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STATE OF LOUISIANA
MUNICIPAL POLICE SUPPLEMENTAL PAY
BOARD OF REVIEW
SPECIAL BOARD MEETING
JANUARY 12, 2011, 10:00 A.M.

BOARD MEMBERS PRESENT:

- Bry Layrisson, Chairman
- Danielle LeBoeuf
- Ternisa Hutchinson

STAFF PRESENT:

- Paul Schexnayder, Esq.
- Susan Roberts

OTHERS PRESENT:

- Robert Wertz, P.O.S.T.
- Rebecca Taylor, P.O.S.T.

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I N D E X

PAGE(S)

CALL TO ORDER

3

P.O.S.T. Firearms Qualifications

3

ADJOURN

37

1 P.O.S.T FIREARMS QUALIFICATIONS

2
3 Whereupon,

4 This special meeting of the Municipal Police Officers'
5 Supplemental Pay Board of Review was held in response to a
6 letter received from Roddy Devall, Chief, Hammond Police
7 Department in regards to firearms qualifications and State
8 supplemental pay.

9
10 **MS. ROBERTS:**

11 Does it say that you have to carry a firearm?

12 **MR. SCHEXNAYDER:**

13 Only for that one position, it says "bear arms," because
14 that's the thing, there are so many other positions that you
15 can qualify under. See, number one, says "bearing arms," so
16 you would have to.

17 **MS. LEBOEUF:**

18 And what position is that, or does it spell it out?

19 **MR. SCHEXNAYDER:**

20 That's a general position. It doesn't say anything --

21 **MS. TAYLOR:**

22 That is in you all's -- or it's the statute?

23 **MS. ROBERTS:**

24 I want to know if there is anything that says --

25 **MR. SCHEXNAYDER:**

1 There's another statute that deals with supervision, so
2 anybody who supervises, there is no "bearing arms"
3 requirement, and the next one that is another -- just a
4 general duly-commissioned law enforcement officer providing
5 necessary services --

6 **MR. WERTZ:**

7 There's a fine line there, and that's why I'm reading
8 this letter from the chief, and the fine line is, it's not
9 that P.O.S.T. requires you to carry a firearm, but if your
10 duties include the power of arrest and to carry out warrants
11 and stuff like that, then you are required by law to be
12 certified as a peace officer, unless you're like an agency
13 head, and if you are, then the P.O.S.T. Council comes right
14 behind that and says you've got to qualify with your firearms
15 once a year. You may not be carrying firearms, but a lot of
16 it depends -- I suspect, depends on the job duties, and if it
17 -- particularly like with these guys here, and ladies, with
18 this department is, what does their job description require?
19 And if it requires them to carry out duties that are similar
20 to those of a peace officer, that is, they have the power of
21 arrest, they are commissioned to do that, they can serve
22 warrants, enforce traffic laws, et cetera, if they meet that,
23 they're required by State law to be certified, and then the
24 Council requires them to be qualified with firearms. So
25 they're not necessarily off the hook just because they don't

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1 want them to carry firearms.

2 If they -- let's say, they made the decision not to carry
3 firearms, that's fine, but if they're going to remain with the
4 power to make arrests and stuff, then they're still peace
5 officers, not because they say they're not, they're still
6 peace officers the way it's stated in the law.

7 **MS. TAYLOR:**

8 By definition.

9 **MR. WERTZ:**

10 Exactly. And that's the overriding concern there.

11 So the big question I probably have for the chief, he
12 doesn't say that, but one of my questions is, because the
13 administration is not requiring them to carry a firearm,
14 okay, but are they still requiring them to have the powers of
15 a peace officer? In other words, could they -- are they
16 going to be commissioned to have the power to make arrests,
17 et cetera, et cetera, because if they are, then they are peace
18 officers, and so on. If they're not and they're not going to
19 have the power of a peace officer, then they're not a peace
20 officer.

21 **MS. LEBOEUF:**

22 Well, that may be what we can hang our hats on. I mean,
23 that may be the key depending on what he comes back with.

24 **MS. HUTCHINSON:**

25 The definition.

1 **MS. LEBOEUF:**

2 Yes, the true definition in the statute of a peace
3 officer.

4 **MR. WERTZ:**

5 Right. And just because they don't want them to carry
6 firearm doesn't let them off the hook from qualifying with
7 firearms.

8 **MS. LEBOEUF:**

9 Right.

10 **MR. WERTZ:**

11 As long as they are considered -- because they have the
12 power of arrest, given that they have those, then they've got
13 to qualify with firearms. They've got to qualify with
14 firearms even if they're not issued a firearm.

15 **MS. TAYLOR:**

16 A perfect example would be DARE officers. DARE officers
17 are not allowed to carry --

18 **MR. LAYRISSON:**

19 -- the P.O.S.T. requirement, because one of the
20 requirements is, you have to be a commissioned police officer.

