



State Police Commission

Post Office Box 66555
Baton Rouge, LA. 70896-6555
Phone (225) 925-7057
Fax (225) 925-7058
www.laspc.com

John Bel Edwards
Governor

Jason Hannaman
Executive Director

October 24, 2022

VIA: ELECTRONIC MAIL (only): robert@soundoffla.com

Sound Off Louisiana

Attn: Robert Edwin Burns, founder

4155 Essen Lane, Ste 228

Baton Rouge, LA 70809-2152

Dear Mr. Burns:

This letter serves as a formal response, pursuant to the Louisiana Public Records Law, La. R.S. 44:1, et seq., to your request for access to "public records" received on Friday, October 14, 2022, wherein you specifically requested the following information:

1. Documentation applicable for all resignations and/or retirements from LSP for the period of July 1, 2022 through October 14, 2022.
2. Any documentation pertaining to LSP Trooper Daniel Fontenot which will be taken under consideration by the members of the Louisiana State Police Commission upon his hearing.

All available documents responsive to your request are available for your review. Please contact Debbie Givens at Debbie.Givens@La.gov or (225) 925-7057 to schedule a time to review the records.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason Hannaman".

Jason Hannaman, PHR, SHRM-CP
Executive Director



State Police Commission

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John Bel Edwards
Governor

Jason Hannaman
Executive Director

June 1, 2022

NOTICE OF HEARING

LOUISIANA STATE POLICE COMMISSION

Veteran's Memorial Auditorium, Suite 1247
Dept. of Agriculture & Forestry Bldg.
5825 Florida Blvd.
Baton Rouge, Louisiana 70806

AUGUST 11, 2022

9:00 a.m. Public hearing of the Appeal of Daniel Fontenot (Department of Public Safety and Corrections, Office of State Police), Docket No. 22-260-S. Michael N. Antoon represents the Appellant, Daniel Fontenot and Michele Giroir represents the Office of State Police.

cc: Daniel Fontenot
Michael N. Antoon
Michele Giroir
M. Lenore Feeney




State Police Commission

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Let's Be Civilians
Governor

Jason Hannaman
Executive Director

January 25, 2022

Daniel Fontenot


Re: Appeal of Daniel Fontenot (Department of Public Safety and Corrections,
Office of State Police) Docket No. 22-260-S

NOTICE OF DOCKETING

This appeal referenced above was filed in this office January 25, 2022 by Michael N. Antoon, via fax and email delivery. The fact that this appeal was docketed does not constitute an opinion as to the sufficiency or validity of the appeal and does not prevent its dismissal under State Police Commission Rule 13.5.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason Hannaman".

Jason Hannaman, PHR, SHRM-CP
Executive Director

cc: Colonel Lamar Davis
M. Lenore Feeney
Office of Legal Affairs
Internal Affairs



ANTOON

Attorneys at Law

Glen D. Vamvoras*
Attorney
**Of Counsel*
glen@valawyersla.com

January 25, 2022

VIA USPS and Email

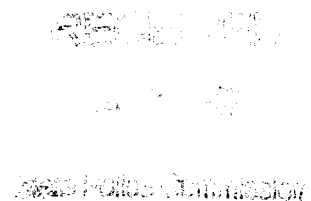
Executive Director Jason Hannaman
Louisiana State Police Commission
P.O. Box 66555
Baton Rouge, LA 70896

Michael Antoon
Attorney
michael@valawyersla.com

Alyson Antoon
Attorney
alyson@valawyersla.com

Re: Notice of Appeal
Case No. 21-051
MT Daniel Fontenot

Nathan Jones
Attorney
nathan@valawyersla.com



Mr. Jason Hannaman,

Please allow this letter to serve as a notice of appeal on behalf of MT Daniel Fontenot as provided for in Commission Rule 13.2. MT Fontenot appeals and complains of the decision of the Department which was made on December 28, 2021 to impose discipline, to-wit: a twenty-four (24) hour suspension, in the above captioned IA case number. The subject of the investigation and basis for the decision to discipline MT Fontenot arose from him recoding a conversation that he had with TPR Summer Robertson using his body worn camera (BWC). MT Fontenot received written notice of the decision on December 31, 2021.

