

CARL CAVALIER

19th JUDICIAL DISTRICT COURT

VERSUS

PARISH OF EAST BATON ROUGE

**STATE OF LOUISIANA:
DEPARTMENT OF PUBLIC
SAFETY AND CORRECTIONS: PUBLIC
SAFETY SERVICES; OFFICE
OF STATE POLICE;**

STATE OF LOUISIANA

.....
PETITION

1.

NOW INTO COURT IN PROPER PERSON comes Petitioner **CARL CAVALIER**, a person of the age of majority residing in Houma, Louisiana; Parish of Terrebonne.

2.

Made Defendant(s) herein Louisiana Department of Public Safety: Public Safety Services; Louisiana Office of State Police, (LSP); which is justly and truly indebted unto Petitioner for all sums as are reasonable under the premises, attorney's fees, litigation expenses, legal interest thereon from the date of demand until paid, and all such other relief to which Petitioner is entitled at law or in equity.

3.

LSP is a political subdivision of the Louisiana Department of Public Safety with LSP Headquarters located in Baton Rouge, Louisiana; Parish of East Baton Rouge therefore venue in this court is proper.

4.

Petitioner is domiciled in this State at the time of filing, therefore venue is proper.

5.

Petitioner began his employment with LSP on November 30, 2014. He was assigned to Troop C, located in Gray, Louisiana; Parish of Terrebonne; At all pertinent times, Petitioner was an "employee" of defendant and defendant was Petitioner's "employer", employing greater than 1000 individuals, all within the meaning and intent of Louisiana law.

6.

On or about May 5, 2018, Petitioner began experiencing racial discrimination from his chain of command, specifically from Major Frank Besson¹; Sergeant Simon Besson; Lieutenant Andre Bienvenue and Lieutenant Matt Trahan;

After issuing a ticket to an narcotics officer with the Houma Police Department, Petitioner's supervisors began subjecting all tickets and reports to additional scrutiny. Including

¹ On May 5, 2018 Frank Besson was Captain of LSP: Troop C.

but not limited to watching body worn camera videos not related to use of force; requesting that incident reports be edited and/or rewritten; receiving harsh criticism over minor issues where other LSP commissioned officers were not reprimanded; immediate family being harassed by LSP personnel for minor traffic violations.

7.

On August 1, 2018 Petitioner began the Employee Grievance Process in compliance with LSP Policy and Procedure Order 219. On August 15, 2018 Major Frank Besson issued a written response to petitioner's grievance. These documents are attached to this petition and marked Exhibit A in globo.

This grievance was not addressed by LSP Command Staff and Petitioner was never given the opportunity to complete the grievance process in accordance with LSP Policy.

8.

On August 11, 2018 Petitioner was targeted and harassed by Sgt. Henry Kimble and forced to write an incident report regarding his presence in New Orleans in his marked unit during day shift when he was assigned to night shift. This document is attached to this petition and marked Exhibit B.

9.

Between August 11, 2018 and August 24, 2018 Petitioner was contacted by Lieutenant Draper Crain and Lt. Colonel Kendrick Van Buren² and advised that he should request a transfer to the Bureau of Investigations, hereinafter ("BOI").

On August 24, 2018 Petitioner met with Major Darrin Naquin regarding possible resolutions to the discrimination issued presented in the employee grievance. Following this meeting, Petitioner requested a transfer to BOI by correspondence dated August 27, 2018. This document is attached to this petition and marked Exhibit C.

Petitioner was not allowed to complete the grievance procedure under civil service rules.

10.

On October 19, 2020, Petitioner submitted information to the Trooper Employee Assistance Program ("TEAP") in an attempt to address the racism issues he was experiencing. TEAP member Martin Mayon advised that TEAP members were not trained to deal with helping individuals with racism.

On November 7, 2020, Petitioner again contacted Mr. Mayon regarding the increasingly hostile working conditions at LSP. There was no progress with Petitioner's information.

² In August 2018, Kendrick Van Buren was a Captain in LSP: Gaming.

On January 30, 2021, Petitioner spoke with TEAP supervisor, Sgt. Christopher McClelland and further reiterated that he was experiencing stress and stress related issues to due work conditions. Sgt. McClelland further advised that TEAP wasn't able to give any assistance on racism or discrimination. A subsequent meeting with Sgt. McClelland on February 2, 2021 yielded similar results.

On February 5, 2021, Petitioner met with Colonel Lamar A. Davis regarding the employee grievance filed in 2018 and ongoing racial discrimination at LSP. Colonel Davis advised that he would investigate these claims. Additionally, Colonel Davis suggested that Petitioner read the book 'Chop Wood Carry Water: How to Fall in Love with the Process of Becoming Great' by Joshua Medcalf, alleging that this book might help him deal with the ongoing racism.

11.

On or about June 7, 2021, Petitioner was placed on forced annual leave pursuant to State Police Commission Rule 11.9. Petitioner was deprived of eighty (80) hours of annual leave equal to an amount of \$28.39/hr. LSP did not give a specific reason for the forced annual leave. Petitioner was required to surrender all LSP issued equipment, including but not limited to firearms, vehicle, uniforms, commission cards, undercover materials, badges, building access cards, keys to LSP properties. Petitioner endured the humiliation of being escorted out of the building and off LSP Headquarters premises.