21 **MS. TAYLOR:**

22 Right.

23 **MR. LAYRISSON:**

24 So, in order for supplemental pay -- if order for them to
25 qualify, first, they had to submit their training, they had to

1 send us a copy that they went to the P.O.S.T. Academy, and we
2 had to have a copy of their commission card saying they are a
3 police officer. And in the cases you're talking about where
4 you may be a communications officer and you're a civilian,
5 then you won't have that commission card.

6 **MR. WERTZ:**

7 They won't, and qualifying with firearms or not doesn't
8 matter.

9 **MS. TAYLOR:**

10 Right.

11 **MR. WERTZ:**

12 If they are commissioned, they've got to qualify with
13 somebody's firearm, and they've got to do it, that's required,
14 whether they carry one or not.

15 **MS. TAYLOR:**

16 Right. Like I said, with DARE officers, they're not
17 allowed to carry firearms in the schools, but they're still
18 peace officers. They are required to be peace officers to be
19 eligible to be DARE officers. So they still have to qualify,
20 whether they're carrying their firearm or not.

21 I think what it's going to come down to, in this
22 situation, is just because you have a position that you say,
23 as a chief, I will allow you to attend the P.O.S.T. Academy,
24 that does not mean that that position is a peace officer
25 position.

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1 **MS. LEBOEUF:**

2 Correct, correct.

3 **MS. TAYLOR:**

4 You -- and I'm not talking about this chief specifically,
5 because I don't know this guy. I'm not saying anything, you
6 know, bad against him, but what it is, is that they -- anybody
7 -- and you know, you have a turnover in communications and you
8 want to give them that carrot of that supplemental pay to keep
9 them and so you let them go to the Academy -- you commission
10 them, you let them go to the Academy so they'll stay on
11 because they'll get, you know, extra money, but there is no
12 reason for them to go because they're not doing anything --
13 their job is not the job of a peace officer. They're not --
14 you know, they don't fit the definition. The job description
15 doesn't fit the definition, and simply because they work for a
16 law enforcement agency and sign a commission, it makes them
17 eligible to attend the Academy, and just because you have a
18 P.O.S.T. certificate doesn't necessarily mean that you're
19 doing anything with it.

20 **MR. LAYRISSON:**

21 Well, in this case -- I'm not familiar with civil
22 service, but in this case, they're civil service, so their
23 position will tell you whether they are a civilian or whether
24 they are a peace officer, under their charter.

25 **MS. TAYLOR:**

1 Right. And just because they hold a P.O.S.T. certificate
2 doesn't change their job description.

3 **MR. LAYRISSON:**

4 The other point I want to bring up too is, is I don't
5 want to see employees getting punished because you make me a
6 captain, and in my civil service deal, the new chiefs
7 appointed by the mayor and he gets to pick an administrative
8 assistant, that position may not require someone to carry a
9 firearm, but you get promoted up, you should still get
10 supplemental pay at that point. And just because a job
11 description during the day may not require them to carry a
12 firearm, you know, they are still peace officers in the
13 community, so it's --

14 **MS. TAYLOR:**

15 Right, and working details and things like that, right.

16 **MR. LAYRISSON:**

17 -- they're working details and going to emergencies.
18 They're out making arrests, and -- you know, I think it all
19 falls back to, if they go to the Academy and then they have to
20 qualify every year, if the city wants to take their firearms,
21 then that's on the city and they lose their P.O.S.T.

22 **MS. TAYLOR:**

23 Right.

24 **MR. WERTZ:**

25 I just want to -- a State agency, say, supplemental pay

1 wasn't the issue, but the bottom line kept coming back to, are
2 these guys going to have the power of arrest, or do you just
3 want them to be peace officers? Well, we're commissioning
4 them, but I come right back, are they going to have the power
5 of arrest, because if they're not, then you're in a different
6 direction. That's ultimately what it got down to that --
7 that's why I said, initially, that's the fine line here. It
8 ultimately is, do they have the power of arrest and -- because
9 if they don't, they're not a peace officer. If they do,
10 whether they carry a firearm doesn't mean anything to us, as
11 Rebecca pointed out --

12 **MR. LAYRISSON:**

13 And job positions and job descriptions are going to
14 change throughout someone's career.

15 **MS. TAYLOR:**

16 Right. I agree with you.

17 **MR. LAYRISSON:**

18 But they're still a peace officer. They may be promoted
19 to an office captain.

20 **MS. TAYLOR:**

21 I completely agree with you 110 percent, just because
22 you're not carrying a gun on a daily basis does not mean that
23 you don't have to qualify with one.

24 **MR. LAYRISSON:**

25 You've got to get the P.O.S.T. training, qualifications,

1 recertification.

