



ACTION/MINUTES

John Bel Edwards
Governor

LOUISIANA STATE POLICE COMMISSION
GENERAL BUSINESS MEETING
THURSDAY, OCTOBER 8, 2020
10:00 A.M.

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 10:06 A.M. on Thursday, October 8, 2020.
- II. Roll Call
Present were Chairman Eulis Simien, Jr., Vice-Chairman Brian Crawford, Commissioners Leonard Knapp, Jr., Robert Mire, and Jared Caruso-Riecke. There was a quorum. Absent was Harold Pierite, Sr. Additionally, Commission Referee Lenore Feeney 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. (Please submit a speaker request form prior to the meeting being called to order.)
Eric Hessler, attorney and former New Orleans police officer, appeared and offered comments before the Commission. Mr. Hessler, representing Trooper August McKay, conveyed his concern that some of the allegations involving Trooper McKay were being reported incorrectly and without all of the relevant information. Mr. Hessler asked that any discussions of Trooper McKay during the meeting include all of the details to ensure a factually correct conversation.

Chairman Simien confirmed that it was not Mr. Hessler's position that the expletive and slur were not used. Mr. Hessler agreed but asserted that it is not accurate to say that 1) the the comments were directed toward another trooper, 2) they were said in public, or 3) Trooper McKay had been removed from the federal task force on which he had been serving and was still serving.

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- VI. Business
 1. Consideration of the September 10, 2020 regular business meeting minutes.
On motion duly made by Vice-Chairman Crawford, seconded, and passed; the Commission voted to approve the minutes from the September 10, 2020, regular business meeting. Commissioner Riecke abstained from the vote.
 2. Consideration of a request from the Office of State Police to reauthorize three (3) part-time WAE positions previously approved by the Director under SPC Rule 4.1 (d)1. (Representative of the agency to be available to answer any questions of the Commission.)

The Office of State Police submitted three reauthorization requests for temporary unclassified positions. The incumbents of these part-time positions are retired LSP Troopers performing duties that supplement the operational needs of the agency. The three WAE positions were authorized two years ago by the Executive Director under SPC Rule 4.1(d)1; they have been submitted to the full commission for consideration and reauthorization.

Commissioner Riecke noted his concern that funds utilized for these part-time positions could be used for full-time positions as well as his concern about how performance is rated for part-time positions.

Captain Greg Graphia appeared on behalf of the Office of State Police to answer commissioner questions for this agenda item. In response to Commissioner Riecke's concerns, he advised that new graduating classes were not keeping up with attrition. In only speaking for Troop A, Captain Graphia noted that his two WAE positions are keeping two troopers on the road to answer high priority calls.

Vice-Chairman Crawford echoed Commissioner Riecke's sentiment and offered his familiarity with such positions being utilized due to individual expertise and as potential cost savings since they do not have the same level of overhead due to the lack of employee benefits. Captain Graphia confirmed that budget shortfalls and attrition cause reliance on such positions. Vice-Chairman Crawford conveyed his only concern would be that the program could grow too large and impact the hiring of new troopers; however, he noted that it doesn't appear to be the case at this time.

Commissioner Mire noted that, over the last 10-15 years, administrative functions have increased at the Troop level; Captain Graphia concurred that, along with the population growth, caseloads have increased exponentially.

On motion duly made by Commissioner Riecke, seconded, and passed; the Commission voted to approve the request from the Office of State Police to reauthorize the three part-time WAE positions previously approved by the Director.

In Favor: All

Opposed: None

3. Discussion of the Subcommittee on Community Relations and Internal Operations meeting of the Police Training, Screening, and De-Escalation Task Force held on September 22, 2020.

On Tuesday, September 22, 2020, the Executive Director, Chairman Simien, and counsel appeared before the Community Relations and Internal Operations Subcommittee of the Police Training, Screening, and De-Escalation Task Force to answer questions from the subcommittee's members. There were many questions asked about investigations, where/how they are initiated, and the timelines for those being investigated. Further explanation was given regarding the rules of the State Police Commission; the incorporation of components of provisions of the Police Officer Bill of Rights into Chapter 12 back in 2014; and, the process to conduct investigations under Chapter 16. The subcommittee was informed that investigations of LSP officers primarily originate within LSP and that disciplinary actions are only reported to the Commission when they are being appealed by the employee as outlined in Chapter 13 of the Commission's rules.

