

GRAY MEDIA GROUP, INC.

NO. \_\_\_\_\_ DIV. \_\_\_\_\_

VERSUS

19<sup>TH</sup> JUDICIAL DISTRICT COURT

PARISH OF EAST BATON ROUGE

COLONEL ROBERT P. HODGES IN HIS  
OFFICIAL CAPACITY AS LOUISIANA  
STATE POLICE SUPERINTENDENT

STATE OF LOUISIANA

PETITION FOR WRIT OF MANDAMUS

NOW INTO COURT, through undersigned counsel, comes the Petitioner herein, Gray Media Group, Inc. (“Petitioner”), who files this Petition for Writ of Mandamus, and who, with respect to same, does hereby allege, aver, espouse, attest, and state as follows, to-wit:

1.

The Petitioner is the broadcaster and owner of WAFB-TV (“WAFB”), which broadcasts news and other programming in Baton Rouge and south Louisiana. Petitioner employs Kevin Foster and Robb Hays, both individuals of the age of majority and residents of Louisiana, as Investigative Producer and News Director, respectively.

2.

Made Defendant/Respondent herein is Col. Robert P. Hodges, in his official capacity as Superintendent of the Louisiana State Police (“LASP”) and deputy secretary of the Department of Public Safety, the public records custodian with custody and control over the requested records.

3.

Venue and jurisdiction are proper pursuant to La. R.S. 44:35(A), which authorizes “any person” who has been denied a record to institute suit in the Parish of the custodian’s office.

4.

Since early 2025, journalists at WAFB have sought public records concerning alleged excessive force by Louisiana State Police Trooper Matthew (Mathew) Clair against an inmate in Avoyelles Parish, Louisiana, an incident that led to discipline and a March 14, 2024 settlement before the Louisiana State Police Commission in the case bearing Docket No. 23-267-S.

5.

On April 10, 2025, WAFB Investigative Producer Kevin Foster submitted Public Records Request No. R014465-041025 through the Louisiana Public Safety Department’s Public Records Center (the “Records Center”). He requested “any and all body camera footage, and written or

typed reports tied to incident 23-267-S as part of the State Police Commission’s appeal process for Trooper Matthew Clair,” and requested a fee waiver. *See* Exhibit “A.”

6.

The Records Center acknowledged the request and represented that it had begun the process of searching for responsive documents, while reserving alleged statutory exemptions and estimating forty-five (45) days for collection, review, and redaction. *See* Exhibit “A.”

7.

The Records Center then repeatedly demanded additional “clarification,” including an 8-digit LASP report number and further details about the incident, even after Mr. Foster supplied an internal affairs number, the State Police Commission docket number, and other information. *Id.*

8.

On May 5, 2025—nearly a month after the original request—the Records Center advised that there were “no responsive records” to Request No. R014465-041025.

9.

The Records Center suggested Mr. Foster submit a new request. *See* Exhibit “B.”

10.

In response, the Records Center again requested “clarification,” asserted that the request was “too vague,” and demanded further particulars, despite already having the trooper’s name, time period, and discipline as search parameters. Mr. Foster then narrowed and amended the request to seek Trooper Clair’s internal affairs and discipline history (his “disciplinary jacket”) from 2020 forward. The Records Center thereafter estimated that up to forty-five (45) days would be required for review and redaction but produced no records. *See* Exhibit “B.”

11.

On June 12, 2025, WAFB made an additional request, No. R016287-061225, for “any FIU (Force Investigative Unit) records pertaining to Matthew Clair involving a video from Avoyelles Parish from 4/24/22,” and asked that all records in the Mark 43 Management System be checked.

12.

The Records Center sought “clarification” on LASP’s response to the incident, the 8-digit report number, and the name and dates of birth of everyone involved. *See* Exhibit “C.”

13.