2 **MS. TAYLOR:**

3 Right. If that department decided to allow you to become
4 P.O.S.T. certified, then that -- you can't just do pieces and
5 parts. You've got to do the whole -- if you want the
6 certification, you want the supplemental pay, then you have to
7 meet all of the requirements of P.O.S.T., regardless of what
8 your daily duties are. Is that what you're saying?

9 **MR. LAYRISSON:**

10 That's what I'm saying.

11 **MS. TAYLOR:**

12 Yes. I agree with you.

13 **MR. WERTZ:**

14 And that is what we told the chiefs, as well, who would
15 go through -- they're not required by law to be -- because
16 they are the head of an agency, they're not required to be
17 P.O.S.T. certified, but for supplemental pay purposes --

18 **MS. TAYLOR:**

19 It's a requirement.

20 **MR. WERTZ:**

21 -- it's a requirement, and they go through the Academy.
22 Well, we've told them, if you're doing that, you've still got
23 to qualify with a firearms, as well, as a chief to maintain --
24 if you want to maintain your certification.

25 **MR. LAYRISSON:**

1 I'm shocked that you all don't have that enforcement.
2 I'm walking in here today, and I'm shocked that if I don't
3 qualify with my firearm, you can't take my supplemental pay.
4 I'm just --

5 **MR. WERTZ:**

6 It's not an issue --

7 **MS. TAYLOR:**

8 We can't even take your P.O.S.T. certification.

9 **MS. LEBOEUF:**

10 Yes. If they can't take your P.O.S.T. certification, we
11 can't take stop your supplemental pay, right?

12 **MR. WERTZ:**

13 We can't take your certification. All we do is say, the
14 certification, as a chief, it's still valid because you've met
15 all of the requirements that the P.O.S.T. Council has laid
16 out, that's all.

17 **MS. TAYLOR:**

18 The only thing that we ever really can kind of pass along
19 is, you know, this whole idea of vicarious liability, that's
20 the only thing we can do. If we're made aware of a department
21 that is not meeting the requirements for firearms
22 qualifications, then we have a P.O.S.T. Council member, like,
23 you know, one of their, you know, counterparts or a Sheriff or
24 a chief or a D.A. calling them up and go, look, we understand
25 that we can't pull their certification, we can't affect their

1 supplemental pay, but you're opening yourself up to liability
2 if these people are not qualifying, because you're operating
3 outside of the law, period, and that's the only thing we can
4 do now, that's all we can do.

5 **MR. LAYRISSON:**

6 We need to change some legislation. If we can try to get
7 into their pocket, they --

8 **MS. TAYLOR:**

9 Yes.

10 **MR. WERTZ:**

11 And we've had one or two of them tell us that the
12 insurance companies now are smart enough. They're starting to
13 check a lot of the departments, and if they're certified, it's
14 like --

15 **MS. LEBOEUF:**

16 Do they not even ask their own attorneys?

17 **MR. WERTZ:**

18 Well, they don't want to -- the insurance companies to
19 check them, because they don't want to -- you know, if someone
20 writes the coverage and find out they're delinquent, and then
21 they're exposed and they're vulnerable to some high payout.
22 In the past, they may have looked the other way, not
23 necessarily anymore.

24 **MS. ROBERTS:**

25 This isn't just a few people. We are getting lots of

1 phone calls for these people who cannot requalify. I don't --
2 and I'm putting them in positions. They are taking their guns
3 from them, and they're putting them at the desk. I have two
4 from Lake Charles right now.

5 **MR. LAYRISSON:**

6 If you can't requalify, you should not get supplemental
7 pay, and this is coming from a police chief, and I know there
8 are ones out there trying to --

9 **MS. LEBOEUF:**

10 Yes.

11 **MR. LAYRISSON:**

12 -- do -- but if you cannot requalify every year with a
13 firearm, in my opinion, you're out, no discussion.

14 **MS. LEBOEUF:**

15 I'm with you.

16 (Off-the-record discussion.)

17 **MS. TAYLOR:**

18 We have a couple of departments that are -- annual
19 required, they have to bring all of their stuff with them.
20 They say, if you don't pass your qualification, you go home in
21 your underwear, yes, until you can get qualified, which that's
22 what we like to hear, that's what we want, but that's not the
23 majority.

24 **MR. WERTZ:**

25 No. It's the risk part, the insurance, that's the part

1 that's --

2 **MS. ROBERTS:**

3 I don't think the little towns care, do you?

4 **MS. TAYLOR:**

5 Some of them do, and some of them don't, to tell you the
6 truth, and, I mean, it depends on whether the chief is elected
7 or appointed.

8 **MS. ROBERTS:**

9 And they're wanting to get the \$500. You would not
10 believe the calls I get wanting to know -- okay. They will
11 ask me, okay, I have to get P.O.S.T. certified, and once I get
12 P.O.S.T. certified, I get my money, and -- can I go to another
13 position? They will straight up ask me that, can I go to a
14 desk, can I go to this? I mean, it's unreal. They just want
15 the money, the \$500.

