



May 8, 2023

By Email

FOIA Officer
Office of the Governor
Patrick Henry Building
1111 East Broad Street
Richmond, Virginia 23219
FOIA@governor.virginia.gov

Dear FOIA Officer:

We are writing pursuant to Virginia's Freedom of Information Act, Va. Code § 2.2-3700 *et seq.*, to request copies of public records concerning the Governor of Virginia and his Office's policy and process for the restoration of rights for Virginians who have been convicted of felonies (hereinafter "Restoration of Rights process").

Please respond individually to each numerical request noting whether (1) responsive records have been provided, (2) no responsive records exist, or (3) responsive records are being withheld. If a record does not exist, or exists but is not in the possession of the Office of the Governor, please explicitly say so, and indicate which office, if any, is in possession of the record. Please provide redacted documents wherever non-exempt information is commingled with exempt information, and provide detail to the fullest extent possible the subject and volume of any withheld information. If responsive records are withheld in full or redacted in part, please specify each statutory exemption you believe justifies the nondisclosure and provide a description of the contents withheld, including subject matter, number of pages, and the date(s) of the document(s).

Please include any responsive records in the possession the Office of the Governor, regardless of who created them. This request covers all records from January 15, 2022, through the date of your response. Specifically, we request:

1. All records relating to the development and establishment of the current Restoration of Rights process, including, but not limited to, all notes, correspondence, emails, memoranda, reports, transcripts, minutes, appendices, drafts, studies, budgetary and financial documents, proposals, requests, and reasons for the development and establishment of the current Restoration of Rights process, electronic and other data, agendas, call logs, calendar entries, and other records of any kind.
2. All records relating to the development and establishment of any previously utilized Restoration of Rights process, including, but not limited to, all notes, correspondence, emails, memoranda, reports, transcripts, minutes, appendices, drafts, studies, budgetary and financial documents, proposals, requests, and reasons for the development and



- establishment of the current Restoration of Rights process, electronic and other data, agendas, call logs, calendar entries, and other records of any kind.
3. All records relating to the implementation of any aspect of the current Restoration of Rights process, including, but not limited to, all notes, correspondence, emails, memoranda, reports, transcripts, minutes, appendices, drafts, studies, budgetary and financial documents, reasons for any policy, process, or action taken concerning implementation of the Restoration of Rights process, electronic and other data, agendas, call logs, calendar entries, and other records of any kind.
 4. All records relating to the implementation of any aspect of any previously utilized Restoration of Rights process, including, but not limited to, all notes, correspondence, emails, memoranda, reports, transcripts, minutes, appendices, drafts, studies, budgetary and financial documents, reasons for any policy, process, or action taken concerning implementation of the Restoration of Rights process, electronic and other data, agendas, call logs, calendar entries, and other records of any kind.
 5. All records relating to any and all planned revisions, changes, or updates to the current version of the Restoration of Rights process, including, but not limited to, all notes, correspondence, emails, memoranda, reports, transcripts, minutes, appendices, drafts, studies, budgetary and financial documents, proposals, requests, and reasons for the development and establishment of the current Restoration of Rights process, electronic and other data, agendas, call logs, calendar entries, and other records of any kind.
 6. All records evidencing any and all communications and transmission of information concerning any aspect of the Restoration of Rights process, including, but not limited to, correspondence, notes, memoranda, emails, voicemails, text messages, instant messages, video and audio recordings, and other communications or transmitted information of any kind, either internal to the Office of the Governor or between the Office of the Governor and any other state, local, and federal officials, and any private citizen or other individual, inside and outside the Commonwealth, including, but not limited to, the Virginia Department of Corrections, Virginia State Police, Virginia Department of Elections, Virginia Department of Behavioral and Developmental Services, the Compensation Board, the Office of the Attorney General, the Secretary of Public Safety, the Secretary of the Commonwealth, and any counsel to the Governor. Please provide redacted documents wherever non-exempt information is commingled with exempt information, and provide detail to the fullest extent possible describing the subject and volume of any withheld information.
 7. All records relating to the assignment of individuals who are current or former employees of the Office of the Governor and have worked on any aspect of the Restoration of Rights process, including, but not limited to, job announcements; required and suggested qualifications for all staff members; duties and responsibilities of staff members; application forms and other application materials, salary and benefits, oaths or other affirmations mandated for staff members; conflict of interest disclosures, and all other records evidencing the recruitment, hiring, selection, or assignment process for staff members assigned to any aspect of the Restoration of Rights process.



