



July 16, 2021

BY EMAIL: foiacouncil@dls.virginia.gov
Virginia Freedom of Information Act Council
Pocahontas Building
900 East Main Street, 8th Floor
Richmond, Virginia 23219

RE: House Bill 2196

Dear Members of the FOIA Council:

The Richmond Transparency and Accountability Project's (RTAP) mission is to build safer, healthier neighborhoods by disrupting mass incarceration at its source: police policies and procedures. Since 2017, we have worked diligently with numerous community organizations and countless community leaders and residents in Richmond's most over-policed neighborhoods.

We request that you recommend reintroducing and passing HB 2196 as drafted. HB 2196 would require the release of completed disciplinary investigations for police officers accused of misconduct. The most vulnerable in Richmond have continued to have their voices silenced regarding abuses at the hands of the Richmond Police Department. The release of these records would help substantiate the voices of victims and increase both community safety and the department's procedural fairness going forward.

RTAP began our campaign for police accountability in Richmond four years ago, after hearing from over 700 residents in the South Side of Richmond that the ways that the police interacted with the community was their largest problem. For those of you unfamiliar with Richmond, the South Side is home to predominantly Black and brown residents of the city. Unfortunately, when we brought those claims to light, they were dismissed by the police department and policy makers as merely indicating "a few bad apples" and not representative of larger concerns with policing.

Since then, RTAP has analyzed the Richmond Police Departments' own data, that shows a massive racial disparity in how the citizens of Richmond are policed. This data demonstrates what we already knew from our conversations with Black and Brown Richmonders. For example:

- Though 49% of Richmonders are Black, they represent roughly 75% of those whom force is used against.

- Black Richmonders are profiled by police as “being suspicious persons” or engaging in “suspicious activities” at a rate of 2.7 times higher than white Richmonders.
- These disparities are even more pronounced with Black youth, who represent 98% of stops for curfew violation and 82% of stops for truancy.

Some of our residents’ most pressing concerns were not even addressed in this data. Residents have expressed their experiences and concerns about how policing is conducted in Richmond, and our investigation has been thwarted by the police department’s system of data collection and their reluctance to release internal investigation records.

The fact that our resident’s stories were not enough evidence is a problem in and of itself. But the Richmond Police Department has repeatedly said that if there were problems that a complaint should be filed and it would be addressed. This is simply not true. RTAP did additional research into the complaint process and discovered serious problems with the mishandling of complaints.

The department states that a complaint will be addressed within 30 days, however less than 20% of complaints were actually addressed in that length of time. Moreover, the Richmond Police Department’s process for handling complaints violates several of the best practices of the National Association of Chiefs of Police. Issues like this create serious distrust between communities and the police departments that are supposed to serve them.

Finally, it is incredibly important that legislation include both sustained and unsustained disciplinary records. Sustained cases are often the cases that are easily determined to be egregious or have already made it into the media in another way. Sustained cases, however, are not necessarily where the most injustice takes place. A primary concern is cases where the police have sanctioned bad behavior by dismissing a complaint or determining that the complaint was unfounded. These are the insidious acts of racism or violence that have been shrouded in secrecy for too long. The release of these investigation reports is the crux of HB 2196.

RTAP and our community partners ask that you recommend HB 2196, as drafted, be reintroduced and passed.

Sincerely,

/s/ Maisie Osteen
Maisie Osteen,
RTAP Member