On July 30, 2025, WAFB News Director Robb Hays submitted another public records request, No. R017642-073025, *See* Exhibit “D,” seeking:

[A] copy of the video provided to LASP by an outside law enforcement agency, showing possible excessive force against an inmate by LASP Trooper Mathew Clair. This incident resulted in discipline for Clair, followed by a settlement agreement. The settlement agreement was reached on 3/14/24 by the State Police Commission (Docket No. 23-267-S). If LASP believes the video is not public record, please cite the applicable law which you believe would prohibit its release. If LASP has destroyed the video, please indicate the date the video was destroyed and provide copies of any documentation that instructs or authorizes personnel to destroy the video.

14.

On or about August 6, 2025, Captain Graham, on behalf of Defendant and the Records Center, denied Mr. Hays’s July 30 request. Graham asserted that any video responsive to the request was part of an internal affairs investigation that ultimately concluded with non-disciplinary action. Further, Graham stated the video sought was associated with a letter of counseling rather than discipline, and, pursuant to Louisiana State Police Rule 12.9, was not considered a public record. The response did not invoke any specific statutory exemption or any other provision of the Public Records Law and did not address the request for documentation regarding its destruction.

15.

On August 8, 2025, counsel for WAFB sent Captain Graham a detailed letter explaining why the requested video is a public record, why no statutory exemption applies, and why neither LASP Rule 12.9 nor generalized “privacy” assertions justify withholding the video. Counsel requested reconsideration and warned that litigation would be required otherwise.

16.

To date, Defendant has not produced the requested video, has not produced records regarding its destruction (if any), and has not produced responsive FIU, internal affairs, or disciplinary records related to the Avoyelles Parish incident.

17.

Petitioner sought these records in order to report on matters of significant public concern, including alleged excessive force by a state trooper and the discipline that followed.

18.

The Petitioner avers that the reporting on this matter is of the utmost public interest in the operation of law enforcement in the state of Louisiana, and the United States. Petitioner

respectfully requests this Honorable Court review the unredacted records *in camera* in accordance with the law and determine whether the Defendant's blanket claim of exemption is proper.

19.

Petitioner seeks that this Court review the records and, if necessary, make a determination as to the public's right to know regarding the public affairs contained herein and the public's right to know. In *City of Baton Rouge v. Capital City Press*, 4 So. 3d 807, 821 (La. App. 1 Cir. 2008) the Louisiana First Circuit found that the internal affairs files of certain police officers were not exempt due to privacy concerns in the face of the public's interest, as:

These investigations were not related to private facts; the investigations concerned public employees' alleged improper activities in the workplace. On the other hand, the public has a strong, legitimate interest in disclosure. One of the purposes of the Public Records Act is to insure that public business is subject to public scrutiny. The public has an interest in learning about the operations of a public agency, the work-related conduct of public employees, in gaining information to evaluate the expenditure of public funds, and in having information openly available to them so that they can be confident in the operation of their government. The public should be ensured that both the activity of public employees suspected of wrongdoing and the conduct of those public employees who investigate the suspects is open to public scrutiny.

20.

The Louisiana Public Records Law provides that any person who is denied the right to inspect or copy a record "may institute proceedings for the issuance of a writ of mandamus, injunctive or declaratory relief, together with attorney's fees, costs and damages as provided for by this Section, in the district court for the parish in which the office of the custodian is located." La. Rev. Stat. § 44:35(A).

21.

A writ of mandamus, which will "compel the performance of a ministerial duty required by law" is appropriate to compel Defendant to abide by his statutory duty to produce the records with more narrowly tailored redactions. La. C.C.P. Art. 3863.

22.

It is the law of Louisiana that: "No person shall be denied the right to observe the deliberations of public bodies and examine public documents, except in cases established by law." La. Const. Art. 12, Sec. 3.

23.

Furthermore, "Providing access to public records is a responsibility and duty of the appointive or elective office of a custodian and his employees." La. Rev. Stat. § 44:31.

24.

