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Date: Fri, May 14, 2021 at 3:55 PM

Subject: Roanoke County Opposition to HB 2000 and HB 2196

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Dear Senator Locke, Delegate Simon, and Members of the FOIA Advisory Council:

I am writing to you on behalf of the Roanoke County Board of Supervisors ("Roanoke County"), to respectfully express the Board's concern with both HB 2000 and HB 2196, which have been placed on your May 18th agenda for review and consideration.

With the recent passage of HB 2004, Roanoke County anticipates that the number of FOIA requests for criminal investigation records will significantly increase after July 1st; after a criminal prosecution is concluded, we anticipate that it may become commonplace for a criminal defendant to request all records relevant to his or her prosecution. Producing such records will of course require review and redaction of sensitive information, including victim and confidential witness information, and will place an increased burden upon staff (Police, Commonwealth's Attorneys, and Public Information Officers). This burden will be exacerbated if HB 2000 is passed (preventing a public body from charging a requester for any costs incurred during the first two hours spent accessing or searching for requested records). In addition to increased criminal investigation record requests, HB 2000 will invite more frivolous demands for documents from requesters who simply intend to harass local government. This will create an unfunded mandate that will significantly burden localities.

Additionally, the County is concerned with the provisions of HB 2196; release of law-enforcement disciplinary records will further contribute to the decline in morale of Virginia law enforcement officers. There are better, less invasive methods of holding law enforcement officers accountable to the public. While the County agrees that law enforcement must be accountable and transparent, the Commonwealth must also support and protect its law enforcement officers. The proposed language of HB 2196 is overly-broad.

Again, we respectfully request that you decline to endorse both of these proposed bills.

Thank you for your service to the Commonwealth and for your consideration,

*Peter S. Lubeck*

Roanoke County Attorney

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