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Commentary

The Public Affairs Research Council of Louisiana

Sunshine Week

A Time to Recognize Progress and New Challenges

The Public Affairs Research Council of Louisiana invites the media, public officials and all citizens to recognize Sunshine Week, the nationally observed occasion to raise awareness about the importance of public access to government information. While tax reform, health care, transportation and prison populations are among the many topics worthy of our attention in these changing times, we would do well this week to reflect on the underlying principles and fundamental practices that make government accountable to the people. Transparency allows an informed public discussion about these policy issues. PAR takes this opportunity to value sunshine and open governance, to gauge recent changes in law and leadership, and to address the immediate challenges ahead.

Louisiana has sound fundamental laws for public records and open meetings that recognize our state constitutional right to review documents and observe meetings of public bodies. Exceptions to these open governance laws should be kept reasonable, and government officials should not be allowed to stretch the rules to deny public access. Also, we should keep in mind that open governance comes in many forms, particularly when the public needs to know how decisions are made. For example, over the decades, state fiscal matters have become more transparent, especially with the adoption of PAR recommendations such as consensus revenue forecasting and the creation of the Legislature's oversight offices.

In 2008, positive advances in transparency resulted in better disclosures of public officials' business finances and contracting interests. Easily accessible information on government contractors and other public activities were established on state web sites. The state required more thorough disclosure of lobbying activities and placed limits on wining and dining of legislators.

Four years ago, PAR launched a Sunshine Headquarters on its website. This portal continues to provide education about public records, open meetings and campaign finance reporting in Louisiana. Two years ago, PAR called upon each gubernatorial candidate to pledge that, if elected, he would set an example from the top down by becoming a champion for open government. At that time, PAR also identified serious problems with the governor's public records law and the abuse of exceptions.

We have come a long way. Ten years ago, nearly all records of the governor's office were off limits to the public. Compared to other states, Louisiana had perhaps the most secretive shell covering a governor's documentation. After changes in 2009 and extensive revisions to the law that took effect last year, the Louisiana governor's office now is one of the most open in the nation for a state chief executive. Furthermore, a number of legislators from both political parties have acknowledged that the admin-

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istration of Gov. John Bel Edwards has conducted a more transparent budgetary process and open dialogue on fiscal matters than his predecessor.

What lies ahead? While we must always be vigilant about abuses and new exceptions to our state open governance laws, three points are timely at this stage for Louisiana.

1. In his talk and his walk, the governor must set an example by championing government transparency and public access. His statements and actions will affect all state agencies and will influence the behavior of commissions, local governments and other public bodies. Positive signs have been seen so far on this front.
2. Various stakeholders have been participating in a dialogue to review the open records law and recommend changes. The Louisiana Municipal Association has taken the lead with an inclusive process that has involved state and local government representatives, the media and others with expertise, including PAR. The discussions have considered ways to modernize and clarify existing statutes as well as the potential implementation of a public records “ombudsman” or a voluntary mediation process to allow citizens an avenue to settle a dispute without the need for filing suit. If a consensus can be reached that strengthens and clarifies the law, and no regressive amendments are adopted in the process, then this effort could bear fruit with better public policy. Any legislation should be monitored closely.
3. Law enforcement body-worn cameras are a trend with significant opportunities and also potential costs. These cameras raise important questions for communities or state agencies that wish to employ them. They

affect policing, safety, government transparency, public accountability, privacy, politics, public relations, technology, litigation and government budgeting. Their use creates a new workplace environment for the troopers, police officers or deputies who wear them, which is an important consideration for agencies seeking to recruit and retain a quality force. Louisiana’s constitutional law for open records favors the public’s right to access and remains a good foundation as a durable guideline even as the technology environment evolves. Balancing that, Louisiana’s statutes contain exceptions, many of which are reasonable in light of privacy, security concerns and criminal investigations. State agencies and local governments must operate under these legal parameters. If body-worn camera videos subject to public access laws pose a great burden in terms of costs, employee morale and citizen privacy concerns, then the decision of whether to deploy them should incorporate those considerations.

Sunshine Week runs through March 18. For more information about Louisiana’s sunshine laws, check out PAR’s Sunshine Headquarters portal, which can be found on our website, www.parlouisiana.org. For more about Sunshine Week across the nation, go to sunshineweek.rcfp.org.

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The Public Affairs Research Council of Louisiana is a non-partisan, non-profit organization founded in 1950. PAR’s mission is to be an independent voice, offering solutions to critical issues for the betterment of our state through accurate, objective research and focusing public attention on those solutions. If you would like to support PAR’s work, please contact us at 225-926-8414 or visit us at www.parlouisiana.org.