“All persons and public bodies having custody and control of any public record” are required by law to preserve the public records for three years. La. Rev. Stat. § 44:36.

25.

A custodian of Public Records has five days, exclusive of Saturdays, Sundays and legal public holidays, to produce public records. La. Rev. Stat. § 44:33.

26.

Suits filed under the Public Records Law “shall be tried by preference and in a summary manner.” La. Rev. Stat. Ann. § 44:35(C).

27.

As stated in La. Rev. Stat. Ann. § 44:31(B)(3), the “burden of proving that a public record is not subject to inspection, copying, or reproduction shall rest with the custodian.” Indeed, “the custodian must defend his action in a contradictory hearing,

28.

The Louisiana Public Records Law at La. R.S. 44:35(B) allows for *in camera* inspection of documents in controversy, and the Petitioner requests such an inspection.

29.

The Louisiana Supreme Court has held that the Public Records Law should be “construed liberally in favor of free and unrestricted access to the records, and that access can be denied only when a law, specifically and unequivocally, provides otherwise.... Whenever there is doubt as to whether the public has the right of access to certain records, the doubt must be resolved in favor of the public's right to see.” *Title Research Corp. v. Rausch*, 450 So.2d 933, 936 (La. 1984).

30.

Petitioner furthermore avers he should be awarded reasonable attorneys’ fees and other costs of litigation available pursuant to La. Rev. Stat. § 44:35(D).

**WHEREFORE**, Petitioner, Gray Media Group, Inc., respectfully prays that:

1. After due proceedings, there be judgment in his favor and against Defendant, Col. Hodges, in his official capacity as Louisiana State Police Superintendent and Deputy Secretary of the Department of Public Safety, ordering Defendant to immediately produce for *in camera* inspect and production to the Petitioner if otherwise warranted:

- a. The video provided to LASP by an outside law enforcement agency depicting possible excessive force by Trooper Matthew (Mathew) Clair against an inmate in Avoyelles Parish, as described in Request No. R017642-073025;
  - b. Any and all records concerning the creation, receipt, storage, retention, or destruction of that video, including logs, memoranda, emails, orders, and policies;
  - c. Any FIU, internal affairs, or disciplinary records concerning the April 24, 2022 Avoyelles Parish incident and Trooper Clair's conduct that resulted in discipline and/or the March 14, 2024 settlement in State Police Commission Docket No. 23-267-S, to the extent not already publicly filed in that proceeding.
2. Alternatively, and/or additionally, Defendant be ordered to produce unredacted copies of such records to this Court for in camera inspection pursuant to La. R.S. 44:35(B);
3. The Court issue an alternative writ of mandamus directing Defendant to perform the acts demanded herein or show cause on a date and time fixed by the Court why he should not be compelled to do so;
4. Petitioner be awarded reasonable attorney's fees, court costs, and other litigation expenses pursuant to La. R.S. 44:35, together with any civil penalties as provided by law; and
5. Petitioner be granted all other general and equitable relief to which they may be entitled.

Respectfully submitted:

STERNBERG, NACCARI & WHITE, LLC



SCOTT L. STERNBERG, La. Bar No. 33390  
M. SUZANNE MONTERO, La. Bar No. 21361  
JOHNSTON BURKHARDT, La. Bar No. 38687  
935 Gravier Street, Suite 1800  
New Orleans, Louisiana 70112  
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[scott@snw.law](mailto:scott@snw.law) | [johnston@snw.law](mailto:johnston@snw.law)  
*Counsel for Petitioner*

**PLEASE SERVE:**

**Captain Russell Graham  
Public Affairs Commander for the Louisiana State Police  
7919 Independence Boulevard  
Baton Rouge, Louisiana 70806**