16 **MS. LEBOEUF:**

17 Yes.

18 **MS. ROBERTS:**

19 Can I work 20 hours a week? It's all unbelievable.

20 **MS. TAYLOR:**

21 And we get the same thing on our end, people wanting
22 waivers of all of our requirements just so they can get
23 supplemental pay.

24 **MR. WERTZ:**

25 And the P.O.S.T. Council is pretty clear about whether

1 it's full-time, because they don't have -- there is no control
2 over reserves or part-timers as far as the P.O.S.T. Council is
3 concerned, except to the extent of qualification of firearms,
4 because the law was changed to require that everybody get
5 firearms qualified. And so when there is any doubt, the
6 Council in the past has asked for a copy of their pay stub to
7 determine whether they were full or part-time.

8 **MS. ROBERTS:**

9 What do you all consider full-time?

10 **MS. TAYLOR:**

11 We don't define it.

12 **MS. ROBERTS:**

13 Okay. Because --

14 **MS. TAYLOR:**

15 We don't define it. The departments define it.

16 **MR. WERTZ:**

17 It's however the --

18 **MS. TAYLOR:**

19 However they classify them, we accept it.

20 **MS. ROBERTS:**

21 Okay. Well, I talked to a town this morning who was
22 trying to get supplemental pay, and they basically told me
23 that, we have a guy that is -- he's going to school and he
24 comes in. Sometimes he works 40 hours a month or 60 or
25 whatever.

1 I said, he has to be considered a full-time, paid
2 employee. They said, oh, he has to be paid? They're wanting
3 to get \$500 for this guy.

4 **MS. LEBOEUF:**

5 Would you, please, read the statute?

6 **MR. LAYRISSON:**

7 Are they going to give the guy \$500, or they just want
8 the \$500 --

9 **MS. ROBERTS:**

10 They want us to -- they wanted us to pay him supplemental
11 pay, but they weren't paying him. I said, first of all, he's
12 has to make minimum wage.

13 **MR. LAYRISSON:**

14 If he's not being paid, then there's nothing to
15 supplement.

16 **MS. HUTCHINSON:**

17 Yes.

18 **MS. LEBOEUF:**

19 Exactly.

20 **MS. ROBERTS:**

21 They --

22 (Off-the-record discussion.)

23 **MS. LEBOEUF:**

24 I think we're back to square one. I don't --

25 **MR. LAYRISSON:**

1 I know I am brand new, but the very first question on
2 this one from Hammond -- communications officers and
3 corrections officers that are P.O.S.T. certified and carry
4 firearms, you know -- fails to qualify with their firearm
5 annually, does this effect -- absolutely. No matter what a
6 position, in my opinion, if they don't qualify annually,
7 they're not eligible.

8 **MS. TAYLOR:**

9 And that's a decision that you all have to make,
10 regardless of what --

11 **MR. SCHEXNAYDER:**

12 The law says "P.O.S.T. certified," and they're saying
13 they're still P.O.S.T. certified, so we don't have the
14 authority to take it away.

15 **MS. LEBOEUF:**

16 Exactly, that's where we are.

17 **MR. LAYRISSON:**

18 I would argue that they're not P.O.S.T. certified if
19 they're not qualified annually. They may have received their
20 certificate, they may have been P.O.S.T. certified at one
21 time, but is their certificate valid?

22 **MS. TAYLOR:**

23 Yes. We don't have the authority to say that a P.O.S.T.
24 certificate is invalid simply because they have not
25 successfully qualified with firearms. The only time that we

1 will say a certificate is invalid is if they have had more
2 than a five-year break in service, that's the only time we
3 will become involved, as of now.

4 **MS. ROBERTS:**

5 So, basically, they're staying in these same positions,
6 they're just taking their guns away from them, and letting
7 them do whatever without a gun?

8 **MR. SCHEXNAYDER:**

9 It says, we're considering that, and then when he
10 followed up with his answer, he just gives us a whole bunch of
11 positions, and he doesn't --

12 **MS. LEBOEUF:**

13 It's a bunch of ca-ca.

14 **MR. SCHEXNAYDER:**

15 So now we've got to bring them in and ask them more
16 questions.

17 **MS. LEBOEUF:**

18 Yes.

19 **MR. TAYLOR:**

20 Is it that they can't qualify; is that why he's wanting
21 to do this, is because they're not -- are they not shooting
22 the minimum score?

23 **MS. ROBERTS:**

24 They can't pass.

25 Do they do their own training; does Hammond --

1 **MS. TAYLOR:**

2 Yes.

3 **MS. ROBERTS:**

4 And obviously, they're -- this Glen Hauck (phonetic), I
5 think he's the person I've been talking to. I don't know if
6 he knows they can't pass, that's what I'm gathering.

