

August 27, 2021

Shaylyn Cochran  
Acting Chief of Staff  
Office of the Assistant Attorney General, Civil Rights Division  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

Re: Pattern-or-Practice Investigation into Louisiana State Police



*Via Email*

Dear Ms. Cochran,

The ACLU of Louisiana (“ACLU-LA”) writes to follow up on our call of July 9, 2021—during which we discussed the Department of Justice’s (“DOJ”) potential involvement in further investigating and holding the Louisiana State Police (“LSP”) accountable for the killing of Ronald Greene and other constitutional violations. On that call, we discussed a June 17, 2021 ACLU-LA letter sent to your office on this topic. That letter, attached hereto as Appendix 1, asked DOJ to initiate a pattern-or-practice investigation into LSP based on data and information collected by the ACLU-LA’s Justice Lab campaign. In addition to Greene’s killing and the attendant cover-up, the letter highlighted LSP’s brutal beating of Aaron Bowman, body camera footage of which was released earlier this week;<sup>1</sup> the violent beating of Antonio Harris; and the problematic investigatory and oversight mechanism that LSP provides to local police departments in Louisiana.

During the July 9 call, you identified three key inquiries DOJ considers in determining whether to initiate a pattern-or-practice investigation into a state-run police department: (1) the severity of the misconduct at issue; (2) how a lack of training reflects and exacerbates such misconduct; and (3) the degree to which a federal investigation would satisfy an unmet need for accountability. On the call, you noted that, should ACLU-LA have other information and materials responsive to these considerations, it may provide an addendum to its June 17 letter. We do so here.

---

<sup>1</sup> The body camera footage showing LSP Trooper Jacob Brown violently attacking Aaron Bowman, an unarmed Black man, was released on August 25, 2021. See Associated Press, *ONLYONAP Video Shows US Trooper Pummeling Black Man*, YOUTUBE (Aug. 25, 2021) <https://www.youtube.com/watch?v=lbTPmclwf1I&t=14s>; see also Jake Bleiberg & Jim Mustian, *‘Pain Compliance’: Video Shows Trooper Pummeling Black Man*, ASSOCIATED PRESS (Aug. 25, 2021), <https://apnews.com/article/police-louisiana-monroe-ronald-greene-6c56ef6f5f3bc413d150737bf705e944>.

## *Severity of LSP Misconduct*

The unconstitutional brutality LSP exacted upon Messrs. Green, Bowman, and Harris—all men of color—are not aberrations nor anomalies that can be swept aside. Sadly, they are mere examples of rampant misconduct that has plagued LSP for decades.<sup>2</sup>

### *LSP's Racist Conduct Is Deeply Entrenched*

Dating as far back as the early 1990s, courts and others identified LSP's training as blatantly “repugnant” and “discriminatory.”<sup>3</sup> In one particular case, defendant-motorists arrested for drug possession alleged that they had been stopped on the basis of race alone.<sup>4</sup> The officer involved admitted that he had been trained with an infamous LSP training video that instructed state troopers to use pretextual traffic stops as an excuse for pulling over “males of foreign nationalities, mainly Cubans, Colombians, Puerto Ricans, and other swarthy outlanders.”<sup>5</sup> While the court did not find that the video itself was sufficient to prove that the traffic stop was racially motivated, it appropriately described the race-based training in the video as “repugnant to this country's values,” characterizing it as a “discriminatory training film[.]”<sup>6</sup>

LSP's racist training continued to prove exceedingly problematic in years to come, as it allowed a culture of racist policing to deeply root itself in the department. By way of example, in April of 2000, an internal complaint revealed that former LSP Chief of Staff Bob Brown routinely used racial slurs and exhibited other racist behavior, such as hanging a Confederate flag in his office.<sup>7</sup>



PO Box 56157  
New Orleans, LA 70156  
504-522-0617  
laaclu.org

Alanah Odoms  
*Executive Director*

Nora Ahmed  
*Legal Director*

---

<sup>2</sup> Jim Mustian, *AP: Use of Slurs Not 'Isolated' at Louisiana State Police*, ASSOCIATED PRESS (Oct. 30, 2020), <https://apnews.com/article/race-and-ethnicity-louisiana-baton-rouge-racial-injustice-d7f77f196571892d71bd010ce4109677> (“[A]n Associated Press review of hundreds of State Police records revealed at least a dozen more instances over a three-year period in which employees forwarded racist emails on their official accounts with subject lines like ‘PROUD TO BE WHITE,’ or demeaned minority colleagues with names including ‘Hershey’s Kiss,’ ‘Django’ and Egg Roll.”).

