accountability would be impeded. If police departments are only required to disclose substantiated complaints, they would be incentivized to sustain even fewer allegations. Without access to both types of complaints, the public would not know if complaints were being thoroughly investigated by internal affairs departments and would continue to be kept in the dark.

We have heard that a concern is being voiced that the proposed record availability would hurt recruitment and retention of law enforcement officers. In the states that have made disciplinary records available, this has not been the case. In fact, a federal appeals court in New York has rejected this notion, pointing to the lack of evidence from any jurisdiction that employment opportunities were affected (*Uniformed Fire Officers Ass'n v. Blasio*, 846 F. App'x 25 (2d Cir. 2021)). As residents of Virginia, we should also be very concerned if departments are hiring officers who are worried that their disciplinary records would be released. We should be hiring officers who are committed to accountability, respect public oversight, and want to build bridges with the communities they police.

HB2196 is a much-needed reform that will greatly improve police accountability and public trust, which will ultimately lead to safer, more just communities for all. We ask that the FOIA Council vote to recommend this bill in its current form.

Sincerely,  
Jessica Sapalio on behalf of:

Justice Forward Virginia  
Legal Aid Justice Center  
Lending Hands  
New Virginia Majority  
Tenants and Workers United  
The People's Coalition of Charlottesville  
Virginia Organizing  
Williamsburg Action  
Williamsburg James City County Coalition for Community Justice  
Williamsburg Unitarian Universalists  
York, James City, Williamsburg NAA