7 **MS. LEBOEUF:**

8 Well, they passed it once. Why can't they pass it again?

9 **MS. TAYLOR:**

10 Well, they've passed it more than once. In the Academy,
11 they have probably -- Hammond probably got right at 80 to 100
12 hours in firearms training in the Academy, and in the Academy,
13 they have to qualify four times to be able to -- to even be
14 eligible to take a test.

15 **MS. LEBOEUF:**

16 And do you qualify them again, or do you use that --

17 **MS. TAYLOR:**

18 We have firearms instructors who have to qualify them
19 every year.

20 **MS. LEBOEUF:**

21 Right. So they qualify again with you before you issue
22 their certification?

23 **MS. TAYLOR:**

24 Oh, yes. They qualify with the firearms instructors,
25 they report that. We issue a card to every officer every

1 year. And Hammond has got --

2 **MS. LEBOEUF:**

3 Well, it could be years before they start qualifying for
4 all we know.

5 **MR. TAYLOR:**

6 I know Hammond has firearm instructors, Terry LeGuedo
7 (phonetic) and Brad McCormick.

8 **MS. ROBERTS:**

9 Once they pass the first time, the next time they have to
10 pass again is in a year?

11 **MS. TAYLOR:**

12 Uh-huh.

13 **MR. LAYRISSON:**

14 Within 13 months. That's what I'm saying, the
15 legislation or whatever we've got to get passed, it's got to
16 say, if you don't requalify in 13 months, you're not eligible
17 -- your P.O.S.T. certificate is invalid and you're not
18 eligible for supplemental pay, that would alleviate a lot of
19 these problems.

20 **MS. ROBERTS:**

21 Right.

22 **MS. LEBOEUF:**

23 Are you going as far as saying that, the 13 months, and
24 if you're not, your P.O.S.T. certification is --

25 **MS. TAYLOR:**

1 On July 1st, all the 13 months is going to do is their
2 firearms qualifications will be invalid, and what the 30-day
3 grace period means for them, as long as they qualify every
4 year, they just have to go out and shoot the course one time
5 and meet the minimum score or better.

6 **MS. LEBOEUF:**

7 Right, right.

8 **MS. TAYLOR:**

9 If they go over 13 months, if they go past, you know, 13
10 months since their last shot, then they have to complete
11 further training. They have to go through classroom and shoot
12 the course four times. It's a whole --

13 **MS. LEBOEUF:**

14 Until the Council says that your P.O.S.T. certification
15 is invalid --

16 **MS. TAYLOR:**

17 Because you have not qualified --

18 **MS. LEBOEUF:**

19 -- then we can't do anything.

20 **MR. LAYRISSON:**

21 Right now, we might have a 20-year veteran who hasn't
22 qualified in 19 years and is still getting supplemental pay.

23 **MS. LEBOEUF:**

24 That's right, that's correct.

25 **MS. TAYLOR:**

1 I guarantee you, you have that.

2 **MS. LEBOEUF:**

3 I feel certain, but if you don't have the power to say --
4 to --

5 **MS. TAYLOR:**

6 They have the power. They just haven't done it yet.

7 **MS. LEBOEUF:**

8 Well, yes, but there's nothing in statute or in law that
9 says, if you don't pass a piece of this, your P.O.S.T.
10 certification becomes invalid, so, therefore, you pull it --

11 **MS. TAYLOR:**

12 No, no. Title 22 is the only thing that states -- the
13 only thing that causes your certification to become invalid is
14 a more than five-year break in service.

15 **MS. LEBOEUF:**

16 Yes.

17 **MS. ROBERTS:**

18 But you all keep -- you said you do keep a list of who is
19 not current with firearms?

20 **MS. TAYLOR:**

21 You can call me and give me somebody's name, and I can
22 tell you whether or not they're qualified.

23 **MS. ROBERTS:**

24 Do you think there's many people who are out there that
25 aren't?

1 **MS. TAYLOR:**

2 There is not as many as there used to be because of you
3 all and Ms. Brenda over at the Sheriff's place cracking down
4 on these and checking on it. You all are getting more -- you
5 know, it's not just this -- when I first came into P.O.S.T.,
6 it was just a signature and that was enough, you know. It's
7 not that way anymore, and so I think it's getting better.
8 It's getting better, and the -- it's not going to take but one
9 big, fat lawsuit to fix all of it.

10 **MS. LEBOEUF:**

11 We don't want to be in the middle of a lawsuit.

12 **MR. SCHEXNAYDER:**

13 We won't have -- we're just doing --

14 **MS. LEBOEUF:**

15 You're right, but if we say no -- well, if we say no,
16 it's on Hammond. I mean, if we say -- I don't know what we
17 can say.