<sup>3</sup> *United States v. Thomas*, 787 F. Supp. 663, 676 (E.D. Tex. 1992); see also Randall Susskind, *Race, Reasonable Articulate Suspicion, and Seizure*, 31 AM. CRIM. L. REV. 327, 335 (1994) (using LSP's training film as an example of how racism undercuts the notion of reasonable articulable suspicion); DAVID COLE, *NO EQUAL JUSTICE: RACE AND CLASS IN THE AMERICAN SYSTEM* 41 (1999) (discussing the same video).

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> Bob Brown is the father of Jacob Brown, one of the members of Troop F who is facing charges related to the beating of Black motorists. Chris Nakamoto, *Nakamoto: Racist Behavior Under Investigation at State Police; Internal Documents Show It Dates Back Decades*, WBRZ (July 30, 2021), <https://www.wbrz.com/news/rampant-racist-language-confederate-flag-prompted-discipline-years-ago-at-state-police-squad-under-investigation-for-discrimination/>.

Brown was “disciplined” but remained at LSP for decades.<sup>8</sup> Additionally, in 2015, a Black trooper in Lake Charles complained that his white colleagues had nicknamed him “Django”—a reference to a vengeful, formerly enslaved character.<sup>9</sup> An internal LSP investigation into the matter nonetheless determined that the clearly racist term was “not intended to be racially derogatory.”<sup>10</sup> LSP reached this finding in the face of a separate tip that warned racial hostilities among LSP officers had reached a boiling point.<sup>11</sup> Eventually, the nearly decade-long head of LSP at the time, Mike Edmondson (2008-2017), was forced to resign.<sup>12</sup> Unfortunately, his replacement, Colonel Kevin Reeves (2017-2020), proved no better.

In fact, it was Reeves who defended his former colleagues in Troop F when it came to light that they had covered up Greene’s killing.<sup>13</sup> Reeves called the conduct at issue “awful but lawful.”<sup>14</sup> This is a wholly inaccurate characterization. Indeed, a cover-up is never lawful and often suggests something far more insidious beneath the surface. Predictably, public records requested by the Associated Press (“AP”) revealed that Greene’s death and the attendant wrongdoing were not isolated. The AP’s investigation unearthed additional evidence of racism among the force, including email exchanges with racist subject-lines, such as “PROUD TO BE WHITE.”<sup>15</sup> As to the four LSP officers involved in Harris’s beating, public records show them bragging about the “whoopin’”—one officer went so far as to note that it “warm[ed] [his] heart” to “educate that young man” in this way.<sup>16</sup>



PO Box 56157  
New Orleans, LA 70156  
504-522-0617  
laaclu.org

Alanah Odoms  
Executive Director

Nora Ahmed  
Legal Director

---

<sup>8</sup> *Id.*

<sup>9</sup> Jim Mustian, *Louisiana State Police, Overwhelmingly White and Male, Face New Pressure to Build Diversity*, THE ADVOCATE (Aug. 25, 2018), [https://www.theadvocate.com/baton\\_rouge/news/crime\\_police/article\\_a39a7862-a6f1-11e8-8b81-aff24672fca9.html](https://www.theadvocate.com/baton_rouge/news/crime_police/article_a39a7862-a6f1-11e8-8b81-aff24672fca9.html).

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> Melinda Deslatte and Jim Mustian, *Louisiana State Police Leader Retiring Amid Controversy*, ASSOCIATED PRESS (Oct. 27, 2020), <https://apnews.com/article/louisiana-police-government-and-politics-2174a6aca2c7e5b7347b652049973b13>.

<sup>14</sup> John Simerman and Lea Skene, *'Awful But Lawful': In Ronald Greene Case, State Police Leaders Rejected Early Arrest of Trooper*, TIMES PICAYUNE (July 2, 2021, 2:10 PM), [https://www.nola.com/news/crime\\_police/article\\_6eed7736-db64-11eb-ab18-6fc5136a569d.html#uid=36df075e190781b83db3b78ea040ea1b](https://www.nola.com/news/crime_police/article_6eed7736-db64-11eb-ab18-6fc5136a569d.html#uid=36df075e190781b83db3b78ea040ea1b); Celine Castronuovo, *Louisiana State Police Records Show Use of Racial Slurs by Officers: Report*, THE HILL (Oct. 31, 2020, 1:43 PM), <https://thehill.com/blogs/blog-briefing-room/news/523768-louisiana-state-police-records-show-use-of-racial-slurs-by>.