The relief that MT Fontenot seeks is for the decision that he violated P.O. No. 1117, 901-54 and 901-4 and to impose discipline to be overturned, vacated and rendered null. The basis for the appeal has already been explained in detail in two certain correspondences dated October 26, 2021 and November 15, 2021, respectively. To comply with the requirement that this appeal be "concise" per Rule 13.2(d), MT Fontenot incorporates the same by reference as if restated herein, *in extenso*. Notwithstanding, I will highlight the main bases for the appeal

MT Fontenot's employment file will reflect seventeen (17) years of loyal service to LSP. He is decorated and his exceptional services has recently been recognized as "exceeded expectations". He instructs in several capacities to include *D.R.E.*, *Radar/Lidar*, *S.F.S.T.*, and *Intoxilyzer*. *This length history of stellar performance provides context as to MT Fontenot's pure intent at all times pertinent hereto.*

MT Fontenot found out that other troopers felt that Tpr. Robertson was ducking crashes, a perception that is corroborated by S/T Anthony Efthemes. Even though MT Fontenot had authority under the LSP Commission Code as a Master Trooper to exercise functional supervision over Tpr Robertson and to address the issues with her, MT Fontenot took care to ask his supervisor, Sgt. Willis, to intervene. MT Fontenot recalls that Sgt. Willis communicated that he was not allowed

to address the issue with Tpr. Robertson.¹ Sgt. Willis reported that he brought this issue to Lt. Odom who instructed him to “let them work it out themselves.” Based on Lt. Odom’s clear instructions, Sgt. Willis told MT Fontenot that supervisors would not get involved and authorized MT Fontenot to “...talk it out.” Lt. Odom’s direct instruction to Sgt. Willis to not intervene and to let the troopers work it out was an effective “order” regardless of whether he used that exact term. MT Fontenot was reasonable to interpret this as an order whether he correctly or incorrectly interpreted the context behind it. Sgt. Willis, the only and best *independent* witness to he and Fontenot’s conversation felt that MT Fontenot at-best “misinterpreted his words”, a far-cry from some intentional misrepresentation worthy of discipline. Regardless, the only common-sense way for Fontenot to interpret “talk it out” is as authorization to address the issue with Robertson.

MT Fontenot did “talk it out” with Tpr. Robertson and tactfully chose to do so in private to avoid causing her embarrassment. But, he was also aware from reliable sources within LSP and other law enforcement agencies that Tpr. Robertson had credibility issues and understood that she filed false complaints against other officers in the past. Therefore, he chose to record the conversation using his body worn camera (BWC) to protect himself and the LSP. He did not disclose the existence of the recording for the same reason he did not address her in front of others. He labelled the recording as best he could to avoid it being erased while picking the most appropriate label from limited options.

The Department incorrectly found that MT Fontenot violated P.O. 901, Section 4 – Conduct Unbecoming of an Officer. As explained above, Lt. Odom did give an “order” to Sgt. Willis, a supervisor, to not intervene and MT Fontenot was reasonable and correct to interpret it as an order. Even if he did misinterpret the context, this is not conduct unbecoming. Further, MT Fontenot was concerned that Tpr. Robertson would have her pride hurt when he counseled her and that she might retaliate by levying false allegations against him. He took prudent steps to document the conversation to protect himself and the department. He correctly determined that policy allowed him to utilize his BWC under these circumstances. She ultimately proved his concerns to be legitimate when she later filed EEOC complaints to retaliate against fellow troopers for holding her accountable for deficient performance on other matters. Regardless, conscientiously evaluating policy and developing a reasonable interpretation that his actions were allowed and appropriate under the circumstances is not conduct unbecoming of an officer but rather the prudent actions of a conscientious officer

