

Joseph Carter
HB 2196: SUPPORT
Records Issues Subcommittee, FOIA Council
9/2/2021

Dear Chair Conrad, and members of the Subcommittee,

My name is Joseph Carter, and I am the 58th wrongfully convicted person in Virginia to be exonerated. I served **27 years in prison** for a murder I did not commit, and I am a victim of former Norfolk City Detective Robert Glenn Ford. I am writing in strong support of HB 2196 by Delegate Mike Mullin, because not one more person should spend a day behind bars due to unchecked police misconduct. HB 2196 will help **prevent wrongful convictions, exonerate other innocents currently in prison, and detect victims** we don't even know about yet – while providing the public oversight necessary to cull bad officers from the ranks once and for all.

My wrongful conviction was based solely on flawed eyewitness testimony coerced by Det. Ford – none of these witnesses identified me during their original interviews, but over time and after pressure from Ford, their testimony changed. Even though not a single piece of physical evidence connected me to this heinous crime, I was convicted of first-degree murder and sentenced to life in prison. I spent 27 agonizing years behind bars before earning parole in 2016. **This past August, I was finally granted an absolute pardon by Governor Northam on the grounds of innocence.**

Before Det. Ford's misconduct sent me to prison, I had spent 10 years serving our country in the military. I was your average, hard-working father trying to provide for my young family. It is hard to put into words how much Det. Ford and the state of Virginia stole from me, and how much I lost because police misconduct was, and is, allowed to thrive in this state. I was torn away from my family, including my wife and 3 children all under the age of 10. My wife was pregnant during my trial, and I missed the birth of my youngest child; eventually the burden of raising our family alone was too much for her, and we divorced just 2 years before my eventual release. I missed the funerals of my mother, my father, my brother, and my oldest son. I missed birthdays, graduations, playing in the yard, and taking my babies to the park. The basic things that are so important in life, including my health, were snatched away from me. No amount of money can make up for the time loss mentioned above, but now I am fighting for compensation for every year I spent in prison which exceeds the current Virginia statute of 20 years.

This experience taught me that **police misconduct undermines the truth, from the very first piece of paper generated during a criminal investigation.** Ford's conduct shows that police procedure in the hands of bad cops becomes bad procedure. He manufactured my conviction from the beginning, from witness interviews to what evidence was collected and tested to what information was included on warrants and indictments to the lies he told on the witness stand. I never really had a chance.

As we all know, Robert Glenn Ford was sentenced to 12.5 years in federal prison for taking bribes from criminals in exchange for favorable treatment and lying about it to the FBI. His crimes demonstrate his casual disregard for truth and justice, and his willingness to lie straight to the faces of judges, prosecutors, juries, crime victims and the people of Virginia. There's no question that Ford is a criminal who destroyed many lives; **what we still don't know is how many other innocent victims are still languishing in prison?**

That question can only be answered by passing HB 2196 and making police misconduct files public. Not only does the public have a right to know what kind of officers are patrolling their communities with the power to take life and liberty, but greater public oversight may lead to true accountability that is deeply lacking in police departments across this state. If this bill had been law at the time of my trial, I may have even been spared this horror – according to court documents, Ford was actually demoted for extracting false confessions in a 1990 murder at the Lafayette Grill (he was later returned to the homicide unit). Had this information been available sooner, I may have been acquitted, or at least released sooner. And had the Norfolk City Police Department been forced to make that misconduct public in the first place, Ford might not have even had a job by the time I was arrested.

HB 2196 will cause officers to think twice before they commit misconduct or before they cover for others who do so. Ford got away with egregious misconduct because he operated in secret and his fellow officers and supervisors turned a blind eye. HB 2196 is not just about individual “bad apples,” but about truly reestablishing systems of accountability to prevent tragedies like mine from happening again and again.

It is particularly important that **all completed investigations are made public**, not just those that are “sustained” by police themselves. Unless the public can see the full allegation and the full investigation that resulted in each finding, we simply have no reason to take law enforcement at their word. It shouldn't take a criminal conviction for misconduct claims to be taken seriously.

The UVA Innocence Project is currently working to exonerate more innocent victims of Robert Glenn Ford, in addition to the 5 of us already freed. These cases represent the tip of the iceberg for potential victims convicted during Ford's three-decade long reign of terror. We still have no idea what else is in his misconduct records. And that's just one officer. For the people of Virginia to begin trusting law enforcement again, **we need to see a commitment to undoing the crimes of the past and eliminating untrustworthy officers from the force today**. Public accountability is one of the best ways to make that happen.

The best time to have made police misconduct records public was 30 years ago. The next best time is now. **Please support HB 2196.**

Thank you,
Joseph Carter