GRAY MEDIA GROUP, INC

NO. \_\_\_\_\_ DIV. \_\_\_\_\_

VERSUS

19<sup>TH</sup> JUDICIAL DISTRICT COURT

CAPTAIN RUSSEL GRAHAM, IN HIS  
OFFICIAL CAPACITY AS LOUISIANA  
STATE POLICE PUBLIC AFFAIRS  
COMMANDER

PARISH OF EAST BATON ROUGE

STATE OF LOUISIANA

**ORDER**

Considering the Petitioner Gray Media Group’s Petition for Writ of Mandamus filed herein;

**IT IS HEREBY ORDERED** that the Defendant, Captain Russell Graham, in his official capacity as Public Affairs Commander for the Louisiana State Police, be served with the foregoing Petition and a copy of this Order, and that an alternative writ of mandamus shall issue herewith, directing and compelling Defendant to immediately produce the public records requested, or show cause to the contrary.

**IT IS HEREBY ORDERED** that the Defendant, Captain Russell Graham, in his official capacity as Public Affairs Commander for the Louisiana State Police, shall produce unredacted copies of the requested records directly to the undersigned Honorable Judge so that the Court may conduct an *in camera* inspection pursuant to the Louisiana Public Records Law La. Rev. Stat. Ann. § 44:35(B).

**IT IS FURTHER ORDERED** that a hearing shall be held on the \_\_\_\_\_ day of \_\_\_\_\_, 2026, at \_\_\_\_\_ o’clock \_\_\_\_\_.m., and Defendant shall show cause as to:

- 1. Why said records should not be produced as requested, and why the alternative writ of mandamus issued by this Order shall not be made peremptory and permanent; and
- 2. Why Defendant should not be taxed with costs and attorneys’ fees, as well as penalties for an arbitrary and capricious failure to comply with the law, as permitted by law, and all other equitable and just relief as may be permitted by law.

Baton Rouge, Louisiana, this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
JUDGE

**PLEASE SERVE:**  
Captain Russell Graham  
Public Affairs Commander for the Louisiana State Police  
7919 Independence Boulevard  
Baton Rouge, Louisiana 70806

5/20/25, 11:17 AM

Louisiana Department of Public Safety & Corrections | Public Records Center



# Louisiana Department of Public Safety

## Public Records Center

Main Menu

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View Message(s)

**Request Type:**  
Public Records Request

**Primary Requester E-Mail:**  
Kevinfoster@wafb.com

**Reference No:**  
R014465-041025

**Status:**  
No Responsive Records

**Balance Due:**  
\$0.00

**Payments:**  
\$0.00

FAQs

See All FAQs

What do I need to obtain Body Worn Camera footage?

How do I obtain Vehicle Crash Reports?

Is there a cost associated with a public records request?

How will I be notified if I am allowed to receive the records?

Can I request Louisiana State Police Policy and/or Procedure?

Public records are documents or pieces of information that are not considered confidential and generally pertain to the conduct of government.

Type of Record(s) Requested: Louisiana State Police

Date From: 11/01/2014

Date To: 04/10/2025

Describe the Record(s) Requested: Hello! We'd like any and all body camera footage, and written or typed reports tied to incident 23-267-S as part of the State Police Commission's appeal process for Trooper Matthew Clair. Please waive fees for this request.

Please be specific with your request to narrow our search and respond



5/20/25, 11:17 AM

Louisiana Department of Public Safety & Corrections | Public Records Center

to you quickly and  
efficiently.

**Preferred Method to Receive Records:** Electronic via Records  
Center

**Please note not all public documents are available in electronic format. If the document(s) requested are not available electronically, we will make them available for inspection or by paper copy in accordance with the Public Records Law.**

[New Message](#) [Return to List](#)

Messages 12  [Print Messages \(PDF\)](#)

✓  On 5/5/2025 2:47:49 PM, DPS Records Management Division wrote:

**Subject:** [Records Center] Public Records Request :: R014465-041025

**Body:**

RE: Public Records Request of April 10, 2025, Reference # R014465-041025

Dear Kevin Foster,

The Louisiana Department of Public Safety, Public Safety Services received a public records request from you on April 10, 2025. Your request mentioned:


**Hello! We'd like any and all body camera footage, and written or typed reports tied to incident 23-267-S as part of the State Police Commission's appeal process for Trooper Matthew Clair. Please waive fees for this request.**

\*\*\*\*\*Please submit a new PRR\*\*\*\*\*


For questions or additional information, please reply to this email.