The Department incorrectly found that he violated P.O. 1117 which specifically governs the use of Body Worn Cameras (BWCs). P.O. 1117 acknowledges that BWCs are “intended to be used to assist and compliment officers in the performance of their duties”.² It further acknowledges that “This policy is not intended to describe every possible situation where the BWC [...] may be used” thereby giving troopers discretion to use them when not expressly prohibited from doing so.”³ P.O. 1117 further states that BWC “shall be used only in conjunction with *official law*

¹ MT Fontenot recalls that the conversation with Sgt. Willis took place during one uninterrupted meeting. This also corroborates the fact that this perception existed because Sgt. Willis would have had to have initially learned of the issue with Tpr. Robertson from another trooper or troopers and have already brought it to Lt. Odom in order to advise MT Fontenot in an uninterrupted meeting about Odom’s instructions. The Loudermill and Final letters seem to indicate the Sgt. Willis had two conversations with MT Fontenot and that Sgt. Willis met with Lt. Odom between.

² P.O. 1117, I. Purpose, i).

³ *Id.* at subparagraph ii).

enforcement duties". 1117 only prohibits using BWC to record communications with other police personnel "*outside* the scope of his official duties."⁴ Importantly, the contrapositive of this prohibition is that personnel can use BWCs to record other personnel within the scope of official duties. At the time in question, both MT Fontenot and Tpr. Robertson were on duty and in uniform. He addressed her as part of his duty as a Master Trooper exercising functional supervision to correct perceived deficiencies in the performance of her official duties. He was justified in recording the same using his BWC per 1117.

The Department also incorrectly found that MT Fontenot violated both P.O. 901, Section 54 and P.O. 1117 with this single act. Thus, the Department clearly thinks that these two policies overlap. We argue that the policies do not overlap. In the alternative, if they do overlap then the Department can only fairly apply them as written by applying the "within the scope of official duties" exception in 1117 explained above to 901 which also excepts certain similar situations.

P.O. 901 was enacted before 1117 and before the department issued digital BWCs. At that time, it most assuredly did not contemplate 901 to apply to the wide use of departmentally issued digital recording devices, worn during shifts. So, it could have only contemplated privately-owned devices such as tape recorders and body wires—"mechanical" devices. 901 specifically excepts "answering machines" rather than modern "voice mails" which further demonstrates that the policy really contemplated a different kind of device, a "mechanical"⁵ device, that would be used in a different context. When the department issued BWCs it enacted 1117 to specifically apply to BWC. It would not have needed 1117 if 901 sufficiently covered BWCs. Further, there is no need for two policies on-point which indicates they have separate purposes and applications. Lastly, the drafters did not cross-reference the policies when they have had every opportunity to do so. This all suggests that the policies have separate application.

The separate nature of these policies is best demonstrated by the fact that the policies *as interpreted by the Department* would contradict one another since 1117—the more specific policy on-point⁶—allows officers to use BWCs to record communications with other officers pursuant to official duties where 901—which is the more general of the two policies—would prohibit it *according to Departmental interpretation*. If the policies are intended to overlap and 1117 clearly allows officers to record other officers in the discharge of their duties then the only reasonable inference is that 901 also allows the use of "mechanical recorders" in the discharge of official duties. Consider that 901 allows employees to record radio traffic, calls to published phone numbers to LSP facilities and to use "answering machines". This additional context⁷ demonstrates that LSP had to leave open the ability of its employees to record communications made in the course of "official business". But, 901 was written before troopers carried departmentally issued BWCs on their persons at all times while on duty so it did not contemplate that recorders—then

⁴ P.O. 1117, 3. General, i) j) 1).

⁵ See LA R.S. 1:3, "Technical words ... shall be construed and understood according to such peculiar and appropriate meaning" and LA Civ. Code. art. 11, "Words of art and technical terms must be given their technical meaning when the law involves a technical matter."

⁶ As the Louisiana Supreme Court has consistently recognized, it is a well-established rule of statutory construction that a statute more specifically directed to the matter at issue *must* prevail as an exception to a more generally-applicable statute. See *Bluck v. St. Tammany Parish Hosp.*, 25 So. 3d 711, 717 (La. 11/6/2009).

