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January 28, 2022

Marlin Gusman  
Sheriff, Parish of Orleans  
2800 Perdido Street  
New Orleans, Louisiana 70119

Email: [MNGUSMAN@opso.gov](mailto:MNGUSMAN@opso.gov)

Re: Public Records Act/Retention of Records

Dear Marlin:

I have been requested by Susan Hutson, sheriff-elect for the Parish of Orleans, to address this letter to you pertaining to the Public Records Act, La. R.S. 44:1, *et seq.*, more particularly, R.S. 44:411 relating to the retention of public records. Essentially, sheriff-elect Hutson requests that you maintain and preserve those documents designated as public records pursuant to R.S. 44:411.

Pursuant to R.S. 44:402(4) public records means:

(4) . . . all documents, papers, letters, book, drawings, maps, plats, photographs, magnetic or optical media, microfilm, microphotograph, motion picture film, or other document or any other material, regardless of physical form or characteristic, generated or received under law or in connection with the transaction of official business, or preserved by an agency or political subdivision because of other informational or legal value. This term shall not be construed to include library and museum material developed or acquired and preserved solely for reference or exhibition purposes, extra copies maintained for convenience in reference or stocks of standard publications, or processed documents.

As set forth in R.S. 44:402(5), records maintained by the sheriff's office come within the ambit of the Public Records Act:

(5) 'Agency' means any state, parish, and municipal office, department, division, board, bureau, commission, authority, or other separate unit of state, parish or municipal government created or established by the constitution, law, resolution, proclamation, or ordinance.

Respective to these records, the sheriff's office is required to provide the state archivist with a Records Retention Schedule, setting forth "schedules proposing the length of time each . . . record series warrants retention for administrative, legal, or fiscal purposes after it has been created and received by the agency." R.S. 44:411(1).<sup>1</sup> Regarding records no longer required for those purposes, the agency is required to provide the archivist a list of such records no longer requiring retention, requesting authorization to dispose them. R.S. 44:411(1). According to this provision, no public record can be disposed of absent (a) a request to do so, and (b) authorization by the archivist.

To effectuate the records retention policy mandated by state law, the sheriff's office is required to "designate annually a records officer to act as liaison between the division and the agency on all matters relating to records management." R.S. 44:411(c).

Sheriff-elect Hutson becomes Sheriff Hutson on May 2, 2022. Pursuant to this letter, she is respectfully requesting that you maintain, retain and preserve any and all records deemed to be public records pursuant to R.S. 44:402(4), particularly those for which your office has not been authorized to dispose of them by the archivist, as mandated by R.S. 44:411(1). To facilitate discussion relative to this matter, please provide the name and contact information for the liaison required by R.S. 44:411(c).

Sheriff-elect Hutson desires a smooth and orderly transition of power, which, without a doubt, is also your desire and that of the citizens of Orleans Parish. To facilitate that goal and allow her to be up and running on May 2, 2022, the date on which she takes office, it is requested that, pursuant to the R.S. § 44.1, *et seq.*, you or your designee, as the Official Custodian of Records for the Orleans Parish Sheriff Office, provide her with any and all (1) **contracts**, **proposed contracts or agreements** (whether current, pending, expired or terminated) (2) **policies**, (3) **procedures**, (4) **written orders**, and (5) any associated **correspondence or emails** related to but not limited to the following subject matters:

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<sup>1</sup> The sheriff's office is required to "keep all records for the time specified in records retention schedules developed and approved by the state archivist and director of the division of archives, records management, and history of the Department of State, pursuant to R.S. 44:411." R.S. 44:36(B)

1. Human Resources
  - A. Employee hiring/recruitment
    - (1) Protocols
    - (2) Personnel staffing and budget
    - (3) Position vacancy report
    - (4) Recruitment efforts and budgetary needs
  - B. Employee retention
  - C. Organizational Chart – complete (spreadsheet is OK)
  - D. Promotion and steps
    - (1) Pay Plan
    - (2) The current career ladder/structure for rank and tenure
    - (3) Access last promotion documentation
    - (4) Leadership
  - E. Review rank structure and pay plan
2. Fiscal management
  - A. All sources of revenue
  - B. Monthly cash flow analysis
  - C. All revenue and expense accounts
  - D. Access current fiscal checks and balances - ie policies
  - E. Procurement requirements
  - F. Any financial audits, including legislative auditor for the last 4 years
  - G. Inventory controls
  - H. Property management
  - I. All contracts and vendors
3. IT Infrastructure
  - A. The major management and operating systems
  - B. Information systems collect and report
  - C. Vendors and personnel responsible for management of IT
  - D. Vendors and personnel who currently have access

- E. The architecture of the surveillance system
  - F. IT structure protection internally and externally
4. Legal
- A. Current contracts for legal services
  - B. Legal service protocols/procedures
  - C. All current pending lawsuits and settlements signed between December 11, 2021 to present
  - D. Itemization of legal fees paid between January 1, 2020 to the present
5. Accreditation process and protocols
- A. All employees certified
  - B. Any certification/accreditation for OPSO, including interim and final reports
  - C. All current operation and protocols, SOPs, and policies/procedures
6. Food service management
7. Medical and mental health treatment
8. Persons in custody, grievance resolution process and associated SOPs
9. Personal Property Management
10. Transport – (external) Court, NOPD
11. Transition and movement (internal)
12. Visitation
13. Work release program
14. Emergency operations
15. Facilities
16. Fees paid by persons in custody (video, medical, commissary, etc)

17. Intake protocols/process
18. Release protocols/processing
19. Internal Affairs and Disciplinary System for Employees
20. Refusal for certain charges or people (injured, etc)
21. Training Division
22. Classification protocols and processes
23. Contraband handling and prevention
24. The OPSO Credit Union
25. Detail System – Current structure and processes/procedures
26. Electronic Monitoring – Current structure and processes/procedures
27. Interactions with NOPD and Criminal Court – current structure and processes/procedures
28. Internal Disciplinary Process, Internal Affairs and Disciplinary System for Employees
29. Use of force (reporting, investigation process & forms)
30. Major incidents review (reporting, process, & forms)
31. All death incidents for the previous year
32. Violence handling and prevention
33. Auctions/Foreclosures
34. Evictions
35. Service of Process
36. Seizures – property

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37. Records Retention Schedule – past 5 years

To the extent that you have any objections to the production of the requested information, please provide, within three days of the date of receipt of this letter, exclusive of Saturdays, Sundays, and legal public holidays, written reasons setting forth the bases for your position. *See* R.S. 44:32(D). If you fail to object within that time period, you are required to provide the requested information within five days of the receipt of this written request, exclusive of Saturdays, Sundays, and legal holidays.

Thanks for your assistance. If you have any questions, please feel free to contact me, or have your counsel do so, via phone or email.

Sincerely,  
*Ronald L. Wilson*  
Ronald L. Wilson

RLW/dl

cc: Sheriff-elect Susan Hutson  
Blake Arcuri: arcurib@opso.us