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

Misconduct similar to that attributed to LSP was sufficient to prompt a DOJ investigation into the San Francisco Police Department (“SFPD”) in 2016.<sup>17</sup> There, the City asked DOJ to investigate its operational policies, training practices, and accountability systems following multiple incidents that revealed racism at SFPD.<sup>18</sup> In particular, akin to the Greene scenario, a Black man had been killed by police officers who later exchanged racist (and homophobic) text messages about the incident.<sup>19</sup> While LSP may not be asking for DOJ’s direct involvement, the people, including the Louisiana Legislative Black Caucus, are.<sup>20</sup>

The instances of misconduct that plague LSP—a number of which we identify below—strongly suggest that LSP’s unconstitutional conduct will continue absent federal oversight and mandated transparency.



*LSP’s Alleged Misconduct Speaks to a Need for Significant Oversight and Reform*

Although no quantitative data has been systematically collected and maintained regarding LSP’s misconduct, its alleged severity can be gleaned from reviewing the civil rights dockets in the Eastern, Middle, and Western Districts of Louisiana. Additionally, there are at least two noteworthy cases of police brutality involving LSP officers at the state court level.<sup>21</sup> In total, during the past five years alone, we identified 13 federal civil rights cases filed against LSP, many of which are gruesome and speak to a need for significant reform. We briefly reference and summarize the core allegations in cases of note below:<sup>22</sup>

- ***Boot Man Inc. v. Patout***: LSP officers in an unmarked car allegedly beat and seized a lot attendant for putting a boot on their car;<sup>23</sup>
- ***Groves v. Louisiana***: a man was allegedly illegally pulled over and beaten;<sup>24</sup>

---

<sup>17</sup> *Shootings and Racist Messages Prompt DOJ Inquiry into San Francisco Police*, THE GUARDIAN (Feb. 1, 2016), <https://www.theguardian.com/us-news/2016/feb/01/san-francisco-police-investigated-department-of-justice-mario-woods-fatal-shooting>.

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> Wesley Muller, *Black Caucus Asks Feds to Launch Full-Scale Investigation of Louisiana State Police*, LOUISIANA ILLUMINATOR (July 6, 2021, 3:13 PM), <https://lailluminator.com/2021/07/06/black-caucus-asks-feds-to-launch-full-scale-investigation-of-louisiana-state-police/>.

<sup>21</sup> See *LaBauve v. Louisiana*, 618 So.2d 1187, 1189 (La. App. 3d Cir. 1993), writ denied, 624 So. 2d 1235 (La. 1993) (holding that a state trooper used excessive force against 76-year-old motorist by forcing him onto gravel to handcuff him); *Bowman v. Ouachita Parish Sheriff’s Office*, No. 3:20-cv-01372 (W.D. La. Oct. 22, 2020) (asserting that LSP oversaw the hiring and training of the officers that allegedly kicked and hit Mr. Bowman).

<sup>22</sup> We organized this section by the court in which the action was brought—starting with the United States District Court for Eastern District of Louisiana, followed by the United States District Court for the Middle District of Louisiana and the United States District Court for the Western District of Louisiana, and ending with two state court cases.

<sup>23</sup> Compl. at 5, *Boot Man Inc. v. Patout*, No. 2:15-cv-01064 (E.D. La. Apr. 3, 2015), attached hereto as App. 2, Ex. C at 32.

PO Box 56157  
New Orleans, LA 70156  
504-522-0617  
laaclu.org

Alanah Odoms  
Executive Director

Nora Ahmed  
Legal Director



PO Box 56157  
New Orleans, LA 70156  
504-522-0617  
laaclu.org

Alanah Odoms  
Executive Director

Nora Ahmed  
Legal Director

- **Price v. LSP**: a man was allegedly unlawfully detained and arrested;<sup>25</sup>
- **Thomas v. LSP**: a driver, during the course of a field sobriety test, was allegedly repeatedly tased by LSP officers without cause or justification;<sup>26</sup>
- **Terrell v. Pichon**: LSP officers allegedly tased and then beat a young Black man riding his bicycle;<sup>27</sup>
- **Betts v. Brennan**: LSP officers allegedly tased a man without cause or justification;<sup>28</sup>
- **Smith v. LSP**: LSP officers allegedly beat a man to the point where he was unrecognizable—and then passed around pictures of him with the caption: “this is what happens when you run from the police”;<sup>29</sup>
- **North Baton Rouge Matters v. City of Baton Rouge**<sup>30</sup> and **Imani v. City of Baton Rouge**: citizens protesting Alton Sterling’s killing were allegedly violently thrown to the ground and arrested by police, including LSP officers;<sup>31</sup>
- **Greene v. DeMoss**: LSP officers allegedly killed Greene and then covered it up;<sup>32</sup>
- **Frazier v. LSP**: LSP officers allegedly fraudulently arrested, imprisoned, and issued a fraudulent warrant for the plaintiff, who spent six months in jail for a crime he claims he did not commit;<sup>33</sup>
- **Harris v. Brown**: LSP officers allegedly knelt on a man’s head and brutally beat him using knee strikes and a flashlight;<sup>34</sup>
- **Blake v. Brown**: LSP officers allegedly assaulted and battered a man—who was allegedly “not resisting, attempting to escape or being

---

<sup>24</sup> Compl. at 4, *Groves v. Louisiana*, No. 2:16-cv-08504 (E.D. La. June 6, 2016), attached hereto as App. 2, Ex. G at 121.