⁷ LA R.S. 1:3, Words and phrases, how construed. "Words and phrases shall be read with their context and shall be construed according to the common and approved usage of the language."

mechanical—would be so widely used and have such broad applications as digital BWCs. The drafters had no reason to broadly except “official duties” and merely listed specific exceptions in 901 that were foreseeable at that time. No matter how you slice it, MT Fontenot did not violate these policies.

LSP never put MT Fontenot through a class to teach him how LSP interpreted policy but expected him to do so using his best judgment. MT Fontenot, a highly analytical individual, recognized the difference between “mechanical” and “digital” recorders and the unique applications of each policy and interpreted 1117 to allow him to record the conversation with Tpr. Robertson. Even if he was wrong⁸, he was blameless for being wrong and the proper action is a letter of counseling and not discipline which compromises his ability to testify against criminals.

At the hearing, the Commission will be made aware that officers who served with Tpr. Robertson at previous departments told MT Fontenot of serious credibility issues which gave him reasonable concern about speaking to her alone which prompted him to record the encounter. The Commission will also learn that Tpr. Robertson displayed significant deficiencies as to standardized field sobriety test (SFST) and drug recognition expert (DRE) performance. She was to receive further private instruction through MT Fontenot but it was ultimately decided that Tpr. Robertson should retake the SFST class instead so that MT Fontenot was not individually responsible for her training. Tpr. Robertson’s pride was injured about having to retake the class. During that class, she refused to meaningfully participate. When instructors censured her, she doubled-down on refusing to participate, became defiant and even disobeyed instructions to participate. This occurred in the presence of witnesses from LSP and other agencies. MT Fontenot and other LSP personnel had to submit incident reports about Tpr. Robertson’s behavior and her DRE certification was suspended. Immediately after she found out, she filed EEOC complaints against several of these fellow officers. She found out about the recording at issue in this matter and also filed this complaint.

Tpr. Robertson is not a victim nor was she wronged. Her fellow troopers attempted to help her to improve and correct her deficiencies. Rather than humbly accept their help, she resented it and returned it with contempt. They were forced to hold her accountable. In response, she weaponized the system and filed EEOC complaints against them and as well as this complaint when she became aware of the recording. The Commission should not advance her abuse of process.

Procedural objections.

In addition to the substantive considerations that warrant the Commission to overrule and vacate the Department’s decision, there are various procedural deficiencies in the investigative process that run afoul, not only of LSP policies and Commission rules, but also of MT Fontenot’s federal and state constitutional rights, and LSP should withdraw its determinations as a result.

⁸ See LA R.S. 14:16 – Mistake of Fact – which provide that in criminal proceedings, “[R]easonable ignorance or mistake of fact which precludes the presence of any mental element required in that crime is a defense to any prosecution of that crime.”

- a) *LSP not only failed to follow its own policies and the Commission Rules in sustaining this charge of conduct unbecoming, but LSP also violated MT Fontenot's federal and state due process rights by sustaining the charge of conduct unbecoming without providing him notice or an opportunity to be heard.*

Complaints and Administrative Investigations, as well as disciplinary procedures, are governed by the LSP Commission Rules in Chapter 12.⁹ As to the charge of conduct unbecoming, not a single procedure contained in LSP policy or in Chapter 12 of the commission rules were followed. In fact, until MT Fontenot received the notice of discipline letter on Oct. 22, 2021, he was never given any indication that he was being investigated for such a charge. MT Fontenot did not have an opportunity to answer these allegations during his interrogation, nor can he adequately answer those allegations here. Therefore, LSP violated his federal and state due process rights¹⁰ to be notified of the charges against him and to have an opportunity to be heard when it sustained the conduct unbecoming charge. LSP also violated P.O. 801¹¹ because the investigation concerning that charge was not conducted in accordance with P.O. 209 and clearly violated P.O. 209, P.O. 211, and Chapter 12 of the Commission Rules for the same reasons set forth above.

