



ACTION/MINUTES

LOUISIANA STATE POLICE COMMISSION
GENERAL BUSINESS MEETING
THURSDAY, JUNE 9, 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 9:06 A.M. on Thursday, June 9, 2022.

II. Roll Call

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

Chairman Simien welcomed the newest member of the Commission, the newly elected member, Sgt. Monty Montelongo. Commissioner Montelongo introduced himself.

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.

Commissioner Simien acknowledged receipt of several requests to speak on items on the agenda.

Mr. Hackley Willis, LSTA President, advised that he was there to address an issue from the public comment portion of the previous meeting wherein the Commission was urged to have the minutes reflect that individuals left recording devices in the room when the Commission went into executive session on April 14, 2022. For clarification, he wanted the record to reflect that although he did leave an iPad at his seat, neither he nor any other member of the LSTA recorded or had any intention of recording the Commission when they went into executive session; he doesn't believe accusations should be memorialized in the Commission's minutes.

Michele Giroir asked to make her comments when the Commission comes to that item on the agenda. Chairman Simien agreed and advised the same with the request from Mary Ann White.

Mr. Robert Burns replied to the commentary made by Mr. Willis. He clarified that he did not accuse anyone of intentionally leaving the recording device on, but mentioned that he hoped that we can accept them at their word.

Mr. Robert Burns appeared to comment on agenda item #6: General Circular No. 228. He is opposed to any rule change that would "declassify" Letters of Reprimand to no longer be considered discipline. He commented on his experience in getting public records from LSP

and advised that he has sued Louisiana State Police over a Letter of Counseling not being considered a public record. He further stated that he believes SPC does not have the authority to declare something to not be a public record; a role he believes is relegated to the legislature. He reaffirmed his opposition to the proposed changes to the rules related to Letters of Reprimand.

Chairman Simien noted that Mr. Willis' request to address the Commission on General Circular No. 228 is in his capacity as a representative of LSTA; therefore, his comments will be deferred until the agenda item comes up for discussion.

Chairman Simien advised that individuals that are parties to agenda items will be able to speak as those items come up for consideration and that the one additional request to address items not on the agenda will be heard at the end of the meeting.

Mr. Ashton O'Dwyer stood up to advise his current status as a disbarred attorney and advised that he has submitted his comments in writing for his agenda item because there was some uncertainty as to whether or not he would be held to the customary five-minute limit. Chairman Simien advised that he will be able to speak when his agenda item comes up.

VI. Business

1. Consideration of the meeting minutes from May 12, 2022.

On motion duly made by Commissioner Knapp, seconded, and unanimously passed; the Commission approved the meeting minutes from May 12, 2022.

In Favor: All

Opposed: None

2. Consideration of a request from the Office of State Police for two-year reauthorization of eighteen (18) part-time WAE positions. (Representative of the agency to be available to answer any questions of the Commission.)

Chavez Cammon, Deputy Superintendent—Patrol, Louisiana State Police, stated that the department has been postured to do a lot more with less; their personnel numbers have decreased and they are in a position where they require the assistance of these WAE positions. He added that these positions are critical for Louisiana State Police and the continuation of their mission to continue to provide an efficient and effective operation and provide safety for the citizens of Louisiana.

Chairman Simien stated that he understood why no one was here at the last meeting due to the graduation of Cadet Class 100, but advised that when there is an item like this the State Police needs to have somebody at the meetings who can answer the questions of the commissioners so that they can make an informed decision on the request.

Chairman Simien asked LTC Cammon to provide a summary of why these positions are necessary. LTC Cammon gave an overview of the individual requests. Chairman Simien asked about the department's intent on using WAE positions if new full-time personnel are hired. LTC Cammon responded that they intend to reevaluate WAE positions as needed or as personnel come aboard; WAEs are a short-term fix.

Vice-Chairman Crawford made LTC Cammon aware of a situation whereby a handful of applicants did not make the deadline for the two-year POST certification requirement for Cadet Class 101; however, they would have the two-year POST certification requirement by the time the actual basic training class would start. If the agency is so short on positions but has a handful of cadet applicants that would meet the requirements by the time the basic training class starts, it seems like somebody along that chain should have considered letting these individuals in Cadet Class 101 because they would meet the requirements before the training class starts. The vice-chairman would like somebody to look into this situation. The Commission is being asked to continue approving temporary positions because the agency is short-staffed; however, there are applicants that would qualify before the start of the academy but are being told that they have to wait until the next cadet class because they missed a cutoff date set months before the start of the academy. At this critical time, consideration should be given to the needs of the department to have qualified individuals added to the roster.

LTC Cammon thanked Vice-Chairman Crawford for making him aware of the situation and providing him with an opportunity to look into the matter and get back to the vice-chairman.

Commissioner Knapp stated that he understands that the current WAE position count of 71 represents about 7.15% of total positions at LSP. He noted his appreciation of those people who are willing to continue serving the public in this capacity while the agency works to recruit new cadets to fill vacancies.

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 eighteen (18) part-time WAE positions.

In Favor: All

Opposed: None

3. In the matter of Brittany Pias (Department of Public Safety and Corrections, Office of State Police), Docket No. 22-262-S.
 - Discussion of proposed settlement agreement and presentations by the parties
Michelle Giroir represented the Department of Public Safety and Corrections, Office of State Police. Mary Ann White stood in for Floyd Falcon, counsel for Ms. Pias.
 - Executive Session regarding allegations of misconduct
On motion duly made by Chairman Simien, seconded, and unanimously passed; the Commission voted to enter Executive Session to discuss allegations of misconduct at 9:34 A.M.
Roll Call Vote:
In Favor: Vice-Chairman Crawford, Commissioners Knapp, Pierite, Riecke, and Montelongo, and Chairman Simien
Opposed: None

On motion duly made by Commissioner Riecke, seconded, and unanimously passed; the Commission voted to leave Executive Session at 9:36 A.M.

Roll Call Vote:

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

Opposed: None

On motion duly made by Commissioner Riecke, seconded, and passed; the Commission voted to enter Executive Session to discuss allegations of misconduct at 9:37 A.M.

Roll Call Vote:

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

Opposed: None

Recused: Commissioner Montelongo

On motion duly made by Commissioner Riecke, seconded, and passed; the Commission voted to leave Executive Session at 9:51 A.M.

Roll Call Vote:

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

Opposed: None

Recused: Commissioner Montelongo

- Consideration and vote on whether to accept the proposed settlement agreement
On motion duly made by Commissioner Knapp, seconded, and passed; the Commission voted to approve the proposed settlement agreement presented by the parties.

Roll Call Vote:

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

Opposed: None

Recused: Commissioner Montelongo

4. In the matter of Carl Cavalier (Department of Public Safety and Corrections, Office of State Police), Docket No. 21-257-S, Motions to Quash, Limit and/or Recall Subpoenas and/or Subpoenas Duces Tecum and Motions in Limine filed on behalf of Kevin Reeves, Jason Turner, Office of State Police and/or Carl Cavalier.

On motion duly made by Vice-Chairman Crawford, seconded, and unanimously passed; the Commission voted to combine agenda items VI.4 and VI.5 because of their correlation to one another and the ability of the Commission to conduct business more efficiently in hearing those matters at the same time.

In Favor: All

Opposed: None

- Oral Argument
Jill Craft and Brett Conrad represented Mr. Carl Cavalier. Louis Unglesby represented Mr. Kevin Reeves

Chairman Simien called for a 10-minute break at 11:28 A.M.

The meeting was called back into session at 11:44 A.M.

- Oral Argument (continued)
Jill Craft and Brett Conrad represented Mr. Carl Cavalier. Jim Boren represented Mr. Jason Turner.
- Oral Argument (continued)
Jill Craft and Brett Conrad represented Mr. Carl Cavalier. Babatunde Animashawun represented the Department of Public Safety and Corrections, Office of State Police.

Chairman Simien indicated that the Commission would require that the parties get together and try to work out some potential limitations on the document request and that the Commission would not rule on that at this time.

- Executive Session regarding allegations of misconduct
On motion duly made by Vice-Chairman Crawford, seconded, and unanimously passed; the Commission voted to enter Executive Session to discuss allegations of misconduct at 12:45 P.M.

Roll Call Vote:

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

Opposed: None

On motion duly made by Commissioner Riecke, seconded, and unanimously passed; the Commission voted to leave Executive Session at 1:46 P.M.

Roll Call Vote:

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

Opposed: None

- Public discussion and possible vote
Commissioner Knapp moved to approve the Motion to Recall the subpoena of Kevin Reeves. The motion was seconded.

Chairman Simien advised his thoughts on the argument presented that former Colonel Kevin Reeves should be a witness in this case; however, he heard no evidence that anything was discovered during the Reeves administration that was tied to this appeal. Therefore, he would be in support of the Motion to Recall the subpoena and quash the appearance at the upcoming hearing.

Commissioner Knapp's motion was unanimously passed.

In Favor: All

Opposed: None

On a motion duly made by Commissioner Knapp, seconded, and unanimously passed; the Commission voted to deny the Motion in Limine to establish areas of examination filed on behalf of Jason Turner to allow the Commission to make those decisions at the time of the appeal hearing.

In Favor: All
Opposed: None

Commissioner Knapp moved to defer the ruling on the Motion to Recall the subpoenas and eliminate the rule to show cause regarding contempt, relative to the department, until July 14, 2022; and, require that Louisiana State Police maintain all the documents gathered to date; and, require the parties to get together by June 17th and limit their search request for the production of documents; and, require that the parties meet with the SPC attorney within 10 days after that deadline if they have not resolved the issues dealing with document production; and, require that any further disputes would be heard at the July 14th Commission meeting; and, determine that if the parties come up with an agreement as to the search terms, there would not be an opportunity to produce additional documents other than what was decided in those new agreed-upon search terms. The motion was seconded.

Chairman Simien asked that the parties work together to narrow the scope instead of bringing it to the Commission to solve the problem. However, should they not be able to work together then the Commission would issue a ruling on the scope of discovery in this case.

Commissioner Knapp's motion was unanimously passed.

In Favor: All
Opposed: None

On a motion duly made by Commissioner Knapp, seconded, and unanimously passed; the Commission voted to deny without prejudice the Motion in Limine to exclude evidence filed by Louisiana State Police and to allow the Commission to make those decisions at the appeal hearing.

In Favor: All
Opposed: None

5. Consideration of penalties for contempt of the Commission held over from the May 12, 2022, State Police Commission meeting:

- Kevin Reeves

Commissioner Knapp moved to admonish Kevin Reeves for his failure to appear at the April 14, 2022 hearing and deny the Motion to Reconsider the imposition of contempt. The motion was seconded.

Chairman Simien acknowledged that Mr. Reeves relied on the advice of counsel and believes that Mr. Reeves would not intentionally ignore a subpoena of this Commission; therefore, he believes it appropriate to limit the penalty to an admonition. However, he stated that when the Commission issues a subpoena it means it, and when there are legitimate reasons why the witnesses cannot appear there are processes available to bring it to the Commission's attention. Additionally, he stated his belief that an admonishment is warranted in this case

in light of the testimony which shows there appears to be a lack of relevance to this witness in this case although it doesn't change the fact that the subpoena was violated.

Commissioner Knapp's motion was unanimously passed.

In Favor: All

Opposed: None

- Jason Turner

On a motion duly made by Commissioner Knapp, seconded, and unanimously passed; the Commission voted to defer the penalty for contempt for Jason Turner until after the hearing in accordance with the request of Mr. Turner.

In Favor: All

Opposed: None

- Department of Public Safety, Public Safety Services

On a motion duly made by Commissioner Knapp, seconded, and unanimously passed; the Commission voted to defer the penalty for contempt relative to the department until July 14, 2022.

In Favor: All

Opposed: None

6. Public Hearing to Consider Proposed Changes to State Police Commission Rules. (Details contained in General Circular No. 228).

On motion duly made by Chairman Simien, seconded, and unanimously passed; the Commission deferred consideration of this matter to the meeting on July 14, 2022.

In Favor: All

Opposed: None

7. Consideration of Formal Charges by Ashton O' Dwyer, Jr., alleging that members of the Louisiana State Police engaged in criminal misconduct and violated his civil rights in the aftermath of Hurricane Katrina.

Mr. Ashton O'Dwyer presented the details of his charges against LSP to the Commission.

- Executive Session to discuss investigative proceedings regarding allegations of misconduct

On motion duly made by Vice-Chairman Crawford, seconded, and unanimously passed; the Commission voted to enter Executive Session to discuss allegations of misconduct at 2:49 P.M.

Roll Call Vote:

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

Opposed: None

On motion duly made by Vice-Chairman Crawford, seconded, and unanimously passed; the Commission voted to leave Executive Session at 2:59 P.M.

Roll Call Vote:

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

Opposed: None

- Public discussion and possible vote

Chairman Simien made a motion that the Commission take the matter under advisement. The motion was seconded.

Chairman Simien noted that Mr. O'Dwyer provided a great deal of information that the commissioners need to review and Mr. Hannaman is going to make sure that they have all the information Mr. O'Dwyer provided so that they can fully evaluate and review this matter.

Chairman Simien's motion passed unanimously.

In Favor: All

Opposed: None

VII. Director's Report

The attention of the Commission was directed to the Commission's Monthly Expenditure Report that had been provided for its review. There were no questions regarding the report.

Director Hannaman advised the commissioners that the LSP Promotional Exam was administered on May 19, 2022. He provided commissioners with historical data regarding the exam and advised that grade letters were placed in the mail on June 8, 2022. Additionally, he advised that preparations would begin for the optional November examination.

The commissioners were updated on the status of the FY23 budget. The final budget was approved with full funding for the Deputy Director position as well as the necessary funds for an expansion and remodel of additional office space.

Director Hannaman advised that he drafted a posting for the Deputy Director position and plans to post the position next week so we can start gathering applications ahead of the start of the fiscal year. He invited interested commissioners to reach out if they would like to be involved with the interview process.

The next meeting is scheduled for July 14, 2022, and will begin at 9:00 A.M.

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

Robert Burns of Sound Off Louisiana appeared before the Commission to advise his concern about cheating within the LSP Training Academy. Mr. Burns asserted his belief that the issue is substantial and involved entire classes of cadets. He notified the Commission that he intends to publish information that he believes to be credible and shows the extent to which cheating has occurred within the LSP Training Academy. He advised that he spoke with Director Hannaman before today's meeting and received clarification that the Louisiana State Police Commission administers the State Police Cadet Entrance Exam and the LSP Promotional Exam and is not responsible for the curriculum or administration of the LSP Training Academy.

Commissioner Knapp asked if the State Police Cadet Entrance Exam or State Police Promotional Exam was involved. Mr. Burns confirmed his understanding that those exams were not involved. Director Hannaman also confirmed that the allegations do not involve the State Police Commission's test materials. Commissioner Knapp asked if the alleged corruption occurred inside the LSP Academy itself and Mr. Burns confirmed that was the situation.

Chairman Simien stated that it may involve classified employees within the state police service and those people are subject to the jurisdiction of this Commission.

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 3:14 P.M. on Thursday, June 9, 2022.

Respectfully Submitted,



Jason Hannaman, Executive Director



Eulis Simien, Jr., Chairman