



ACTION/MINUTES

LOUISIANA STATE POLICE COMMISSION
GENERAL BUSINESS MEETING
THURSDAY, JULY 14, 2022
9:00 A.M.

John Bel Edwards
Governor

Jason Hannaman
Executive Director

*STATE POLICE COMMISSION, VETERANS MEMORIAL AUDITORIUM, SUITE 1247,
DEPT. OF AGRICULTURE & FORESTRY BLDG., 5825 FLORIDA BLVD., BATON ROUGE, LA 70806*

I. Call to Order

The State Police Commission convened its monthly general business meeting at 9:08 A.M. on Thursday, July 14, 2022.

Chairman Eulis Simien, Jr. advised that there were some technical difficulties with the microphone system and that a technician would work to repair it as the meeting was underway.

II. Roll Call

Present were Chairman Eulis Simien, Jr., and Vice-Chairman Brian Crawford, Commissioners Leonard Knapp, Jr., Monty Montelongo, and Jared Caruso-Riecke. Absent were Sabrina Richardson and Harold Pierite, Sr. There was a quorum. Additionally, Commission Referee Lenore Feeny and Executive Director Jason Hannaman were present.

III. Moment of Silence

A moment of silence was observed.

IV. Pledge of Allegiance

Chairman Eulis Simien, Jr. led the Pledge of Allegiance.

V. Opportunity to Address the Commission by employees or others concerning items on the agenda.

No requests were received.

VI. Business

1. Consideration of the meeting minutes from June 9, 2022.

On motion duly made by Vice-Chairman Crawford, seconded, and unanimously passed; the Commission voted to approve the meeting minutes from June 9, 2022.

In Favor: All

Opposed: None

2. Consideration of a motion to table proposed changes to State Police Commission Rules as detailed in General Circular No. 228 until August 11, 2022. (Item deferred from June 9th meeting.)

Commissioners Knapp moved to approve the motion to table proposed changes to State Police Commission Rules as detailed in General Circular No. 228 until August 11, 2022. The motion was seconded.

Chairman Simien stated his intention to vote in favor of the motion since only five (5) commissioners members were present and, due to the significance of some of the rules proposed, he preferred that the full commission have the opportunity to vote.

Commissioner Knapp's motion was unanimously approved.

In Favor: All

Opposed: None

3. Consideration of a motion to defer the decision on a penalty for contempt relative to the Department of Public Safety – Public Safety Services until after the appeal hearing in the matter of Carl Cavalier, Docket No. 21-257-S. (Item deferred from June 9th meeting.)

Commissioner Riecke moved to defer the decision on a penalty for contempt relative to the Department of Public Safety – Public Safety Services until after the appeal hearing in the matter of Carl Cavalier, Docket No. 21-257-S. The motion was seconded.

Chairman Simien noted that this would be consistent with the other contempt findings and allow the Commission to defer the penalty aspects until it has more information.

Commissioner Riecke's motion was unanimously approved.

In Favor: All

Opposed: None

4. Consideration of a request from the Office of State Police for the two-year reauthorization of ten (10) part-time WAE positions. (Representative of the agency to be available to answer any questions of the Commission.)

Lt. Colonel Chavez Cammon, Assistant Superintendent and Chief of Staff, appeared on the behalf of the Office of State Police; he advised the department's support for the request. Lt. Colonel Cammon stated that the WAE program/positions ensure critical functions remain covered by rehired retirees when the department is experiencing a severe personnel deficit. The Commission was being asked to continue to approve the reauthorization of these WAE positions due to being short-staffed.

Chairman Simien asked for confirmation that WAEs approved for the Patrol Section would not be patrolling the roads. Lt. Col. Cammon confirmed that the WAE positions in that section work in the office and assist with other LSP duties that enable full-time Troopers to be on the roads.

On motion duly made by Commissioner Knapp, seconded, and unanimously passed; the Commission voted to approve the request from the Office of State Police for the two-year reauthorization of ten (10) part-time WAE Positions.

In Favor: All

Opposed: None

5. Consideration of a request from the Office of State Police to reinstate 68 hours of sick leave related to the COVID-19 Health Pandemic for Sergeant Stephen Orgeron under the provisions of SPC Rule 21.2.1(d); however, the Commission will consider this matter as a special adjustment under SPC Rule 6.16(c). (Representative of the agency to be available to answer any questions of the Commission.)

Executive Director Hannaman briefed the Commission on SPC rule 21.2.1(d); the department's request to restore leave under the provisions of 21.2.1(d) expired with the sunset of the emergency rule in December 2021. In July 2021, the agency

submitted a comprehensive list of leave restoration requests under the provisions of 21.2.1(d); however, Sgt. Orgeron's name was left off that list. The request before the Commission for Sgt. Orgeron arrived after the expiration of rule 21.2.1(d). Executive Director Hannaman further advised that since Sgt. Orgeron submitted his request timely, and his name was mistakenly omitted from the list, he would recommend that the Commission consider an individual pay adjustment for Sergeant Stephen Orgeron in form of restoration of sick leave.