- b) *LSP failed to follow its own policies and the Commission rules in sustaining the BWC and Mechanical Recording charges.*

LSP sustained the remaining charges in violation of its policies and the Commission rules in the following non-exclusive particulars:

- To the extent that all departmental or other witnesses have not been interviewed, the final report, which informed the Deputy's decision, was not "complete and thorough," and the decision was made prematurely.¹²
- LSP has not provided a copy of the written complaint after MT Fontenot's interrogation—which he requested during the interrogation and in writing—as is required by LSP Commission Rule 12.13.¹³ (NOTE: MT FONTENOT AGAIN REQUESTS THAT INFORMATION)
- LSP has not identified who notified Tpr. Robertson of the existence of the recording. To the extent that individual is a witness, this circumstance might indicate a bias in favor of Tpr. Robertson or against MT Fontenot and therefore affect that witness's credibility.¹⁴ (NOTE: MT FONTENOT HEREBY REQUESTS THAT INFORMATION)

⁹ P.O. 209, 2. Definitions, iii) Disciplinary action, a) and c), P.O. 211 – Disciplinary, 3. Disciplinary Procedure, i).

¹⁰ 14th Amendment, United States Constitution, Art. 1 § 2 Louisiana Constitution of 1974.

¹¹ P.O. 801 – Administration, 3. General Operations, i) d).

¹² P.O. 209, 5. Guidelines for Conducting an Administrative Investigation, i) and k).

¹³ To the extent LSP Commission Rule 12.13 conflicts with P.O. 209, 5. Guidelines for Conducting an Administrative Investigation, ii) General Guidelines, g) then DPS needs to reconcile these contradictions. **This express contradiction illuminates the very disharmony among individual sections of LSP Policy that created the conundrum ("mechanical" vs. digital) that has now ensnared MT Fontenot.**

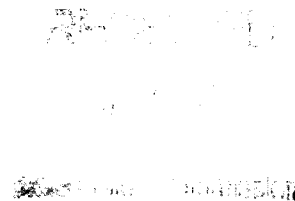
¹⁴ See LA Code Evidence art. 607 and 608.

MT Fontenot's mailing address is [REDACTED] and my office mailing address is 1111 Ryan Street, Lake Charles, LA 70601. Please cc my office on all correspondence.

Kindest regards,



Michael N. Antoon
o/b/o MT Daniel Fontenot





JOHN BEL EDWARDS
GOVERNOR

Lamar A. Davis, Colonel
DEPUTY SECRETARY

State of Louisiana
Department of Public Safety and Corrections
Public Safety Services

RECEIPT

I, M/T Daniel Fontenot, acknowledge that I have received the below listed document(s) in reference to Case #21-051

- 1. Final Letter

RECEIVED

DEC 29 2021

State of Louisiana

12/21/2021	MIT Daniel Fontenot	2220	LSP D
DATE/TIME	SIGNATURE		TROOP/SECTION

DELIVERED BY: Capt. Brad Lettman 2044

Once the receipt has been signed, please scan and email a copy to Internal Affairs. Please mail the original to:

RETURN RECEIPT TO: LSP INTERNAL AFFAIRS
P.O. BOX 66614
BATON ROUGE, LA 70896

Date: 12/29/2021

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DECEMBER 24, 2021
4750/0501/MMG/21-23778
HQ2-2054-21

STATE POLICE COMMISSION

MASTER TROOPER DANIEL FONTENOT
TROOP D

IA#21-051; OIA#074872
VIA PERSONAL DELIVERY

RE: TWENTY-FOUR (24) HOUR SUSPENSION

Master Trooper Fontenot:

The response to my intended suspension letter that was submitted on your behalf has been received by me. After due consideration, I find that the suspension is warranted.