<sup>25</sup> Compl. at 5, *Price v. LSP*, No. 2:18-cv-06247 (E.D. La. June 25, 2018), attached hereto as App. 2, Ex. L at 275.

<sup>26</sup> Compl. at 4, *Thomas v. LSP*, No. 2:18-cv-10200 (E.D. La. Oct. 30, 2018), attached hereto as App. 2, Ex. O at 316.

<sup>27</sup> Compl. at 6-7, *Terrell v. Pichon*, No. 2:18-cv-05787 (E.D. La. June 10, 2018), attached hereto as App. 2, Ex. N at 294.

<sup>28</sup> Ex. 1 at 2, *Betts v. Brennan*, No. 2:19-cv-14680 (E.D. La. Dec. 19, 2019), attached hereto as App. 2, Ex. A at 10.

<sup>29</sup> Compl. at 3, *Smith v. LSP*, No. 2:20-cv-02281 (E.D. La. Aug. 17, 2020), attached hereto as App. 2, Ex. M at 282.

<sup>30</sup> Compl. at 12, *North Baton Rouge Matters v. City of Baton Rouge*, No. 3:16-cv-00463 (M.D. La. July 13, 2016), attached hereto as App. 2, Ex. K at 252.

<sup>31</sup> Compl. at 2-4, *Imani v. City of Baton Rouge*, No. 3:17-cv-00439 (M.D. La. July 9, 2017), attached hereto as App. 2, Ex. I at 157.

<sup>32</sup> Compl. at 5, *Greene v. DeMoss*, No. 3:20-cv-00578 (W.D. La. May 6, 2020), attached hereto as App. 2, Ex. F at 109.

<sup>33</sup> Compl. at 1, *Frazier v. LSP*, No. 3:2021cv00435 (W.D. La. Feb. 22, 2021), attached hereto as App. 2, Ex. E at 106.

<sup>34</sup> Compl. at 5, *Harris v. Brown*, No. 3:21-cv-01332 (W.D. La. May 19, 2021), attached hereto as App. 2, Ex. H at 135.

aggressive”—after conducting an illegal search of his vehicle and finding approximately thirteen pounds of marijuana;<sup>35</sup>

- ***Bowman v. Ouachita Sheriff***: LSP oversaw the hiring and training of the officers that allegedly kicked and hit Mr. Bowman to the point where he suffered a head laceration, fractured arm, and broken ribs—among other ailments;<sup>36</sup>
- ***LaBauve v. Louisiana***: a state appellate court affirmed a trial court ruling finding that an LSP trooper had used excessive force when he arrested a 76-year-old motorist by putting him face first on rocks and gravel to handcuff him.<sup>37</sup>



PO Box 56157  
New Orleans, LA 70156  
504-522-0617  
laaclu.org

Alanah Odoms  
Executive Director

Nora Ahmed  
Legal Director

Unfortunately, the tenor of the 15 above-referenced cases is not a vestige of the past. Rather, the LSP conduct at issue in those cases closely resemble intake the ACLU-LA’s Justice Lab campaign has received as well. At this time, we cannot disclose the contours of the privileged conversations held with multiple individuals whose legal claims for relief we are assessing. But what we can say is: all of the incidents we are investigating—which occurred between 2019 and 2020—involve alleged physical brutality reminiscent of the Bowman and Harris beatings.

### *LSP’s Hiring and Firing Practices Prompt Grave Cause for Concern*

The above-mentioned cases are not the only cause for concern. LSP’s hiring and firing practices are equally alarming, as numerous officers found guilty of misconduct are nevertheless hired onto—or remain on—the force.<sup>38</sup> The fact

---

<sup>35</sup> Compl. at 3, *Blake v. Brown*, No. 21-CV-2046 (W.D. La. July 15, 2021), attached hereto as App. 2, Ex. B at 26; *AP: Louisiana Police Unit Probed Over Black Driver Arrests*, WDSU.COM (June 9, 2021), <https://www.wdsu.com/article/ap-louisiana-police-unit-probed-over-black-driver-arrests/36677927#>.

<sup>36</sup> Compl. at 5, *Bowman v. Ouachita Sheriff*, No. 3:20-cv-01372 (W.D. La. Oct. 22, 2020), attached hereto as App. 2, Ex. D at 51.