Sincerely,

Records Management Division

✓  On 5/5/2025 2:30:36 PM, Kevin Foster wrote:

Can you search for any and all body camera footage from incidents that resulted in discipline for Trooper Clair after 2022?

✓  On 5/5/2025 2:25:02 PM, DPS Records Management Division wrote:

**Subject:** [Records Center] Public Records Request :: R014465-041025

**Body:**

RE: Public Records Request of April 10, 2025, Reference # R014465-041025

Dear Kevin Foster,

The Louisiana Department of Public Safety, Public Safety Services received a public records request from you on April 10, 2025. Your request mentioned:

5/20/25, 11:17 AM

Louisiana Department of Public Safety & Corrections | Public Records Center

**Hello! We'd like any and all body camera footage, and written or typed reports tied to incident 23-267-S as part of the State Police Commission's appeal process for Trooper Matthew Clair. Please waive fees for this request.**

The Louisiana Department of Public Safety, Public Safety Services has reviewed its files and has determined there are no responsive record(s) to your request.

For questions or additional information, please reply to this email.

Sincerely,

Records Management Division

✓ ↩ On 5/5/2025 11:00:21 AM, Kevin Foster wrote:

Body any and all body camera footage, and written or typed reports tied to incident to Trooper Matthew Clair's termination from Louisiana State Police

✓ ✉ On 5/5/2025 6:15:24 AM, DPS Records Management Division wrote:

**Subject:** [Records Center] Public Records Request :: R014465-041025

**Body:**

RE: Public Records Request of April 10, 2025, Reference # R014465-041025

Dear Kevin Foster,

The Louisiana Department of Public Safety, Public Safety Services received a public records request from you on April 10, 2025. Your request mentioned:

**Hello! We'd like any and all body camera footage, and written or typed reports tied to incident 23-267-S as part of the State Police Commission's appeal process for Trooper Matthew Clair. Please waive fees for this request.**

Further clarification is required to complete your request:

Can you please clarify what you are requesting as a public record from LSP? Is the provided number an Internal Affairs case number? What is the body camera footage associated with?

Respond to this email with the details requested above.

Upon receipt of clarification, the Louisiana Department of Public Safety, Public Safety Services will further respond to your public records request as required by law.

For questions or additional information, please reply to this email.

Sincerely,

Records Management Division

✓ ↩ On 4/30/2025 11:27:12 AM, Kevin Foster wrote:

Hello. Circling back for an update on this request!

5/20/25, 11:17 AM

Louisiana Department of Public Safety & Corrections | Public Records Center

✓ ✉ On 4/17/2025 10:38:14 AM, DPS Records Management Division wrote:

**Subject:** [Records Center] Public Records Request :: R014465-041025

**Body:**

RE: Public Records Request of April 10, 2025, Reference # R014465-041025

Dear Kevin Foster,

The Louisiana Department of Public Safety, Public Safety Services received a public records request from you on April 10, 2025. Your request mentioned:

**Hello! We'd like any and all body camera footage, and written or typed reports tied to incident 23-267-S as part of the State Police Commission's appeal process for Trooper Matthew Clair. Please waive fees for this request.**

\*\*\*\*\*We are waiting on a response from the records custodian\*\*\*\*\*

For questions or additional information, please reply to this email.

Sincerely,

Records Management Division

✓ ↩ On 4/17/2025 10:22:48 AM, Kevin Foster wrote:

Hello - what is the status of this request please. We've provided the additional information to help you locate the files, but did not here back.