18 **MR. SCHEXNAYDER:**

19 All we can say is supplemental pay is going to continue
20 to be paid, unless we find out their P.O.S.T. certifications
21 are invalid.

22 **MS. LEBOEUF:**

23 Yes. I don't think we can say any more than that.

24 **MR. SCHEXNAYDER:**

25 No. His second sentence about considering taking away

1 firearms, he didn't follow that up with a response.

2 **MS. LEBOEUF:**

3 No, he did not. He did not.

4 **MR. LAYRISSON:**

5 Can we not say that P.O.S.T. requires that you recertify
6 within that 18-month period, if you don't requalify, you may
7 not be eligible? I mean, we can't say we're going to stop
8 your pay, but I don't think we should just tell them yes.

9 **MR. SCHEXNAYDER:**

10 Well, you're going out on a limb.

11 **MR. LAYRISSON:**

12 We can state the law without telling them we don't have a
13 way to enforce it, maybe that would help encourage the chief
14 in his decision. Like you said, he hasn't made a decision,
15 yet --

16 **MS. TAYLOR:**

17 I mean, you can tell him what you're going to tell them,
18 and then follow it up with, you know, P.O.S.T. certified
19 officers are required -- I mean, I don't know.

20 **MS. LEBOEUF:**

21 Has that ever come up on the Sheriff's, where they wanted
22 to take away their firearms?

23 **MS. HUTCHINSON:**

24 I don't know.

25 **MR. LAYRISSON:**

1 I have an employee now who is a communications officer
2 who is scheduled to retire in April with 25 years. I promise
3 you, she hasn't shot in 24 years. Now, she -- and I don't
4 even think she went to P.O.S.T. --

5 **MS. ROBERTS:**

6 She was grandfathered in?

7 **MR. LAYRISSON:**

8 -- was grandfathered in.

9 **MS. ROBERTS:**

10 Do the grandfather people, do they have to qualify?

11 **MS. TAYLOR:**

12 Who?

13 **MS. ROBERTS:**

14 The grandfather people?

15 **MS. TAYLOR:**

16 Yes. Grandfather has the same rights, privileges,
17 requirements, everything.

18 **MR. WERTZ:**

19 They have to.

20 **MS. TAYLOR:**

21 Yes. I mean, that's in Title 40 and Title 22.

22 **MR. LAYRISSON:**

23 So what do you say, Mr. Paul?

24 **MR. SCHEXNAYDER:**

25 I say we bring them in, talk to them.

1 (Off-the-record discussion.)

2 **MS. TAYLOR:**

3 I can tell you all, from my experience, our firearms
4 instructors -- or Louisiana P.O.S.T. firearms instructors, are
5 very highly trained in their skills, and I know Louisiana is
6 on the bottom of a lot of lists, but firearms qualifications
7 is not one of them. It is not one of them. Our firearms
8 instructors have to meet extremely high standards. They have
9 to stay at that standard every year. I mean, they requalify
10 -- it's two days of training and shooting that they do to
11 requalify, so I know that they know what they're doing.

12 And in this particular instance, they have P.O.S.T.
13 firearms instructors who are -- they have one I know that has
14 been a firearms instructor for 10-plus years, and Southeastern
15 has firearms instructors. So, I mean, right there, they've
16 got -- I don't know why they would have an employee that
17 couldn't requalify.

18 **MS. LEBOEUF:**

19 Yes, I know what you're saying.

20 **MS. TAYLOR:**

21 From what I know about my firearms instructors, we have
22 524 of them in the state, and from what I know about the
23 training that we give them, they can get it to the point where
24 somebody can qualify, and if they qualified in the Academy,
25 they can qualify every year.

1 **MR. LAYRISSON:**

2 Yes, but I guarantee you some of these haven't been to
3 the Academy in 20 years, and I bet that what has happened on
4 some of these on this list can't qualify anymore.

5 **MS. LEBOEUF:**

6 Yes.

7 **MR. LAYRISSON:**

8 And the ones that are qualifying are raising cane --

9 **MS. LEBOEUF:**

10 Probably.

11 **MR. LAYRISSON:**

12 -- why do we have to qualify and --

13 **MS. LEBOEUF:**

14 And they don't.

15 **MR. LAYRISSON:**

16 -- they don't, and they're still getting their pay.

17 **MS. LEBOEUF:**

18 Yes.

19 **MR. LAYRISSON:**

20 And then the chief can save thousands of dollars because
21 all of these don't have to shoot. They don't have to buy new
22 guns because they can give all of these guns to the new hires.

23 **MS. LEBOEUF:**

24 It will be interesting to see what he has to say, but he
25 doesn't have to bring all these people with him, not all these

1 people anyway.

2 **MS. ROBERTS:**

3 I think it will be just Chief Devall and Lieutenant
4 Hauck, are the two that I've been communicating with.

5 **MS. LEBOEUF:**

6 Okay. So do we tell them just to come to the meeting and
7 we have our questions we want to have answered, or do we send
8 a letter and say --

9 (Off-the-record discussion.)