<sup>37</sup> *LaBauve v. Louisiana*, 618 So.2d 1187, 1189 (La. App. 3d Cir. 1993), writ denied, 624 So. 2d 1235 (La. 1993), attached hereto as App. 2, Ex. J at 241.

<sup>38</sup> Nicholas Chrastil, *38 Current NOPD Officers Are on the DA’s List of Cops with Credibility Issues. But Some Misconduct — Including Discrimination and Unauthorized Use of Force — Doesn’t Appear to Make the Cut*, AFRO NEWS (June 7, 2021), <https://afro.com/38-current-nopd-officers-are-on-the-das-list-of-cops-with-credibility-issues-but-some-misconduct-including-discrimination-and-unauthorized-use-of-force-doesnt-ap/>.

Officers that are pushed out for misconduct are often hired into security districts. Security districts are semi-private security forces for specific neighborhoods. The districts—over a dozen of which exist throughout New Orleans—are set up by state law and local elections, funded by resident fees, and overseen by appointed boards. Ryan Whirty, *Does NOLA Have Too Many Law Enforcement Agencies?*, LOUISIANA WEEKLY (Sept. 3, 2020), <http://www.louisianaweekly.com/does-nola-have-too-many-law-enforcement-agencies-2/>.

The fact that each neighborhood-specific security district operates independently insulates them from public accountability. They serve the more affluent residents of the neighborhood that hired them and often answer only loosely to the neighborhood board. RYAN GALVIN WISE, PUBLIC GOODS FOR A FEW: THE ROLE OF CRIME PREVENTION AND SECURITY DISTRICTS IN NEW ORLEANS 35 (2015), <https://scholarworks.uno.edu/td/1627/> (finding that the median



is, police departments in Louisiana do not move to decertify officers to prevent their rehiring.<sup>39</sup> In Louisiana, despite extensive records of police misconduct,<sup>40</sup> it appears that *not a single officer has faced decertification in the past decade.*<sup>41</sup>

This means that police departments, including LSP, are incentivized to hire officers affiliated with prior misconduct. These departments do so because it saves them from paying to train new officers, and officers accused of misconduct will often accept lower salaries.<sup>42</sup> For instance, in 2018, Keeven Robinson, a Black man, was killed by narcotics officers affiliated with the Jefferson Parish Sheriff's Office (JPSO).<sup>43</sup> One of the officers, David Lowe, admitted that he knelt on Robinson's head with at least one knee during the arrest.<sup>44</sup> JPSO subsequently placed all four officers involved in Robinson's death on desk duty.<sup>45</sup> Nonetheless, in August 2019, Lowe left JPSO and joined LSP's Troop B—his past misconduct seemingly posed no issue.<sup>46</sup> To add insult to injury, this year, an LSP officer who killed two girls in a car crash because he was not paying



PO Box 56157  
New Orleans, LA 70156  
504-522-0617  
laaclu.org

Alanah Odoms  
*Executive Director*

Nora Ahmed  
*Legal Director*

---

income of households in security districts is higher than the median income of the city at large and that residents in the security districts are whiter than residents of the city at large).

According to DOJ's own report, these types of security districts "facilitate[] abuse and corruption" and "contribute[] to inequitable policing." UNITED STATES DEPARTMENT OF JUSTICE, INVESTIGATION OF THE NEW ORLEANS POLICE DEPARTMENT xv, 100 (2011), [https://www.justice.gov/sites/default/files/crt/legacy/2011/03/17/nopd\\_report.pdf](https://www.justice.gov/sites/default/files/crt/legacy/2011/03/17/nopd_report.pdf).

In one Justice Lab case, for example, three children, who were looking for a lost dog, were nearly shot by a security district officer for what allegedly appears to have been nothing more than a racially motivated stop. Compl. at 1, *Hankins v. Wheeler*, No. 2:21-cv-01129 (E.D. La. June 10, 2021). The officer had been fired from NOPD with a troubling track record yet was readily hired by the security district—a far too frequent phenomenon. *Id.* at 5; Kimbriell, *infra* note 39.