Pursuant to the authority granted by State Police Commission Rules 12.1, 12.2, you are hereby notified that you are suspended from duty for twenty-four (24) hours without pay and allowances. Your suspension will begin at 0500 hours on Wednesday, January 19, 2022, and will end at 1700 hours on Thursday, January 20, 2022. You shall report back to your assigned duty station at 1700 hours on Monday, January 24, 2022. You are suspended for the following reasons:

On September 11, 2020 at approximately 9:37 a.m. while on duty, you used your Department issued Body Worn Camera (BWC)¹ to record a conversation you had with Trooper Summer Robertson without her permission or knowledge. According to the Axon Evidence Audit Trail for this recording, the recording terminated at 9:46 a.m. At approximately 11:00 a.m. that date, you categorized the video as "Citizen Encounter" using Axon View XL, the recording was successfully uploaded to Evidence.com and deleted from the BWC at approximately 11:07 a.m. that date. This video is maintained in Evidence.com and is assigned Unique ID 06C3CECB88EB40538C36F307EC8C0626.

During your recorded conversation, you sat in your unit and spoke to Trooper Robertson, through the window of your unit as she sat in her unit. According to the recording, you told Trooper Robertson that you wanted to speak to her about troopers and supervisors coming to you about her availability to work crashes on shift. During the conversation, you told her that the perception was that she was staying busy tagging and towing vehicles so that she could "duck" crashes. When Trooper Robertson told you that if supervisors had an issue with it, they needed to

¹ The camera you used was an Axon Body 2 bearing device number X81140718 that was assigned to you

Trooper Foreman
December 28, 2021
Page 2

call her, you told her that you were not going to get into the details, but they said they're not allowed to talk to her about it. You further advised her that as the senior guy, you found it was your responsibility to talk to her about whether she was "doing it on purpose." Trooper Robertson told you that when she is called to go tag and tow a vehicle by a supervisor, she was going to do it.

You also spoke to Trooper Robertson about going "10-8" (in service) on her Vehicle Data Terminal (MDT) instead of the radio, that it makes it look like she is still "10-5" (busy) and a supervisor does not think that she is available.

When Trooper Robertson questioned why anyone with a problem would not come to her personally, you offered that it was because they (troopers) had less time than her, and because a supervisor on your shift was given a direct order to let the troopers handle it. You told Trooper Robertson that because the supervisor could not talk to her, you told the supervisor that you were going to talk to her and the supervisor stated, "Good. She needs to be talked to because I can't talk to her." You stated to Trooper Robertson, "I have perks that, hey, I don't have to handle everything. I'm kind of like the last person to get called to things. That's something that I've kind of earned over the years. But it is also my responsibility to people are looking to me to talk to you about it."

You additionally told Trooper Robertson that you did not see or hear other troopers "going out and looking for stuff," you were not telling her to not do anything, and if she saw somebody do something stupid to handle it. You stated to Trooper Robertson that you did not know what a supervisor was telling her, but if a supervisor was not telling her to tag and tow vehicles, you "personally wouldn't consider towing a vehicle on the side of the interstate." When Trooper Robertson reiterated that she was told to go tow vehicles, you asked her, "So every single vehicle that you tagged and towed, they specifically told you to get that exact one?" You told her that if a supervisor told her to do that, it was a completely different story.

During the administrative investigation, Sgt. James Haugen advised IA investigators that he had assigned Trooper Robertson on her shift on September 11, 2020, to check for "Signal 18's" because it was during the hurricane. Sgt. Haugen advised IA investigators that when Trooper Robertson asked him about your statement that the supervisors were given a direct order not to talk to her about any matters, Sgt. Haugen advised her (Trooper Robertson) that he was not aware of any such order.

S/Y Anthony Efthemes advised IA investigators that he heard other troopers were upset that Trooper Robertson chose to work "Signal 18s" and not work crashes. During the hurricane (Laura), he was with some other troopers and heard you through a cell phone speaker state that you were going to talk to Trooper Robertson and asked if there was anything they wanted you to address.

