

CITY OF NEW ORLEANS

ED QUATREVAUX, INSPECTOR GENERAL



April 25, 2014

Dear Members of the Orleans Delegation:

I am writing to express my strong opposition to HB 430, which is set to be considered in the House and Governmental Affairs Committee on April 29. This bill seeks to amend La. R.S. 44:11 to add an exclusion for virtually all personnel records of all law enforcement personnel in the State of Louisiana.

HB 430 would have the effect of hiding from the public the entire personnel files of law enforcement officers, including any disciplinary actions pertaining to their acts as public servants. The amendment is extremely broad, and allows law enforcement agencies to “exclude from disclosure any employment related information that will identify a particular employee.”

There is no dispute that law enforcement should have privacy protection that shields their home addresses and other personal information to maintain their safety. But that’s already the law. Do not be misled into believing that this bill is about protecting the safety of law enforcement personnel. (For testimony from a veteran law enforcement official from the Attorney General’s office on this issue, please listen to the House Judiciary Committee meeting of April 25, 2013, regarding HB 244, at minutes 21-28). La. R.S. 44:11 already gives legitimate privacy protection to all public servants, and shields their home address, telephone number, social security number, financial institution direct deposit information, and all medical/health information.

I am extremely concerned because this proposed amendment will be a de facto veil of secrecy over the entirety of law enforcement personnel files, including completed internal affairs investigations. Law enforcement personnel, including police officers, are public servants. They, and all other public servants, are subject to public scrutiny of their job performance. When an officer is investigated by his peers, that investigation (once closed) should be open to the public.

In 2008, the Louisiana 1st Circuit Court stated that “Although police officers may have a legitimate privacy interest in certain narrowly circumscribed portions of files concerning their off-duty, private conduct, **they do not enjoy a reasonable expectation of privacy with respect to records concerning only how they discharge their official duties.**” City of Baton Rouge v. Capital City Press, 4 So.3d 807 (La. App. 1st Cir, 2008) @ 821, FN 19.

Almost every year since this 1st Circuit decision, bills have been introduced to reverse it (2013 - HB 244; 2012 - HB 1012; 2010 - SB 280; 2009 - HB 311) and to prevent the public from knowing about officers’ public, on-the-job activity.

I vigorously oppose this bill which limits the transparency of the public employment activity of public employees, and I urge you to vote against it.

Please do not hesitate to contact me with any questions. A representative from this office will be at the House and Governmental Affairs Committee on April 29.



E.R. Quatrevaux

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