Chairman Simien noted that all other similar leave submitted before the expiration of the rule had been approved and had this request been submitted at that time it would have been in the list of those approved. LTC Cammon stated that the request was researched and noted that this was a clerical oversight and the request should have been submitted with the others in July 2021.

Commissioner Knapp moved that the Commission approve a special pay adjustment under SPC rule 6.16(c) for Sgt. Stephen Orgeron in the form of restoration of 68 hours of sick leave.

Before a vote, Vice-Chairman Crawford had additional questions regarding the requested leave and the paperwork submitted. LTC Cammon noted that the documents were audited and it was determined that 68 hours of sick leave was the correct amount.

Commissioner Knapp's motion was seconded and unanimously approved.

In Favor: All

Opposed: None

6. Overview from the Department of Public Safety and Corrections, Office of State Police on the retention of records.

Lt. Colonel Greg Graphia, Chief Administrator Officer for the Office of State Police, appeared before the Commission. He noted that one of his primary functions is to serve as a liaison between the department and the Secretary of State's office regarding records and the retention schedule. LTC Graphia noted that virtually all records are on a retention schedule for up to 10 years. Colonel Davis has recently issued a complete moratorium on the destruction of all records until the department can implement a new records management section. Chairmen Simien noted that it was his understanding that there is an overall hold issued by Colonel Davis on the destruction of any records and that before that hold is lifted, there will be a report to the Commission advising as to the potential of that hold being lifted. LTC Graphia confirmed to Chairman Simien that it was his understanding as well that the department would appear before the Commission before the hold is lifted.

Lt. Colonel Graphia stated that at no time should records be destroyed until they are approved by the Secretary of the State, in compliance with the standing retention schedule, and are not in conflict with any litigation hold. The proposed new records management section would handle all public records requests, retention schedules, and litigation holds. This section would ensure that documents are obtained, copies are preserved, and electronic records are kept in their original format for future use in litigation. The process was initiated by Colonel Davis in February and the department is implementing a public platform used by other state agencies; the

platform would track requests and potentially provide immediate results if the request was already filled in response to someone else's request. The new system would be for all of the Department of Public Safety—Public Safety Services, not just the Office of State Police.

7. Oral argument and discussion regarding revised, computer search terms to replace items numbered 4 and 5 of Appellant's request for subpoena duces tecum in the matter of Carl Cavalier (Dept. of Public Safety and Corrections, Office of State Police), Docket No. 21-257-S.

Gail Holland, Deputy General Counsel, and Babatunde Animashaun, Attorney Supervisor, appeared on behalf of the Department of Public Safety and Corrections, Office of State Police. Brett Conrad appeared on the behalf of the appellant, Carl Cavalier.

- Public discussion and possible vote

Commissioner Riecke moved to require the department to conduct a search of all the mailboxes for the revised search terms in order to inform the Commission of how many documents were returned in that revised search.

Before the vote, Commission Knapp sought to clarify what the Commission is asking the department to do exactly; it is each name, ten or eleven individuals, and they will run a search in each of those names for the period from January 2017 to the present.

Chairman Simien doesn't believe it should be through the present, but rather be the date of the decision in this case.

Mr. Conrad believes that Carl Cavalier was disciplined arbitrarily and capriciously and not based on merit, not based on a policy violation, but based on the animus against Mr. Cavalier for his protected activity. He further stated his belief that the discipline and animus did not end with the suspension, it continued through at least the termination.

Chairman Simien advised that this case does not deal with his termination but rather his suspension.

Commissioner Knapp asked for the date of the termination and was advised that it was January 31, 2022.

Chairman Simien clarified that the motion wasn't to turn over the documents but to run the search and determine whether or not it is manageable.

Vice-Chairman Crawford asked if the change in search terms is substantial enough to demonstrate a significant change over the millions of pages that were produced in the original search or would the department expect to get the same results? Ms. Holland advised her belief that it will yield the same results unless the date range is shortened; she recommended October 2020 to November 2021.

Chairman Simien asked if it is the department's position that the only relevant emails would be in Colonel Davis' mailbox? Ms. Holland affirmed that was the department's position. Chairman Simien asked if it is also the department's position that the only relevant animus in this case would be that of Colonel Davis? Ms. Holland affirmed that was the department's position because he made the decision to suspend Mr. Cavalier.

Vice-Chairman Crawford noted that conversations could take place between officers that are not Colonel Davis and could result in emails between one another or eventually face-to-face conversations with Colonel Davis and that none of those communications would be in Colonel Davis' mailbox. Ms. Holland noted that those questions could be posed to Colonel Davis at the hearing.