10 **MS. HUTCHINSON:**

11 In our guidelines, we can't just say that -- like in our
12 guidelines, we can't like just be specific and say that, if
13 you don't pass firearms, as one of our guidelines, we don't
14 consider you eligible for supplemental pay?

15 **MS. TAYLOR:**

16 That's what I talked to Chief LeDuff about, is that,
17 until we have that requirement, your Board and you all set
18 your own list of requirements to receive supplemental pay, and
19 if P.O.S.T. certification is one of those requirements,
20 P.O.S.T. firearms qualifications can be another one of those
21 requirements, and you just add it to your list.

22 **MS. LEBOEUF:**

23 We could do that.

24 **MR. SCHEXNAYDER:**

25 But you'd have to do it by statute.

1 **MS. LEBOEUF:**

2 I know that, but it could --

3 **MS. TAYLOR:**

4 We don't have anything to do with supplemental pay.

5 **MR. LAYRISSON:**

6 Well, in P.O.S.T., it says right here that you must
7 qualify annually and get a score of 80.

8 **MS. TAYLOR:**

9 Right. But there's nothing that follows that that says,
10 if you don't, this is what we can do to you, that's where we
11 run into our problems. They call us the snarling dog with no
12 teeth, because that's what we are.

13 **MS. ROBERTS:**

14 I just always remember when I first came to work here,
15 Kay made sure -- she always used to preach about, they have to
16 be duly commissioned and have power of arrest. How can these
17 people have power of arrest when they can't carry a gun to
18 arrest anybody?

19 **MS. LEBOEUF:**

20 Well, that's what he has to tell us, that's another
21 issue.

22 **MS. TAYLOR:**

23 If their commission does not include the power of arrest,
24 then they are not in a peace officer position, so they would
25 not be eligible, period.

1 **MR. SCHEXNAYDER:**

2 You don't necessarily need to have a gun to arrest
3 somebody. You can -- a police officer can arrest somebody --
4 (Off-the-record discussion.)

5 **MR. LAYRISSON:**

6 Well, I think the big picture is this, dealing with the
7 Hammond deal, if we don't have anything to enforce it, we
8 can't do anything with Hammond because we have to enforce it
9 on everybody out there that's doing the same thing.

10 **MS. ROBERTS:**

11 Yes.

12 **MR. LAYRISSON:**

13 However, I don't like the weak approach of telling them
14 it's okay. I say we call them in and say, you know, P.O.S.T.
15 requires everybody to shoot annually. If they don't, they may
16 lose their P.O.S.T., and in the meantime, hopefully, they can
17 get some legislation and --

18 **MS. TAYLOR:**

19 And ours doesn't require legislation.

20 **MS. HUTCHINSON:**

21 It doesn't require legislation.

22 **MR. LAYRISSON:**

23 Or whatever needs to do it.

24 **MS. TAYLOR:**

25 It makes it easier on the Council, because the Council

1 can make a decision, and we put it directly into
2 administrative rule. We don't have to go through all that red
3 tape.

4 **MR. LAYRISSON:**

5 And I don't think we have to go through all these
6 positions, communications, whatever, just stick to the -- they
7 have to qualify, they have to be a commissioned police
8 officer. And just like these, they're wanting to know --
9 Civil Service, and he's asking -- going to have to say are
10 they commissioned police officers or are they civilians. If
11 they're commissioned police officers, it doesn't matter what
12 position they're in, because they're going to move.

13 **MS. TAYLOR:**

14 You asked them that, Susan, right, when they sent in for
15 whatever --

16 **MS. ROBERTS:**

17 Yes.

18 **MS. TAYLOR:**

19 -- if they're not commissioned police officers, they
20 don't get it, regardless of whether or not they're P.O.S.T.
21 certified, right?

22 **MS. ROBERTS:**

23 Right. They have to send in, you know, a copy of their
24 card to show me that they're commissioned. Yes, that's a
25 requirement.

1 **MR. WERTZ:**

2 And we're doing that. See, to get in the Academy, if
3 you're not like with a police department or -- the normal,
4 run-of-the-mill police department, Sheriff's department, if
5 you're in one of these quasi, for lack of a better word,
6 police agencies, let's say, an arson investigator at the local
7 level, want to see a commission card, because, otherwise,
8 you're just -- you might be just an enforcer who is carrying
9 out the dictates of your commission or council, with no arrest
10 authority, if you're not commissioned. They need that
11 commission card to get into the Academy. No commission card,
12 with, consequently, no power of arrest, so we tell them all --
13 and we start with -- you know, we start with arson, public
14 service, and the service commission investigators and so on,
15 you know. To get in the Academy, show us that you've got the
16 power of arrest, statutorily. If you don't have it, spell it
17 out -- get it spelled out.

