Rockingham County Attorney Jim Reams has a list naming 20 police officers who've been cited by their chiefs as possibly having credibility problems if they were called to testify at trial.

The list is a result of 1993 case law, state of New Hampshire vs. Carl Laurie, and has come to be known as a Laurie list. In Rockingham County, said Reams, the list includes officers from Portsmouth, Exeter, Hampton Falls, Salem, Kensington, Hampstead, Windham, Kingston, Fremont, Plaistow, Nottingham, Newton and Sandown. Also included are officers from the state Liquor Commission's Enforcement Division and the state police department, he said.

By law, the officers' identities are confidential. But according to former Republican Rep. Brandon Giuda, "if there's a list kept, it's a public document."

Giuda sponsored recent legislation that amended state law RSA 105:12-b pertaining to the confidentiality of police officers' personnel files. The revised law now requires disclosure, to a defendant, all "exculpatory evidence" in an officer's personnel file.

Information about an officer caught lying is one example. Reams said another example he's seen is an officer who falsified time records.

Giuda called the revised state law "a good thing for citizens."

"I was stunned by the resistance I got from law enforcement," said Giuda, a Navy veteran and lawyer. "We didn't put a penalty in because we could barely pass the law that's already the law."

Portsmouth defense attorney Harry Starbranch described the revised state law as the "Legislature codifying what the Supreme Court already ruled." He said he's asked, on behalf of clients, if police departments have Laurie evidence and found, "they usually say, 'I don't know.'"

"Now I think there's an affirmative duty to find out," Starbranch said. "Police departments typically don't release this stuff."
Reams said he's usually the last among local law enforcers to learn the details about what landed officers on his Laurie list.

"All I get is a letter from a police chief saying there's something in a personnel file that might be disclosable under Laurie," the county attorney said.

If a case is then brought forward that involves one of the named officers, said Reams, a judge meets privately in chambers with the officer's police chief. After that, Reams said, he gets a judicial order stating what, if anything, has to be disclosed to the defense. Reams said that's the first time he sees any details.

From the list of 20 names he has, Reams said specifics involving seven of them have been reviewed by a judge. In two instances, he said, the officers were cleared when a judge ruled disclosure was irrelevant to pending court cases.

In five instances, Reams said, a judge ruled that the information had to be disclosed.

Giuda said he sponsored the new legislation after hearing that an undisclosed police chief had reported Laurie problems among the state's police departments.

Calling himself "a law and order guy," Giuda said there's "5 to 10 percent bad in every occupation." Full disclosure regarding police departments, he said, "is the right thing to do."

Reams called the Laurie law "probably the most misunderstood issue going."

"If someone is on the list," he said, "it doesn't mean they did anything wrong."

He explained the law is "prejudiced toward putting people on the list," because a failure to do so "could be catastrophic." An example of a catastrophic result, he said, could be a mistrial.

"We can't afford not to disclose, even if we think it's too trivial to put it on the list," he said.

According to the law, lists can be purged every 10 years, meaning county attorneys can next scrub their lists in 2013 — the 20th anniversary of the Supreme Court Laurie case. Reams said he knows one or more officers on his list have since left law enforcement.

By order from the state attorney general's office, Reams said he and the state's other county attorneys are barred from naming any officer on a Laurie list, but were told they can cite the police agencies that employ them.

Reams said he wouldn't hand over his list "without a judicial determination."

Starbranch said police departments "take the position that personnel files are confidential."

"But investigations don't happen in a vacuum," he said. "Not everything that affects credibility is bald face lying. There is gray area."

In spite of state law now mirroring the Laurie Supreme Court decision, Starbranch said, "I don't think much is going to change."

Similarly, Giuda cautioned, "You can still have a corrupt chief or prosecutor and you'll never know."
20 cops on list citing possible credibility issue | SeacoastOnline.com

angrynhpatriot
let me guess...you think we live in a free and open society
1 year ago 0 Likes

Richard
Who monitors courts, lawyers and their credibility?
1 year ago 0 Likes

Richard
Who monitors lawyers and their credibility?
1 year ago 0 Likes

Pete
Maine should have the same law.
1 year ago 0 Likes

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