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### **Advocate Capitol News Bureau**

#### **House panel hears nondisclosure bill**

By MARSHA SHULER

May 20, 2009

A House panel heard testimony then delayed action Tuesday on a bill aimed at keeping secret the results of certain law enforcement internal affairs investigations.

The House and Governmental Affairs committee ran out of time as the 2 p.m. hour approached with the full House scheduled to start its session.

Opponents urged the panel to kill House Bill 311 and thereby let stand a recent court decision. HB311 would pass a new law that undermines the court decision and closes off records.

Proponents said the court ruling goes too far and the potential for disclosure could impede internal affairs investigations when officers have been accused of misconduct.

The Louisiana Supreme Court let a 1st Circuit Court of Appeal ruling stand that would permit disclosure of internal affairs records in cases where police officers, sheriff's deputies and other law enforcement officials have been subject to disciplinary action.

HB311 would allow public access only in cases where the officer has been suspended more than 45 days or terminated, or is facing criminal prosecution. During debate, the committee amended the bill to require public records in cases where there have been suspensions of 15 days or more.

The recent court decision involves a 2006 public records request made by The Advocate reporter Kimberly Vetter for release of closed investigative files of five Baton Rouge police officers who came under scrutiny and allegations of "brutality and excessive force" in the wake of Hurricane Katrina.

The complaints were made by officers of the New Mexico and Michigan State Police who were assigned to post-disaster patrols with local police.

The 1st Circuit ordered the Baton Rouge police to turn over the records.

HB311 sponsor state Rep. Bodi White, R-Central, said there are lots of reasons why law enforcement officers can be disciplined and most don't rise to the level where they should be made public.

White said only the most serious offenses that draw suspensions of 45 days or more should be made publicly available. White said good defense lawyers could use information in court to impugn the testimony of law enforcement officers because they, for instance, "are going to know I was suspended for mishandling evidence."

Police lawyer Daniel Avant said the potential for full disclosure of all internal affairs files would have a devastating effect "on the proper conduct of an internal affairs investigation. &hellip; We need to be able to get to the truth."

Law enforcement agencies and unions lined up to support the measure.

Opposing the legislation were The Advocate, the Louisiana Press Association, **Citizens for 1 Greater New Orleans**, the New Orleans Crime Coalition, the Business Council of New Orleans and River Region, the Louisiana Association of Criminal Defense Lawyers and the Safe Streets Strong Communities Coalition.

Carl Redman, executive editor of The Advocate, said the newspaper received letters that spelled out the disciplinary action taken against the five police officers "but did not spell out what the police officers did to precipitate that action."

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