- <sup>39</sup> Kimbriell Kelly, et al., *Forced Out Over Sex, Drugs and Other Infractions, Fired Officers Find Work in Other Departments*, WASH. POST (Dec. 28, 2017), [https://www.washingtonpost.com/investigations/forced-out-over-sex-drugs-or-child-abuse-fired-officers-find-work-in-other-departments/2017/12/22/e0512774-d3a7-11e7-95bf-df7c19270879\\_story.html?tid=ss\\_mail](https://www.washingtonpost.com/investigations/forced-out-over-sex-drugs-or-child-abuse-fired-officers-find-work-in-other-departments/2017/12/22/e0512774-d3a7-11e7-95bf-df7c19270879_story.html?tid=ss_mail) (finding that 53 officers who were fired or pushed out of the New Orleans Police Department were hired by other police departments).
- <sup>40</sup> Chrastil, *supra* note 38.
- <sup>41</sup> Kimbriell, *supra* note 39.
- <sup>42</sup> *Id.*
- <sup>43</sup> Michelle Hunter, *2 Years After Keeven Robinson Killed in Struggle with JPSO Deputies, DA Says No Criminal Charges*, NOLA.COM (July 14, 2020), [https://www.nola.com/news/crime\\_police/article\\_a3924fdc-c5f0-11ea-9fc5-d36ce37c7a5d.html](https://www.nola.com/news/crime_police/article_a3924fdc-c5f0-11ea-9fc5-d36ce37c7a5d.html).
- <sup>44</sup> *Id.*
- <sup>45</sup> Ramon Antonio Vargas, *West Jefferson NAACP President Condemns Protesters, Deputies for Clash near JPSO Headquarters*, NOLA.COM (June 19, 2020), [https://www.nola.com/news/crime\\_police/article\\_51babc06-b265-11ea-bd73-0762aeb09f90.html](https://www.nola.com/news/crime_police/article_51babc06-b265-11ea-bd73-0762aeb09f90.html).
- <sup>46</sup> *Id.*

attention was given only a few months' suspension.<sup>47</sup> The officer, Kaleb Reeves, had been in two previous crashes, all in less than three years' time.<sup>48</sup> He too was a member of the once highly lauded Troop F—the same troop that killed Greene and is accused of brutally beating several other Black people.<sup>49</sup>

DOJ is uniquely positioned to remedy LSP's lengthy and widespread history of misconduct. A top-to-bottom DOJ investigation would ferret out the root cause of LSP's wrongdoing and develop accountability mechanisms that can ensure LSP officers no longer engage in discriminatory and unconstitutional policing practices.



### ***LSP's Misconduct Reflects and Is Exacerbated by a Lack of Training and Accountability***

The severe misconduct exhibited by LSP reflects and is exacerbated by the deficient training its officers receive. As noted above, federal courts have deemed LSP's training materials both "repugnant" and "discriminatory."<sup>50</sup> And yet, there is no external oversight mechanism in existence to initiate training-based reforms within LSP. At bottom, when an LSP officer's conduct is called into question, that officer answers to LSP's internal investigative division only—a division shrouded in opacity as to both its processes and the systemic reforms it contemplates or executes with respect to officer training.<sup>51</sup> Additionally, unlike other police agencies in the state, including the New Orleans Police Department ("NOPD"), which publishes annual reports on uses of force,<sup>52</sup> LSP's training curriculum and its impact on civilians is anything but transparent.<sup>53</sup>

PO Box 56157  
New Orleans, LA 70156  
504-522-0617  
laaclu.org

Alanah Odoms  
Executive Director

Nora Ahmed  
Legal Director

---

<sup>47</sup> *Louisiana State Trooper Suspended for Causing Fatal Crash*, ASSOCIATED PRESS (Apr. 16, 2021), <https://apnews.com/article/civil-service-police-crime-louisiana-monroe-2e1a9776c9ff3e67f7d286e07eb91696>.

<sup>48</sup> Chris Nakamoto, *'He Wasn't Paying Attention': Witness Describes State Trooper's Crash that Killed 2 Girls*, WBRZ (Feb. 3, 2021, 10:56 AM), <https://www.wbrz.com/news/he-wasn-t-paying-attention-witness-describes-state-trooper-s-crash-that-killed-2-kids/>.

<sup>49</sup> Lea Skene, *State Trooper, Son of Former Agency Head, Suspended for 4.5 Months After Causing Fatal Crash*, THE ADVOCATE (Apr. 15, 2021, 11:08 AM), [https://www.theadvocate.com/baton\\_rouge/news/crime\\_police/article\\_2d1b7bd6-9d44-11eb-bf45-739ba5204fb6.html](https://www.theadvocate.com/baton_rouge/news/crime_police/article_2d1b7bd6-9d44-11eb-bf45-739ba5204fb6.html); Simerman & Skene, *supra* note 14.

<sup>50</sup> *United States v. Thomas*, 787 F. Supp. 663, 676 (E.D. Tex. 1992).

<sup>51</sup> Wesley Muller, *Who Should Investigate La. State Police If the Agency Is Ever Barred from Investigating Itself?*, LOUISIANA ILLUMINATOR (Nov. 11, 2020), <https://lailluminator.com/2020/11/11/state-police-task-force/>.