When you were interviewed by IA investigators, you admitted that you recorded your conversation with Trooper Robertson on September 11, 2020 without her knowledge or permission. You advised that troopers had complained to you that Trooper Robertson was not "pulling her own weight" and was trying to avoid work. You told IA investigators that you advised Sgt. Bryan Willis of the alleged complaints and that you were going to speak with Trooper Robertson about it, and Sgt. Willis stated, "Good. You need to have a conversation with her because I'm not allowed to." You advised IA investigators that you interpreted this as meaning that Sgt. Willis was given a direct order not to speak to Trooper Robertson and that he had given you the authority to "fix her issues." You advised IA investigators that you had a "coaching session" with Trooper Robertson and recorded it on your BWC to protect yourself and the agency. When IA investigators asked you why you did not tell anyone that you had recorded the conversation, you stated, "I did not want it to get out."

Sgt. Willis advised IA investigators that you approached him about Trooper Robertson "ducking crashes," so Sgt. Willis spoke with Lt. Jonathan Odom who told him Trooper Robertson was not violating policy or doing anything unsafe, and to "let them work it out themselves." Sgt. Willis advised IA investigators that he informed you that Lt. Odom advised that supervisors were not going to get involved and "ya'll could talk it out." Sgt. Willis denied that he was given a direct order not to speak to Trooper Robertson, or that you were given authority by supervisors to speak to Trooper Robertson about the issue. Sgt. Willis advised IA investigators that he felt that you misinterpreted his words.

By recording your above-described conversation with Trooper Summer Robertson on September 11, 2020 on your BWC without Trooper Robertson's knowledge or consent, you violated the following Louisiana State Police Policy and Procedure Orders:

- 1) No. 1117 – Body Worn Camera & In-Car Camera Systems, which states in pertinent part:

3. GENERAL

i) General Use and Operation

- j) BWC and in-car camera systems shall be used only in conjunction with official law enforcement duties. Officers shall not use the BWC or in-car camera systems to intentionally record:

- 1) Communications with other police personnel outside the scope of official duties;

- 2) No. 901 – Code of Conduct and Ethics, Section 54 – Mechanically Recording Conversations, which states in pertinent part:

- i) No employee shall make a mechanical recording of the conversation of another employee without the prior approval of the Superintendent or without the consent of all parties to the conversation.

Trooper Robertson found out that you recorded the above conversation without her permission or knowledge, which led to her filing a complaint. You also told Trooper Robertson that supervisors were given a direct order to not speak with her, which was not accurate. Your actions were in violation of Louisiana State Police Policy and Procedure Order No. 901 -- Code of Conduct and Ethics, Section 4 -- Conduct Unbecoming an Officer, which states in pertinent part:

- i) A commissioned officer shall conduct himself at all times, both on and off-duty, in such a manner as to reflect most favorably on himself and the Department.
- ii) Unbecoming conduct is defined as conduct which:
 - ...
b) Reflects discredit upon the officer as a member of the Department
 - ...
d) Detrimentially affects the morale of the Department's personnel
 - ...


Any future violations of this or any nature may result in more severe discipline, up to and including termination.


You have the right to appeal this action to the Louisiana State Police Commission. The time limits and procedure for appealing are contained in Chapter 13 of the State Police Commission Rules. A copy of Chapter 13 can be obtained from the State Police Commission. Their current mailing address is P.O. Box 66555, Baton Rouge, LA 70896-6555. Their current telephone number is (225) 925-7057 and their fax number is (225) 925-7058.

Your attention is directed to Louisiana State Police Policy and Procedure Order No. 201.5.iv, which states:

- iv) No officer shall work escorts, paid off-duty details, or overtime in any pay period wherein he has taken leave without pay, been suspended without pay, placed on forced or administrative leave, or worked at a reduction in pay as a result of a disciplinary action unless authorized by the appointing authority.

Sincerely,


Lt. Col. M. Doug Cain, II
Asst. Superintendent/Chief of Staff
Louisiana State Police


STATE POLICE COMMISSION

Colonel Lamar Davis
Lt. Col. Chavez Cannon
Major Penny Broussard
Captain Brad Salzman
Internal Affairs
Office of Legal Affairs
Human Resources Management

RECEIVED
JUN 14 2011
INTERNAL AFFAIRS