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March 8, 2006

BY TELECOPIER 1-318-624-1356
AND BY REGULAR MAIL

Honorable Anthony Smith
Chief
HAYNESVILLE POLICE DEPARTMENT
111 1st E Street
Haynesville, LA 71038

**RE: Public records request of Susan T. Herring, Editor of *The Guardian Journal*, regarding initial police reports.
File No. 0464/002 #052**

Dear Honorable Chief Smith:

We provide general counsel services to the Louisiana Press Association and have been asked to contact you regarding the recent letters dated January 17 and February 3, from Ms. Susan T. Herring, Editor of *The Guardian-Journal* (see attached letters), wherein she requested certain public records. The two letters requested copies of initial reports for several recent arrests and referenced the specific public records law requiring your department's release of the initial reports (La. R.S. 44:3[4][a.]). This law lists the information that should be included in the initial reports.

The general law regarding public records request is as follows: unless specifically provided for otherwise by explicit exception, "[A]ny person of the age of majority may inspect, copy or reproduce or obtain a reproduction of any public record." (La.R.S. 44:31). If a question exists whether the requested record is legally available to the public, the custodian of the record must make a written determination within 3 days of the request. (La.R.S. 44:32).

It is our understanding that you have informed Ms. Herring of, and/or instituted, a policy of making the initial police reports available to the public upon request, but only at a set day and time per week. Such policy is in violation of the public records law. A requested record must be made available immediately, if available; and if not, the custodian must certify in writing that it is not available and set a date and time for it to be available within three (3) days of the request.

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(La.R.S. 44:33). The burden is upon your office to explain why the initial reports are not immediately available.

Lastly, as referenced in the letter sent by Mr. James R. Hatch, Assistant District Attorney of the 2nd Judicial District of Louisiana, La. R.S. 44:35 provides for enforcement of a public records request. If a request is denied, either by a final determination of the custodian, or five (5) days after the request is not satisfied, the person seeking the public record may institute legal action to enforce the right to access the public record, including the right to attorney's fees and damages, if successful.

The initial reports requested by Ms. Herring are indeed public records and it has been more than five (5) days since they were requested. The law clearly requires your office to release the initial reports to Ms. Herring immediately and to release any and all future initial reports requested by Ms. Herring in a timely fashion. We trust you will comply with her requests and the law and that no legal action will be necessary to enforce her statutory rights.

Should you have any questions regarding this matter, contact me or have the police department contact me. Thank you for your cooperation.

Sincerely yours,



David A. Woolridge, Jr.

DAWjr:cgm

cc: Ms. Pam Mitchell-Wagner
Ms. Susan T. Herring, by telecopier only, 1-318-927-3542