<sup>52</sup> *New Orleans Police Department Consent Decree*, CITY OF NEW ORLEANS (Aug. 17, 2021), <https://www.nola.gov/nopd/nopd-consent-decree/>.

<sup>53</sup> See Melinda Deslatte, *Louisiana Lawmakers to Resume Debate on Policing: Analysis*, THE ADVOCATE (Feb. 7, 2021), [https://www.theadvocate.com/baton\\_rouge/news/politics/article\\_17d818a8-698a-11eb-88cf-cf6c5c5fb145.html](https://www.theadvocate.com/baton_rouge/news/politics/article_17d818a8-698a-11eb-88cf-cf6c5c5fb145.html).



## Body-Worn Cameras

The lack of transparency surrounding LSP’s training practices has been hotly debated by the State Legislature in recent years.<sup>54</sup> By way of example, take Act No. 430, which the Louisiana Legislature passed in 2021. The law itself accomplishes little. Instead of mandating that all police agencies use body cameras and activate them during all civilian encounters under a strict penalty, it merely requires law enforcement agencies utilizing body-worn cameras to “adopt a policy” regarding activation.<sup>55</sup> That the Legislature has failed to successfully pass a law requiring even a minimum standard for body camera activation underscores why LSP oversight must be external in nature.<sup>56</sup>



PO Box 56157  
New Orleans, LA 70156  
504-522-0617  
laaclu.org

Alanah Odoms  
Executive Director

Nora Ahmed  
Legal Director

## De-Escalation and Mental Health Training

Body-worn camera activation is unfortunately only the tip of the iceberg when it comes to deficient training. Of significant note is LSP’s failure to properly train its officers in de-escalation techniques—including (i) whether and how, if there are no mental health experts available to negotiate the situation, to approach individuals experiencing mental health crises; (ii) the difference between, and relative merit of, verbal and non-verbal communication; and (iii) how to select an appropriate response in potentially violent situations.<sup>57</sup> Tragically, this failure on the part of LSP translates into killing civilians and justifying that loss of life as constitutional.

The numbers are clear: nearly one in five people shot and killed by police are mentally ill,<sup>58</sup> and these people are disproportionately Black.<sup>59</sup> Indeed, police

---

<sup>54</sup> In 2020, the Legislature established a bipartisan task force to address “police brutality and the use of excessive force, especially when used against people of color” as well as any other issues they deemed “necessary to restore the public’s trust” in law enforcement. Based on their recommendations, the Legislature debated several bills in 2021 to address police misconduct and the lack of appropriate training. S. Con. Res. 7, 2020 Extraordinary Sess. (La. 2020); Wesley Muller, *New Police Reforms Coming to Louisiana*, LOUISIANA ILLUMINATOR (July 7, 2021), <https://lailluminator.com/2021/07/07/new-police-reforms-coming-to-louisiana/>.

<sup>55</sup> S. Con. Res. 7, 2020 Extraordinary Sess. (La. 2020); *see also* Julia O’Donoghue, *Louisiana State Police to Begin Wearing Body Cameras in 2017*, NOLA.COM (Dec. 22, 2016), [https://www.nola.com/news/politics/article\\_c300168b-fb19-5142-8a61-8eff586f0446.html](https://www.nola.com/news/politics/article_c300168b-fb19-5142-8a61-8eff586f0446.html).

<sup>56</sup> *See* Act 210, 2017 Reg. Sess. (La. 2017); Claudia Vargas, *Body Cameras Are Ineffective Because Some Philly Cops Misuse Them, Advocates Say*, NBC PHILADELPHIA (July 6, 2020), <https://www.nbcphiladelphia.com/investigators/body-cameras-police-departments-philadelphia-septa-protests/2458223/>.

<sup>57</sup> Robin S. Engal, et al., *THE DEAFENING DEMAND FOR DE-ESCALATION TRAINING: A SYSTEMATIC REVIEW AND CALL FOR EVIDENCE IN POLICE USE OF FORCE REFORM 6-7* (2020), [https://www.theiacp.org/sites/default/files/IACP\\_UC\\_De-escalation%20Systematic%20Review.pdf](https://www.theiacp.org/sites/default/files/IACP_UC_De-escalation%20Systematic%20Review.pdf).

<sup>58</sup> Grace Hauck, *Police Have Shot People Experiencing a Mental Health Crisis. Who Should You Call Instead?*, USA TODAY (Sept. 18, 2020), <https://www.usatoday.com/story/news/nation/2020/09/18/police-shooting-mental-health-solutions-training-defund/5763145002/>.

are more likely to shoot and kill Black men who show signs of mental illness than white men displaying similar behaviors.<sup>60</sup> We discuss two such examples below in order to demonstrate how a killing deemed constitutional by LSP stands in the way of families seeking justice for slain loved ones.