Chairman Ted James expressed his appreciation and was thankful for the responsiveness to the questions asked and the Commission's willingness to be apart of continued conversations.

4. Discussion of news articles forwarded to the Commission related to the death of Ronald Green as well as related media pertaining to alleged shooting victim Clifton Scott Dilley and the reported incident of the racial slur made by Trooper August McKay. (Representative of the agency to be available to answer any questions of the Commission.)

Ms. Faye Morrison, Assistant Secretary—DPS Office of Legal Affairs, appeared and offered responses to questions on behalf of the Office of State Police.

Chairman Simien read for the record the fact that, per the Louisiana State Constitution, the State Police Commission has broad rulemaking and subpoena power for the administration and regulation of the classified state police service. Included in the Commission's authority would be the authority to make rules regulating classified state police. In order to fulfill its rulemaking duty, the Chairman noted that the Commission has an obligation and a duty to make inquiries into events that are occurring that may be related to the administration and regulation of the classified state police service as without doing so, the Commission would not be in a position to appropriately exercise its rulemaking authority. Additionally, the Chairman noted that the Louisiana Constitution provides that the Commission may require an Appointing Authority to institute employee training and safety programs. Again, to appropriately exercise that authority, the Chairman noted that the Commission is obligated to inquire when it believes there are issues that may require additional employee training and safety.

Chairman Simien stated that there appears to be a training concern when a Trooper believes they can use derogatory language directed toward someone. Ms. Morrison concurred that how to treat people would be part of training.

Commissioner Mire inquired about why Trooper McKay's letter wasn't delivered despite the administrative error. Vice-Chairman Crawford inquired about whether or not there was a decision to keep the matter at a counseling level to keep the details from being made public; it is his belief that the disparaging remarks warranted more than a letter of counseling or a reprimand. Ms. Morrison stated that the incident involving Trooper McKay was handled quickly and in a confidential manner, as required by policy and the EEOC. There was an investigation that revealed what took place. Upon discovering that the original disciplinary letter had not been delivered timely, a decision was made, for finality, to issue a letter of counseling rather than a reprimand because so much time had passed. Ms. Morrison noted that the Trooper was counseled and all parties were satisfied with the result; the complaining party was satisfied and there have been no complaints about that Trooper since that time and that the process, which resulted in the disciplinary letter not being delivered to Trooper McKay, had been corrected in her office as well as Internal Affairs.

Chairman Simien commended Ms. Morrison for being forthright and honest in responding to the Giglio Request which led to the discovery of the administrative error and ultimately to her appearance before the Commission to answer tough questioning.

Chairman Simien extended his condolences to the family of Trooper Hollingsworth and to all families of anyone who has lost their life in the custody of the State Police, noting that both were tragedies. Chairman Simien noted that the initial report on Mr. Ronald Greene's death was that he was unresponsive; he inquired whether or not anyone other than Trooper Hollingsworth was involved in the preparation of that report. Ms. Morrison advised that the matter was investigated immediately and the criminal investigation is now under the purview of the Union Parish District Attorney's Office as well as the Federal Bureau of Investigations. As such, she felt that she could not respond to the question.

Commissioner Mire stated his understanding that the normal process is for Internal Affairs (I. A.) to wait until the criminal investigation is complete; however, in this case, if the criminal case is still pending then why was an I. A. investigation initiated with regards to Trooper Hollingsworth? Ms. Morrison advised that the matter is ongoing and it would not be appropriate to speak on ongoing specific criminal and administrative matters. She further advised, in general terms, the purpose of waiting is for the due process considerations of the persons involved.

On motion duly made by Commissioner Knapp, seconded with a friendly amendment from Chairman Simien, and unanimously passed; the Commission voted to initiate a review on whether the Commission needs changes to the rules that would permit follow-up inquiries and develop rules regarding conduct that would make it a rule violation for someone to use derogatory language such as that used in this case in the course of their employment.