✓ ↩ On 4/15/2025 10:06:09 AM, Kevin Foster wrote:

TO: "DPS Records Management Division"[ladpspublicrecords@govqa.us]

Hello. I have a seven-digit number IA 2200030. I have the docket number as well as No. 23-267-S from the May 9, 2024 Louisiana State Police Commission. From: DPS Records Management Division

Sent: Monday, April 14, 2025 7:49 AM

To: Kevin Foster

Subject: [Records Center] Public Records Request :: R014465-041025

✓ ✉ On 4/14/2025 8:49:34 AM, DPS Records Management Division wrote:

**Subject:** [Records Center] Public Records Request :: R014465-041025

**Body:**

RE: Public Records Request of April 10, 2025, Reference # R014465-041025

Dear Kevin Foster,

The Louisiana Department of Public Safety, Public Safety Services received a public records request from you on April 10, 2025. Your request mentioned:

**Hello! We'd like any and all body camera footage, and written or typed reports tied to incident 23-267-S as part of the State Police**

5/20/25, 11:17 AM

Louisiana Department of Public Safety & Corrections | Public Records Center

**Commission's appeal process for Trooper Matthew Clair. Please waive fees for this request.**

Further clarification is required to complete your request:

Please provide 8-digit LSP report number related to the incident.

Respond to this email with the details requested above.

Upon receipt of clarification, the Louisiana Department of Public Safety, Public Safety Services will further respond to your public records request as required by law.

For questions or additional information, please reply to this email.

Sincerely,

Records Management Division

✓ On 4/10/2025 12:41:09 PM, DPS Records Management Division wrote:



Dear Kevin Foster:

Thank you for your interest in public records of Louisiana Department of Public Safety, Public Safety Services. Your request was received in this office on 4/10/2025 and given the reference number R014465-041025 for tracking purposes.

**Records Requested:** Hello! We'd like any and all body camera footage, and written or typed reports tied to incident 23-267-S as part of the State Police Commission's appeal process for Trooper Matthew Clair. Please waive fees for this request.

5/20/25, 11:17 AM

Louisiana Department of Public Safety & Corrections | Public Records Center

Your above referenced public records request has been forwarded to me for consideration and reply. Please be advised that we have begun the process of searching for documents responsive to your above referenced request.

Even though the search is ongoing, and documents of the agency are generally considered public records, the agency will avail itself of any statutory provision which either exempts or prohibits production of documents responsive to your request. These exemptions specifically include, but are not limited to, those contained in La. R.S. 44:3 and La. R.S. 44:4. The agency will also not release information which may be exempt from release due to an individual's rights to privacy.

In accordance with La. R.S. 44:35(A), you are hereby notified that the estimated time reasonably necessary for collection, review, and any necessary redaction of the documents which may be responsive to your request is forty-five (45) days.

You can monitor the progress of your request at the link below and you'll receive an email when your request has been completed. Again, thank you for using the Public Records Center.

Louisiana Department of Public Safety, Public Safety Services






To monitor the progress or update this request please log into the Public Records Center

Powered by  
**GovQA**


✓ On 4/10/2025 12:41:07 PM, Kevin Foster wrote:

Request Created on Public Portal

Main Menu

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FAQs

- See All FAQs 
- What do I need to obtain Body Worn Camera footage?
- How do I obtain Vehicle Crash Reports?
- Is there a cost associated with a public records request?
- How will I be notified if I am allowed to receive the records?
- Can I request Louisiana State Police Policy and/or Procedure?