On or about June 9, 2021, Petitioner met with Byron Sam, EEO coordinator in the DPS Office of Legal Affairs. Following this meeting, Petitioner was instructed to go to a meeting in Human Resources. At this meeting Petitioner was advised that he qualified for an ADA accommodation for any stress related issues arising in the course and scope of his employment. On June 23, 2021 LTC Van Buren advises Petitioner to consider taking Family Medical Leave ("FMLA").

12.

On or about June 11, 2021, Petitioner received a phone call from Sgt. Dave Floss regarding a secondary employment application. These questions were directly related to allegations that Petitioner had authored a work of fiction wherein LSP was harshly criticized. Sgt. Floss requested a copy of the book³.

Further, Lt. Draper Crain spoke with Petitioner and advised that LSP personnel had been cautioned to avoid any and all communication with Petitioner. This deliberate creation of hostile work environment adversely affected Petitioner's relationship with LSP commissioned personnel.

13.

On or about June 28, 2021, Petitioner returned to active duty. He was immediately advised that he was now on ("FMLA") and sent back to his residence indefinitely.

³ NWB was released July 2021.

14.

On or about July 20, 2021 Petitioner was interviewed by LSP: Internal Affairs regarding a complaint he filed against Faye Dysart Morrison, Assistant Secretary of Legal Affairs. At the conclusion of the interview, LTC Van Buren gave Petitioner a hard copy of LSP Procedure Order 901 Code of Ethics, Subsection 42 – Public Statements regarding media contact, specifically regarding a television interview with WBRZ Investigative Reporter Chris Nakamoto on June 28, 2021.

Petitioner gave the following television and radio interviews regarding criminal conduct by commissioned personnel of Louisiana State Police: June 28, 2021 WBRZ with Chris Nakamoto; July 22, 2021 WBOK New Orleans Radio; July 25, 2021 Interview with Eugene Collins, President of Baton Rouge NAACP; July 28, 2021 Instagram Live interview with Dr. Jamal Taylor; August 18, 2021, WWL Channel 4 Interview with Mike Perlstein.

15.

On or about August 2, 2021, Petitioner returned to active duty at LSP. He was immediately involuntarily transferred from Narcotics to Gaming. This action was a constructive demotion to a far less desirable position than Petitioner previously occupied. Petitioner has eleven (11) years of law enforcement employment, but has no experience with gaming, or casino regulation.

Additionally, he was also given correspondence advising him that he was now on administrative leave pending investigation and again sent to his residence indefinitely.

On August 27, 2021, Petitioner received a letter informing him that he would be suspended without pay for forty (40) hours for violation of the LSP Policy on Secondary Employment and one hundred and sixty (160) hours for violation of the LSP Policy on Conduct Unbecoming an Officer. This proposed suspension will result in a loss of income in the amount of five thousand, six hundred and seventy-eight dollars and 00/100 (\$5,678.00).

16.

Petitioner contends that the actions directed at him constituted illegal race-based harassment/discrimination and were taken in retaliation /reprisal for his whistle blowing activity.

17.

Defendant failed to have in full force and effect an effective policy regarding illegal discrimination/harassment and retaliation. Petitioner's reports of such illegal conduct served as a trigger for the unlawful actions thereafter directed at him. Defendant failed to take any action to remedy the racially hostile working environment in spite of Petitioner's many complaints regarding the situation.

18.

As a result of the situation sued upon herein, Petitioner has sustained damages which include but are not limited to, severe and extreme emotional distress, mental anguish, humiliation

and embarrassment, past and future medical expenses, loss of earning capacity, loss of promotional opportunities, and all such other damages as will be more fully shown at trial of this matter and all for which Petitioner specifically sues for herein.

19.

At all times, Petitioner enjoyed the co-equal ability to make and enforce contracts, including that of employment and working in a non-racially hostile environment, within the meaning and intent of 42 U.S.C. 1981. Defendant's actions and deliberate inactions abridged Petitioner's rights pursuant to 42 U.S.C. §1981, for which defendant is liable.

20.

Petitioner is additionally entitled to relief pursuant to La. R.S. 23: 967, for which defendant is liable.

21.

Petitioner has begun the process of filing with the EEOC and LCHR, but has not yet received his Notice of Right to Sue. Petitioner reserves his right to supplement and amend his claims upon receipt of same.

22.

Petitioner sent demand pursuant to La. R.S. 23:301, et seq. All conditions precedent to pursuit of his claims thereunder have been met and/or complied with.

23.

Petitioner is entitled to and desires an award of attorney's fees pursuant to law.

24.

Petitioner is entitled to and desires trial by jury of this matter.

WHEREFORE, Petitioner, Carl Cavalier, prays for trial by jury and after due proceedings are had that there by judgment herein in his favor and against defendant, State of Louisiana, through Department of Public Safety; Public Safety Services; Office of State Police, for all sums as are reasonable under the premises, attorney's fee, litigation expenses, legal interest thereon from the date of demand until paid, and all such other relief afforded Petitioner at law or in equity.

Respectfully submitted,

By: 

Carl Cavalier, in proper person

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