18 **MS. LEBOEUF:**

19 Let me ask this question. If they take away their
20 firearms, whether they take them away for whatever reason or
21 they're not qualified, whatever, and they no longer have
22 arrest powers --

23 **MR. WERTZ:**

24 They're not a peace officer.

25 **MS. LEBOEUF:**

1 And they're not a peace officer, does that pull it; does
2 that pull their P.O.S.T. certification; does that revoke it?

3 **MS. TAYLOR:**

4 No. It starts their five years ticking. They've got to
5 have more than a five-year break in service.

6 **MS. LEBOEUF:**

7 Okay.

8 **MR. LAYRISSON:**

9 Do they get supplemental pay?

10 **MS. TAYLOR:**

11 I have no idea.

12 **MS. LEBOEUF:**

13 They're still P.O.S.T. certified, so until you pull that
14 P.O.S.T. certification, we can't pull their supplemental pay,
15 right?

16 **MR. SCHEXNAYDER:**

17 Unless they're not duly commissioned.

18 **MS. HUTCHINSON:**

19 What if they're not a duly commissioned officer?

20 **MR. SCHEXNAYDER:**

21 I don't know.

22 **MS. LEBOEUF:**

23 I mean, he could move them. He could move them into a --
24 he could take away their firearm and move them into a
25 communication officer and take away --

1 **MR. LAYRISSON:**

2 If they're not commissioned, we can't be giving them
3 supplemental pay.

4 **MS. ROBERTS:**

5 Will they be -- do we need to know if they're
6 commissioned officers still?

7 **MR. LAYRISSON:**

8 I would say yes.

9 **MS. LEBOEUF:**

10 Yes.

11 **MR. LAYRISSON:**

12 We'll see. Are they commissioned police officers, or are
13 they civilian employees?

14 **MR. WERTZ:**

15 I have a question. On the warrant that they sign and
16 send to you every month, does the chief certify that they --
17 what are they certifying to?

18 **MS. ROBERTS:**

19 That each of these individuals are eligible to receive
20 supplemental pay, that all the names listed on their roster
21 each one of them is eligible. You are signing your name
22 telling me to pay them, that they are all eligible.

23 (Off-the-record discussion.)

24 **MR. LAYRISSON:**

25 Just because he puts "police officer" there doesn't mean

1 he's commissioned, though, just because he puts "correction"
2 or "communication" doesn't mean they're commissioned officers,
3 because I sign those forms every month.

4 **MS. LEBOEUF:**

5 Right, yes. So, if they're not commissioned, then they
6 would not be P.O.S.T. certified?

7 **MS. TAYLOR:**

8 No, that doesn't have nothing to do --

9 **MS. LEBOEUF:**

10 So that's one issue.

11 **MR. WERTZ:**

12 Let's say, somebody gets into a job that's outside of law
13 enforcement and there's an issue of break in service, then
14 we're starting to pinpoint --

15 **MS. LEBOEUF:**

16 Well, let me ask you this. Can you move somebody from a
17 -- I don't even know -- from one position to another and take
18 away their commission?

19 **MS. TAYLOR:**

20 Yes.

21 **MR. WENTZ:**

22 Absolutely.

23 (Off-the-record discussion.)

24 **MS. LEBOEUF:**

25 I make a motion to invite Hammond to the Board meeting on

1 February 3, 2011.

2 **MS. HUTCHINSON:**

3 I second.

4 **ADJOURN**

5 **MR. LAYRISSON:**

6 Okay. Let's adjourn the meeting.

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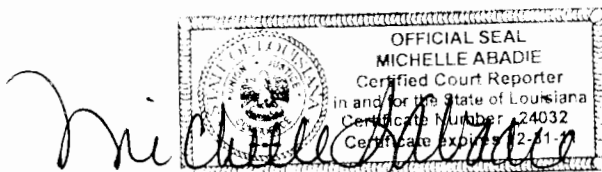
STATE OF LOUISIANA

PARISH OF EAST BATON ROUGE

I, Michelle S. Abadie, Certified Court Reporter in and for the State of Louisiana, as do hereby certify that the foregoing thirty-seven (37) pages constitute a true and correct transcription of the meeting held on January 12, 2011, regarding the Police Supplemental Pay Board;

That the minutes of this meeting was reported by me in the voice writing method and thereafter reduced to printed copy by me;

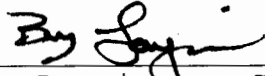
And that I am not related to any of the parties herein, nor am I otherwise interested in the outcome of this matter.



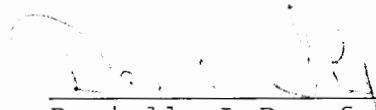
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*** APPROVAL OF THE MINUTES ***



Bry Layrisson, Chairman



Danielle LeBoeuf

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