8. All records evidencing the individuals who are current or former employees of the Office of the Governor and have worked on any aspect of any aspect of the Restoration of Rights process, including, but not limited to, their name, title, age, gender, race and ethnicity, and their roles and responsibilities, including, but not limited to, the number of hours spent working on any aspect of the Restoration of Rights process and a description of the work completed during those hours.
9. All records evidencing the supervision of the staff assigned to any aspect of the Restoration of Rights process, including, but not limited to, records identifying all persons responsible for supervising these staff, the internal communications and reporting structure of these staff, the approval process for investigations and other activities conducted by these staff, performance standards for these staff, time-keeping and other record-keeping requirements for these staff, and all other records evidencing the supervision, communication and reporting, approval process, and performance standards for these staff.
10. All records evidencing any and all guidelines, procedures, policies, practices, manuals, training program and materials, and other records governing the staff assigned to any aspect of the Restoration of Rights process, including all drafts and final versions of said records.
11. All copies of relevant statutes, mandates, administrative and/or legislative guidance; court decisions; and any other source that provides the Office of the Governor with the authority to establish and oversee the Restoration of Rights process, and provides the staff assigned to any aspect of the Restoration of Rights process with the authority to undertake or implement its programs, actions, and operations.
12. All press releases and any and all external communications relating to the Restoration of Rights process, including, but not limited to, all drafts and final versions of press releases and other external communications, background material used to draft press releases and any other external communications, video and audio recordings of press statements or other public statements, records evidencing approvals and non-approvals of draft and final versions of press releases and external communications, and other records of any kind.
13. All records identifying the total number of individuals, by month, a) who have applied to have their rights restored; b) who have had their rights restored; c) whose applications are currently under review; d) whose applications have been denied; and e) whose applications have yet to be reviewed.
14. All records of any kind evidencing the individuals who have applied to have their rights restored, including, but not limited to, a) the date their application was received, b) the current status or disposition of their application, including a description of any specific actions already undertaken and any actions yet to be undertaken as part of the review, evaluation, and disposition of their application; c) a description of their disqualifying conviction(s), the terms of their sentence, the current status of their completion of all terms of sentence, d) a description of any other information collected, considered, or yet to be collected or considered as part of the review, evaluation, and disposition of their application, and e) their age, gender, race and ethnicity, and location. Please note that we are amenable to the reasonable redaction of personal identifying information such as full



name, full date of birth, full residential address, and any other sensitive information that may be traceable to a specific individual.

If your office does not maintain certain requested public records, please let us know who does and include the proper custodian's name and address. We prefer to receive copies of all records electronically, so long as the records are legible. Please send all responsive documents via email to president@naacpva.org, and please copy the individuals listed in the cc section of this request. Consistent with the Act, we are prepared to pay for the actual cost of collection and copying the requested records, and ask that you provide an estimate of such costs, should they exceed \$200, in advance of supplying the requested records.

Consistent with the Act, your office must respond to this request within five (5) working days beginning the day after receipt. If it is logistically impossible for you to fully respond to this request within the five-day period, your office must state this in writing and explain the circumstances necessitating an extension of no more than seven (7) additional working days to fully respond.

Thank you for your attention and cooperation with this request.

Sincerely,

A handwritten signature in cursive script that reads "Robert N. Barnette Jr.".

Robert N. Barnette Jr.
President
Virginia State Conference NAACP
president@naacpva.org

cc: N. Thomas Connally (tom.connally@hoganlovells.com)
Jay Jones (jay.jones@hoganlovells.com)
Ezra Rosenberg (erosenberg@lawyerscommittee.org)
Ryan Snow (rsnow@lawyerscommittee.org)
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