Vice-Chairman Crawford asked the department if it would be manageable if the Commission narrowed the scope from October 30, 2020, to November of 2021—when Mr. Cavalier was suspended? Ms. Holland advised that she will not know until they get the numbers back.

Commissioner Riecke restated that his motion is not asking to print the documents. He would like the department to run the limited search terms across all the mailboxes and come back and inform the Commission of the numbers. He further stated that he has a problem with asking the appellant's counsel to limit the timeline on the documents requested in his defense.

Lenore Feeney, Commission Referee, noted that the hearing is set for two weeks and there will not be an opportunity to come back before the commission prior to the scheduled hearing date.

Chairman Simien would like the department to conduct the search and provide the information to Ms. Feeney. Chairman Simien agrees with Commissioner Riecke that the longer period seems to be more relevant; however, the parties need to work with Ms. Feeney on this production of documents

Vice-Chairman Crawford spoke in support of Commissioner Riecke's motion with the request that the department runs two searches on each box using the revised search terms; one with the timeframe 2017-present and one for the one year of October 2020 through November 2021.

Chairman Simien asked if Commissioner Riecke would accept a friendly amendment to his motion that the department runs two searches; one with the date limitation that was proposed by the department of October 30, 2020, through the November 2021 date of suspension, and one from January 1, 2017, until January 31, 2022, with a due date of within a week or sooner if possible. Commissioner Riecke agreed to the amendment to his original motion.

Commissioner Riecke's amended motion was seconded and unanimously approved.

In Favor: All

Opposed: None

8. In the matter of Albert Paxton (Department of Public Safety and Corrections, Office of State Police), Docket No. 21-258-RV, regarding whether attorney fees should be awarded.

Chairman Simien noted that four commissioners voted on the matter at the May 2022 meeting. Unfortunately, because one of the four commissioners was not present for this meeting, a quorum cannot be established on this item. Only the commissioners who heard the matter can vote on the attorney fees issue. The agenda item will have to be deferred and heard when a quorum of those members can be established.

Chairman Simien called for a 10-minute break at 10:20 A.M.

The meeting was called back into session at 10:37 A.M.

9. Consideration of a motion to go into Executive Session to conduct the annual Performance Review of the Executive Director.

On motion duly made by Commissioner Riecke, seconded, and unanimously passed; the Commission voted to go into Executive Session to conduct the annual Performance Review of the Executive Director at 10:38 A.M.

Roll Call Vote:

In Favor: Vice-Chairman Crawford, Commissioners Knapp, Montelongo, Riecke, and Chairman Simien

Opposed: None

On motion duly made by Commissioner Riecke, seconded, and unanimously passed; the Commission voted to end the Executive Session to discuss the annual Performance Review of the Executive Director at 10:48 A.M.

Roll Call Vote:

In Favor: Vice-Chairman Crawford, Commissioners Knapp, Montelongo, Riecke, and Chairman Simien

Opposed: None

10. Consideration of a motion to approve the Fiscal Year 2021-2022 Performance Evaluation of the Executive Director.

On motion duly made by Commissioner Riecke, seconded, and unanimously passed; the Commission voted to give Executive Director Hannaman an overall rating of 5, which is exceptional/outstanding, and grant a 2% performance adjustment.

In Favor: All

Opposed: None

VII. Director's Report

Commission Expenditures:

The attention of the Commission was directed to the Commission's Monthly Expenditure Report that had been provided for its review. The report was not reflective of the final summary for Fiscal Year 21/22 since a few items had not yet been posted; however, the report reflected the utilization of nearly 97 percent of the Commission's allocation for the fiscal year. There were no questions regarding the report. Vice-Chairman Crawford commended Director Hannaman on the exceptional performance on the budget and appropriately spending the dollars the taxpayers and legislature allocate for the Commission. Director Hannaman complimented his team for their hard work every day.

Legislative Audit:

The Commission was advised of the Louisiana Legislative Auditor's Audit Report for the State Police Commission covering the last two (2) years. The comprehensive audit resulted in zero findings. There were no commissioner questions regarding the audit.

Next Meeting:

The next business meeting is set for Thursday, July 28, 2022, and will begin at 8:00 A.M.

VIII. Opportunity to Address the Commission by employees or others on matters, not on the agenda.

Mr. Robert Burns, from Sound Off Louisiana, appeared and offered comments before the commission about a recent statement purportedly made by Colonel Lamar Davis regarding Trooper discretion in disabling body cameras if a situation is assessed to be nonhostile. Mr. Burns commented that the Colonel should retract any statement to that effect.

IX. Adjourn

There being no further business on a motion duly made by Commissioner Riecke, seconded, and unanimously passed; the Commission voted to adjourn at 10:57 A.M. on Thursday, July 14, 2022.

Respectfully Submitted,


Jason Hannaman, Executive Director


Eulis Simien, Jr. Chairman