



COMMONWEALTH of VIRGINIA

Office of the Governor

Noah P. Sullivan
Counsel to the Governor

October 25, 2017

Megan Rhyne, Executive Director
Virginia Coalition for Open Government
P.O. Box 2576
Williamsburg, VA 23187

Dear Ms. Rhyne,

Thank you for contacting the Governor regarding the important work of his Task Force on Public Safety Preparedness and Response to Civil Unrest (the "Task Force") related to the tragic events from the Unite the Right rally in Charlottesville, Virginia. Incidentally, I hope you will send these concerns to the City of Charlottesville, which has so-far refused to support the Task Force's efforts with critical information that has been requested by the International Association of Chiefs of Police.

The Governor could not agree with your sentiments more as far as the need for transparency, and so I am surprised by your letter, as it makes statements which are untrue. I respond by addressing your specific requests below:

First, the Task Force fully intends to release records from its work, including the independent After Action Review conducted by the International Association of Chiefs of Police. Indeed, we have supplied records from the Task Force meetings to date to anyone who has asked for them. Separate FOIA requests were made in the days after August 12 related to the Unite the Right rally. Our responses have made clear that we intend to produce documents *after* law enforcement and the Task Force have completed a full review. This is completely standard practice in such reviews—disclosure comes at the conclusion, not at the beginning.

Second, the Task Force *has* held public meetings, and the only closed portion has been to receive a confidential briefing from the Virginia Fusion Center regarding the September 16 potential for civil unrest in Richmond, Virginia. As you know, such information is strictly prohibited from being made public, so that meeting was closed and the attendees were asked to sign an agreement to keep that and other similar information confidential. *See* Va. Code § 52-48.

Reporters and cameras have otherwise been present at all meetings of the Task Force, as well as other interested members of the public.

Further, the Task Force has already noticed its upcoming meeting on October 26 on the Commonwealth Calendar and will do so for its final meeting.¹ As you have acknowledged, the Task Force is not a public body, so there was some desire not to confuse the public by creating an expectation that it was; however, official notice has been and will be given, so that issue is resolved.

Third, the Task Force is designed to work quickly and make recommendations. Any policy changes pursued from these recommendations will follow standard policy-making processes, which include ample opportunities for public comment. So any concern that there will not be an opportunity for public comment is misplaced.

Fourth, the Task Force's confidentiality agreement has been grossly mischaracterized. Senator Reeves and Delegate Lingamfelter, along with all other Task Force members, signed it without hesitation because of the recognition that it applied to the Virginia Fusion Center information and other sensitive public safety material. I highly doubt they would have agreed to anything that impeded their First Amendment rights.

In conclusion, your requests are either already being followed or are based on false information. The Task Force is working well, and those who have criticized it are trying to undermine that work for their own parochial reasons. Rest-assured, however, that the Governor's directive in establishing the Task Force for a full review is occurring and will be made public.

Sincerely,

A handwritten signature in blue ink, appearing to read "Noah Sullivan", is written over a horizontal blue line.

Noah Sullivan

Counsel to the Governor

¹ <https://commonwealthcalendar.virginia.gov/Event/Details/8421>