View File(s)

View Message(s)

**Request Type:**  
Public Records Request


**Primary Requester E-Mail:**  
Kevinfoster@wafb.com

**Reference No:**  
R015211-050525

**Status:**  
In Progress

**Balance Due:**  
\$0.00

**Payments:**  
\$0.00

UPLOAD DATE		 DOWNLOAD ALL
Files:	05/06/2025	STREET_CRIMES_IA_HISTORIES_-PART_2_-_REDACTED_1_.pdf

**Public records are documents or pieces of information that are not considered confidential and generally pertain to the conduct of government.**

**Type of Record(s) Requested:** Louisiana State Police

**Date From:** 10/01/2021

**Date To:** 05/05/2025

**Describe the Record(s) Requested:** Can you search for any and all body camera footage from incidents that

5/20/25, 11:58 AM

Louisiana Department of Public Safety & Corrections | Public Records Center

resulted in discipline for Trooper Clair after 2022?

Please be specific with your request to narrow our search and respond to you quickly and efficiently.

Preferred Method to Receive Records: Electronic via Records Center

Please note not all public documents are available in electronic format. If the document(s) requested are not available electronically, we will make them available for inspection or by paper copy in accordance with the Public Records Law.

New Message Return to List

Messages  Print Messages (PDF)

> On 5/20/2025 11:16:15 AM, Kevin Foster wrote:

✓ On 5/6/2025 1:18:04 PM, Kevin Foster wrote:

Amend the request for Matthew Clair's IA history / disciplinary jacket / files of another name of similar purpose to track any disciplinary matters that may have come up since 2020 and detail whether the allegations were sustained and/or resulted in discipline. I've attached a document of similar purpose which is generated by another agency.

✓ On 5/6/2025 8:39:47 AM, DPS Records Management Division wrote:

Subject: [Records Center] Public Records Request :: R015211-050525

Body:

RE: Public Records Request of May 05, 2025, Reference # R015211-050525

Dear Kevin Foster,

The Louisiana Department of Public Safety, Public Safety Services received a public records request from you on May 05, 2025. Your request mentioned:

Can you search for any and all body camera footage from incidents that resulted in discipline for Trooper Clair after 2022?

\*\*\*\*\*Please provide the full name for Trooper Clair. If the troop location is known, please provide that information. We need specific information in order to research your request. In regards to the troopers disciplinary jacket, please specifically state what documents you are requesting. Is there a specific incident, if so, please provide the date in which the incident and/or incidents occurred. We await your response, as the requested information is needed in order to proceed with your request.\*\*\*\*\*

For questions or additional information, please reply to this email.

5/20/25, 11:58 AM

Louisiana Department of Public Safety & Corrections | Public Records Center

Sincerely,

Records Management Division

✓ ↩ On 5/5/2025 4:44:41 PM, Kevin Foster wrote:

Ok. Do you all have his full disciplinary jacket, history. Please provide that document. I'll be able to provide additional information on this request once I have those documents.

✓ ✉ On 5/5/2025 4:05:04 PM, DPS Records Management Division wrote:

**Subject:** [Records Center] Public Records Request :: R015211-050525

**Body:**

RE: Public Records Request of May 05, 2025, Reference # R015211-050525

Dear Kevin Foster,

The Louisiana Department of Public Safety, Public Safety Services received a public records request from you on May 05, 2025. Your request mentioned:

**Can you search for any and all body camera footage from incidents that resulted in discipline for Trooper Clair after 2022?**

Further clarification is required to complete your request:

**The above information is too vague. Please specifically advise what you are requesting as a public records request.**

**Respond to this email with the details requested above.**

Upon receipt of clarification, the Louisiana Department of Public Safety, Public Safety Services will further respond to your public records request as required by law.

For questions or additional information, please reply to this email.

Sincerely,

Records Management Division

✓ ✉ On 5/5/2025 3:04:50 PM, DPS Records Management Division wrote:





Dear Kevin Foster:

Thank you for your interest in public records of Louisiana Department of Public Safety, Public Safety Services. Your request was received in this office on 5/5/2025 and given the reference number R015211-050525 for tracking purposes.

**Records Requested:** Can you search for any and all body camera footage from incidents that resulted in discipline for Trooper Clair after 2022?

Your above referenced public records request has been forwarded to me for consideration and reply. Please be advised that we have begun the process of searching for documents responsive to your above referenced request.

