

FOIA Requests for Virginia Sex Offender Registry Data from the Virginia State Police (VSP).

Statute **2.2-3706(H)** was re-codified in July 2013 and it is now found at **2.2-3706(A)(2)(k)**

k. Records of the Sex Offender and Crimes Against Minors Registry maintained by the Department of State Police pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, including information obtained from state, local, and regional officials, except to the extent that information is required to be posted on the Internet pursuant to § 9.1-913; and

The statute states that the release of certain records can be categorized into three actions “must be released”, “may be released” and “can not be released” leaving complete discretion in the hands of the Virginia State Police.

Longwood University Researchers working on a study ***Neighborhood Tipping and Sorting Dynamics in Real Estate: Evidence from the Virginia Sex Offender Registry*** requested and received **10 years of data** from the Virginia State Police.

Including each offenders

1. age
2. sex
3. race
4. Violent or Non-Violent Status
5. past addresses, including all move-in and move-out dates
6. current address
7. perpetrated crime

After learning of this study that was published in October 2013, volunteer and public advocate Mary Davye Devoy who works to reform the Virginia Sex Offender Registry submitted a fourth FOIA request to the Virginia State Police on October 6, 2013, grouped or sorted however the VSP liked was for the **current** Virginia Registrants:

1. age
2. sex
3. race
4. the number classified as Violent and Non-Violent
5. the number who are unemployed
6. the number listed as homeless or mobile (an address that is not a residence)
7. the number who are “wanted”

On October 21, 2013 the Virginia State Police denied Mrs. Devoy’s request on the basis that the information may be disclosed by the custodian in his or her discretion (*see attached letter*).

These two FOIA requests were extremely similar and if we’re looking at it apples to apples then at least a portion of my request should have been granted.

One can only conclude that no matter what registry data I submit to the VSP, I will be denied.

This must be because of a personal bias against me **OR** because of the inherent conflict of interest. That the Virginia State Police is not only the manager and monitor of Virginia’s Registered Sex Offenders but actively encourage the VSP Legislative Liaison’s that lobby at the yearly General Assembly sessions to include more sexual crimes, longer registration and more restrictions... And in the years that I’ve found patrons to reform aspects of the Virginia Registry the Liaison’s have lobbied against the proposals, adamantly.

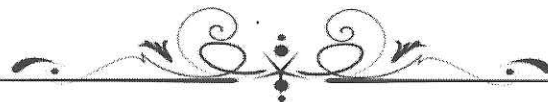
Per the statute the VSP has been given the authority as the “gate-keeper” of ALL registry data along with the discretion to deem requestors as worthy or not.

They have obliged the requests of those they view as “pro-registry” but have repeatedly denied those who would use the data to reform our registry, me.

Similar or identical FOIA requests should not be **cherry-picked** and I hope the FOIA Council will consider a rewrite (of **2.2-3706(A)(2)(k)**) as the current exceptions allow the owner of the Registry data to apply it with prejudice.

Double standards can not exist in an Open Government.

Mary Davye Devoy



Mary Davye Devoy

E-mail- marydavyedevoy@comcast.net

H- 804-559-6908 C- 804-873-3383

Blog: <http://restoringintegritytovirginiaregistry.blogspot.com>

Restoring Integrity to the Virginia Sex Offender Registry

April 22, 2014



COMMONWEALTH of VIRGINIA

DEPARTMENT OF STATE POLICE

P. O. BOX 27472, RICHMOND, VA 23261-7472

October 21, 2013

Colonel W. S. (Steve) Flaherty
Superintendent

(804) 674-2000

Lt. Col. Robert B. Northern
Deputy Superintendent

Ms. Mary Devoy
8297 Shane Edmonds Lane
Mechanicsville, VA 23111

Re: Freedom of Information Act Request

Dear Ms. Devoy:

This letter is in response to your request on October 6, 2013 for information regarding statistics from the Virginia Sex Offender and Crimes Against Minors Registry.

As you may be aware, requests for information from agencies of the Commonwealth of Virginia are governed by the Virginia Freedom of Information Act (FOIA), Chapter 37 of Title 2.2 of the Code of Virginia.

Pursuant to §2.2-3706(A)(2)(k) the records of the Sex Offender and Crimes Against Minors Registry maintained by the Department of State Police pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, including information obtained from state, local, and regional officials are excluded from the provisions of FOIA, Chapter 37 of Title 2.2 (§ 2.2-3700 et se.). These records may be disclosed by the custodian, in his or her discretion, except where such disclosure is prohibited by law. The Department provides access to all the public information available by posting that information on the internet pursuant to § 9.1-913.

The Department has considered your request and elected to exercise its statutory grant of discretion not to release the records you have requested. You may research the records for that information publicly available by going to the Department website at: <http://sex-offender.vsp.virginia.gov/sor/>.

I regret the Department can be of no further assistance in this matter.

Sincerely,

A handwritten signature in black ink that reads "Tricia W. Powers".

Tricia W. Powers, Lieutenant
Criminal Justice Information Services Division
(804) 674-2023

TWP/wb



General W. S. (Steve) Flaherty,
Superintendent

(804) 674-2000

COMMONWEALTH of VIRGINIA

DEPARTMENT OF STATE POLICE

Lt. Col. Robert B. Northern
Deputy Superintendent

P. O. BOX 27472, RICHMOND, VA 23261-7472

October 7, 2013

Ms. Mary Devoy
8297 Shane Edmonds Lane
Mechanicsville, Virginia 23111

Re: Freedom of Information Act Request

Dear Ms. Devoy:

Please be advised that in accordance with Virginia Code Section 2.2-3704 (B) (4), and in order to completely and properly respond to your request without negatively impacting public safety and our intense operational responsibilities, the Department is entitled to, and elects to utilize, seven additional work days to respond.

If you have any questions, please contact my secretary, Ms. Wendy Beckstoffer at 804-674-8028.

Sincerely,

A handwritten signature in black ink that reads "Tricia W. Powers".

Tricia W. Powers, Lieutenant
Criminal Justice Information Services Division

TWP/wb