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Editorial: Protect Louisianians' right to access public records

May 12, 2009

For decades, Louisiana's open records law has let the public examine records of internal probes and complaints against law enforcement officers.

Now state Rep. Mack "Bodi" White of Denham Springs has filed House Bill 311 to limit that right -- and lawmakers should reject the measure.

The bill would create a new exception in the open records law to shield documents related to internal investigations of local and state law enforcement agencies. The only records that would remain public would be those in cases in which an officer is suspended for at least 45 days, terminated or criminally charged.

Such an exception would serve no public purpose and is clearly unnecessary. The records of internal investigations have been public for decades without hampering the functions and effectiveness of law enforcement agencies.

Other critics of the bill, including **Citizens for 1 Greater New Orleans** and the Louisiana Press Association, which includes The Times-Picayune, argue that the exception would negatively impact independent police monitors like the one created in New Orleans. That's because without access to internal investigation records, the monitors would be unable to analyze or inform the public about trends regarding the conduct of police officers.

Analysis using other public records has helped improve the efficiency of state courts in New Orleans and Jefferson Parish and has shown that the New Orleans Police Department uses excessive resources arresting people on minor violations. Similar examinations regarding the conduct of police officers would be impossible if most internal investigations were to remain secret.

Rep. White's proposal comes as police unions in New Orleans are appealing a decision by Orleans Civil District Judge Robin Giarrusso that internal investigation records sought by The Times-Picayune are public and must be turned over. It is their right to appeal a ruling in court.

Lawmakers should not limit the public's right to access these records in order to give the unions what they have not been able to achieve in court. The records have been public for decades -- and that's how they ought to remain.