Even though the search is ongoing, and documents of the agency are generally considered public records, the agency will avail itself of any statutory provision which either exempts or prohibits production of documents responsive to your request. These exemptions specifically include, but are not limited to, those contained in La. R.S. 44:3 and La. R.S. 44:4. The agency will also not release information which may be exempt from release due to an individual's rights to privacy.

In accordance with La. R.S. 44:35(A), you are hereby notified that the estimated time reasonably necessary for collection, review, and any necessary redaction of the documents which may be responsive to your request is forty-five (45) days.

You can monitor the progress of your request at the link below and you'll receive an email when your request has been completed. Again, thank you for using the Public Records Center.

Louisiana Department of Public Safety, Public Safety Services

To monitor the progress or update this request please log into the Public Records Center



✓ ☒ On 5/5/2025 3:04:49 PM, Kevin Foster wrote:

Request Created on Public Portal



RE: Public Records Request of June 12, 2025, Reference # R016287-061225

Dear Kevin Foster,

The Louisiana Department of Public Safety, Public Safety Services received a public records request from you on June 12, 2025. Your request mentioned:

**Any FIU (Force Investigative Unit) records pertaining to Matthew Clair involving a video from Avoyelles Parish from 4/24/22. Please check all records in the Mark 43 Management System.**

Further clarification is required to complete your request:

**Did LSP respond to this incident? If so, please provide the 8-digit LSP report number associated with this incident if known. Please provide the full name and date of birth of the individual(s) involved in this incident.**

Upon receipt of clarification, the Louisiana Department of Public Safety, Public Safety Services will further respond to your public records request as required by law.

For questions or additional information, please reply to this email.

Sincerely,

Records Management Division

## R017642-073025 - Public Records Request

### Message History (3)

✉ On 8/6/2025 8:36:12 AM, DPS Records Management Division wrote:

**Subject:** [Records Center] Public Records Request :: R017642-073025

**Body:**

RE: PUBLIC RECORDS REQUEST of July 30, 2025., Reference # R017642-073025.

Dear News Director Robb Hays,

The Louisiana Department of Public Safety, Public Safety Services received a public information request from you on July 30, 2025. Your request mentioned:

**"We are seeking a copy of the video provided to LSP by an outside law enforcement agency, showing possible excessive force against an inmate by LSP Trooper Mathew Clair. This incident resulted in discipline for Clair, followed by a settlement agreement. The settlement agreement (attached) was reached on 3/14/24 by the State Police Commission. (Docket No 23-267-S)**

**If LSP believes the video is not public record, please cite the applicable law which you believe would prohibit its release.**

**If LSP has destroyed the video, please indicate the date the video was destroyed and provide copies of any documentation that instructs or authorizes personnel to destroy the video."**

The Louisiana Department of Public Safety, Public Safety Services has reviewed your request and has determined that the records requested are exempt from disclosure under FOIA for the following reasons:

Letters of counseling or other investigations that do not result in discipline - LSP Comm Rule 12.9 provides that Letter of Counseling are not considered "public." Any investigation that does not result in discipline is not considered "public."

Any video in the possession of the Louisiana State Police that is responsive to this request is part of an Internal Affairs investigation that ultimately concluded with non-disciplinary action. In accordance with Louisiana State Police Commission Rule 12.9, this non-disciplinary action is not publicly accessible until used to support future discipline. See also Louisiana State Constitution of 1974, Article X, Part IV.

Trooper Clair's privacy interests for non-disciplinary matters outweigh the public disclosure interest. See *Capital City Press v. East Baton Rouge Parish Metropolitan Council*, 696 So.2d 562; *East Bank Consolidated Special Services Fire Protection District v. Crossen*, 892 So.2d 666.

For questions or additional information, please reply to this email..

Sincerely,

Records Management Division

✉ On 7/30/2025 11:29:57 AM, DPS Records Management Division wrote: