

MINUTES

STATE POLICE COMMISSION

September 10, 2015

The State Police Commission convened its monthly meeting at 9:15 A.M. on Thursday, September 10, 2015, in Suite 208, Office of Management and Finance/OMV Building, 7979 Independence Boulevard, Baton Rouge, Louisiana.

Present were Chairman, Franklin M. Kyle, III, and Members Freddie Pitcher, Thomas "T. J." Doss, Donald Breaux, and Calvin W. Braxton. Also present was M. Lenore Feeney, Referee. Members William Goldring and Vice-Chairman, W. Lloyd Grafton were absent.

On motion duly made and seconded by unanimous vote of the Members present, the Commission voted to approve the Minutes from the August 13, 2015, meeting.

There were no employees present to address the Commission.

On motion duly made and seconded by unanimous vote of the Members present, the Commission voted to approve General Circular 175: Revision of State Police Commission Rule Chapter 3: Duties of the Director and Chapter 4: Agencies and persons governed by these rules - This General Circular Supersedes Previous General Circular No. 172; approve General Circular 176: Revision of State Police Commission Rule Chapter 1: Definitions - This General Circular Supersedes Previous General Circular No. 173; approve General Circular 177: Revision of State Police Commission Rule Chapter 2: Organization, Rules, Procedures and Powers of the State Police Commission.

Under Commission business, Franklin M. Kyle, III, Chairman reflected on the incident with Louisiana State Police Senior Trooper Steven Vincent, 44, who was shot and killed on August 23, 2015, in a hostile encounter. As an organization, we are heartbroken over this senseless and tragic death and our thoughts and prayers are with his surviving wife, Katherine, and his 9 year old son Ethan as well as his entire extended family. In light of this unfortunate situation, and given the public's heightened concern over highway safety, the Commission request the presence of Colonel Michael Edmonson at the meeting on October 8, 2015, to discuss the department's guidelines on standard

operating procedures, specifically when engaged in a motor vehicle pursuit. The primary concern is the protection of lives and the safety of all citizens and officers.

In the matter of Corey E. Jackson, (Department of Public Safety and Corrections, Office of State Police), Docket No. 15-218-T, Oral Argument on Motion for Summary Disposition was limited to the issue of whether the letter of discipline advising of termination was defective. Howard DeJean represents the employee and Michelle Giroir represents the Office of State Police. Appellant asserts that the notice of the termination of his employment was insufficient, and such an assertion falls within the grounds established for summary disposition, specifically Rule 13.5 (6) which provides in pertinent part, "That the written notice expressing the cause for the action complained against is insufficient." Appellant alleges that the written notice of discipline was insufficient, because he did not receive a copy of evidence (a video recorded interview with the Lafayette City Police) which was used to support the termination of his employment. Michelle Giroir, Attorney for Office of State Police states that the State Police Commission Rules 12.7 and 12.8 require that the written notice of termination contain a "description" of the evidence supporting the proposed termination not copies of the evidence. On motion duly made and seconded by unanimous vote of the Members present, the Commission voted to go into executive session and then back into session.

On motion duly made and seconded by unanimous vote of the Members present, the Commission voted Motion for Summary Disposition is denied for the following reasons: Summary Disposition of Appeals is the subject of State Police Commission Rule 13.5, which lists specific grounds for the Commission to grant summary disposition of an appeal. State Police Commission Rule 12.7 provides that, "[a] permanent employee may not be dismissed or removed or subjected to any discipline, other than a letter of reprimand until he has been given written notice of the proposed action and the reasons therefor, a description of the evidence supporting the proposed action and a reasonable opportunity to respond thereto." State Police Commission Rule 12.8 provides a list of information that must be contained in the written notice of the disciplinary action. Neither of these rules require the production of the actual evidence which supports the

disciplinary action. Only a description of the evidence is required. A review of both the letter containing proposed discipline and the letter of discipline that were delivered to appellant reveals that the letters were prepared in accordance with these rules.

Public Hearing of the Appeal of Corey E. Jackson (Department of Public Safety and Corrections, Office of State Police), Docket No. 15-218-T has been scheduled for November 12, 2015.

The next board meeting will be held October 8, 2015, at 9:00 a.m.

At the Conclusion of the Commission's agenda, on motion duly made and seconded, by unanimous vote of the members present, the Commission voted to adjourn its meeting at 9:45 A.M.

Respectfully submitted:


Franklin Kyle, Chairman


Cathy Derbonne, Executive Director