In Favor: All

Opposed: None

Vice-Chairman Crawford stated that he wholeheartedly believes Trooper McKay's actions were isolated; he believes that the Louisiana State Police and the overwhelming number of Troopers risking their lives each day for the citizens of the state are commendable, honest, hardworking men and women; however, he noted that it only takes one to put a stain on an organization that is hard to wash off. There are Troopers out on the road each day that are being judged based on one member's gross, obscene, incomprehensible actions, and the administration added to that by the mishandling of the discipline. Vice-Chairman Crawford is looking for better from the administration now that remedies have been put in place; however, if something similar should occur again, he would expect a deeper dive into how to handle it more appropriately. Chairman Simien concurred with Vice-Chairman Crawford's sentiments regarding the dedication and integrity of the vast majority of Troopers.

Chairman Simien asked Ms. Morrison to review whether or not there is a mechanism, without breaking confidentiality, by which the Commission can be better informed of what is going on before things hit the news cycle. He stated the importance of being better informed so that the Commission can determine what rules to make and how the Commission can require appropriate training for the state police service.

- VII. Opportunity to Address the Commission by employees or others on matters not on the agenda. (Please submit a speaker request form prior to the meeting being called to order.)
No Requests.
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VIII. Director's Report

Annual Training Requirements

The Commission was reminded of the Annual Ethics training requirement that must be completed by December 31st. Additionally, the commissioners were advised that a one-hour Sexual Harassment training is required for all state employees, including members of boards and commissions before the end of the calendar year. Information on training opportunities will be provided by the Director.

November 12th Meeting

The November 12th Commission meeting will begin at 9:00 A.M. due to an appeal hearing in the matter of Joey Schouest.

Election of the Employee Member of the State Police Commission

The attention of the Commission was called to the preparations underway for the upcoming election for the employee member of the State Police Commission; the term of the position is set to expire on December 31, 2020. Under Revised Statute 42:1402, the Call of Election shall occur on the first Monday after November 1st. The Secretary of State Election's Division has been contacted and the ballot printing office is on standby. A general circular will be issued in advance of the call to alert state police service personnel and to provide a schedule for the election. The Call of Election will be issued along with the nomination process and nomination petition form.

FY 2021/22 Budget Request

The Executive Director will work on the FY 2021/2022 budget request that is due to the Office of State Planning and Budget and Legislature by November 2nd. A draft copy of the budget request will be circulated to each commissioner on or before October 26, 2020.

Vacancy Announcement

The Executive Director advised his communication with Boards and Commissions Director Roz Moore regarding the vacancy on the commission to serve from the 2nd Congressional District. Ms. Moore has not received a list of nominees from Dr. Brewer at Louisiana College. Any nomination list that would be received is after the 30-day deadline as prescribed in the Constitution; therefore, the list would merely be a recommendation and not binding.

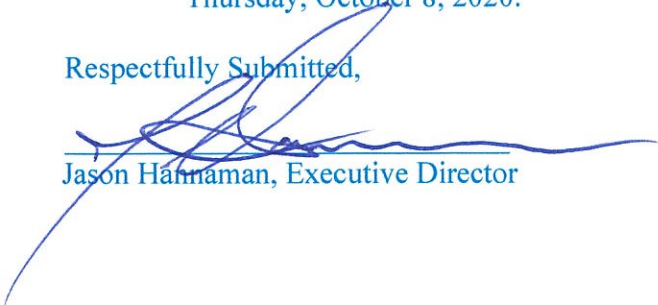
Commission Expenditures

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 or comments about the report.

IX. Adjourn

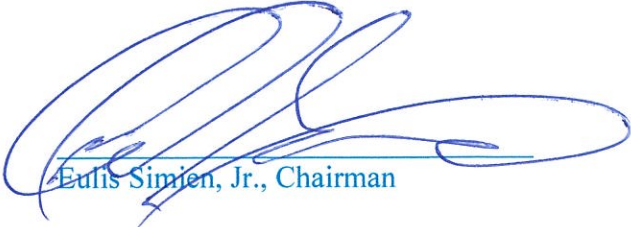
There being no further business, on a motion duly made by Vice-Chairman Crawford, seconded, and unanimously passed; the Commission voted to adjourn at 11:25 A.M. on Thursday, October 8, 2020.

Respectfully Submitted,



A handwritten signature in blue ink, appearing to read 'Jason Hammaman', written over a horizontal line.

Jason Hammaman, Executive Director



A large, stylized handwritten signature in blue ink, written over a horizontal line.

Ellis Simjen, Jr., Chairman