*Lives Lost Due to LSP's Inadequate Training*

*Travis Stevenson*

On February 23, 2016, while experiencing a mental health episode, Travis Stevenson was shot 21 times by six East Baton Rouge Sheriff's deputies.<sup>61</sup> LSP investigated the killing and deemed it constitutional. Such a finding generally signals to the district attorney that criminal charges should not be brought and that qualified immunity will be granted should a civil case be pursued. These generalities bore true for Mr. Stevenson's family.

In Mr. Stevenson's case, officers—who were responding to a call Mr. Stevenson had initiated himself—arrived at the home of his girlfriend and learned that Mr. Stevenson was suicidal.<sup>62</sup> Over the phone, he told officers that he planned to jump off the Mississippi Bridge.<sup>63</sup> Purportedly to save his life, officers located Mr. Stevenson and his vehicle in a parking lot about one mile from the bridge.<sup>64</sup> He was boxed in between a parked vehicle to his right, an industrial-size dumpster to the left, metal bollard posts to the front, and an officer's patrol car to the rear.<sup>65</sup>

One officer approached the vehicle and knocked on the driver's side window.<sup>66</sup> When Mr. Stevenson did not acknowledge him, the officer banged on the window more forcefully, loudly shouting at Mr. Stevenson to exit the car.<sup>67</sup> Mr. Stevenson, whom other officers on the scene described as “incoherent,” stared at the officer blankly and put the car in reverse. In response, the officer pulled out a knife and used it to shatter the driver's side window.<sup>68</sup> This prompted Mr. Stevenson to back the car straight into the patrol car to his rear; thereafter, he

---

<sup>59</sup> Minyvonne Burke, *Policing Mental Health: Recent Deaths Highlight Concerns Over Officer Response*, NBC NEWS (May 16, 2021), <https://www.nbcnews.com/news/us-news/policing-mental-health-recent-deaths-highlight-concerns-over-officer-response-n1266935>.

<sup>60</sup> *Id.*

<sup>61</sup> Br. of Appellants at 24-25, *Spears v. Gautreaux*, No. 20-30442 (5th Cir. Nov. 13, 2020) (“Appellants’ Br.”). Videos of this incident are also on file with the ACLU-LA.

<sup>62</sup> *Id.* at 14-15.

<sup>63</sup> *Id.* at 15.

<sup>64</sup> *Id.* at 16.

<sup>65</sup> *Id.* at 17.

<sup>66</sup> *Id.* at 17-18.

<sup>67</sup> *Id.* at 18.

<sup>68</sup> *Id.*



PO Box 56157  
New Orleans, LA 70156  
504-522-0617  
laaclu.org

Alanah Odoms  
Executive Director

Nora Ahmed  
Legal Director

pulled the car straight forwards, while shouting “kill me”; the car did not swerve or change direction.<sup>69</sup>

Nonetheless, another officer on the scene shot Mr. Stevenson. That officer noticed blood on his face or neck, locations the autopsy report would later attribute to entry points for bullets eventually lodged in Mr. Stevenson’s skull. A third officer shot another two to three bullets, disabling the rear tire of Mr. Stevenson’s vehicle.<sup>70</sup> Despite the fact that Mr. Stevenson (i) was clearly experiencing a mental health episode of which officers on the scene were aware, (ii) had in all likelihood been shot, and (iii) was in a car that was immobile, officers at the scene fired another 17 shots at him. Unsurprisingly, he died at the scene. His body was retrieved from his vehicle, which was found in reverse and flush against the police car to the rear.<sup>71</sup>

After LSP’s investigation into Mr. Stevenson’s death, investigators found just cause for the killing and never recommended remedial training for the officers involved.<sup>72</sup> LSP reached this finding despite the fact that clearly established law prohibits shooting a suspect who is incapacitated.<sup>73</sup> Nor did LSP investigators bother to review the training records of the officers at issue—or whether East Baton Rouge mandated de-escalation and/or mental health training.<sup>74</sup> The facts revealed during the civil discovery process showed that none of the officers had been so trained. In fact, of the six officers involved in the shooting, only one’s training record showed any de-escalation training—and that was in 2017, after Mr. Stevenson was killed.<sup>75</sup>

### *Trayford Pellerin*

A lack of de-escalation training similarly led to Trayford Pellerin’s untimely death and a similar finding by LSP that the killing was justified. In that case, on August 21, 2020, Mr. Pellerin, a Black man who was experiencing a mental health crisis, was killed by Lafayette Police officers who failed to de-escalate the situation.

---

<sup>69</sup> *Id.* at 19.

<sup>70</sup> *Id.* at 25.

<sup>71</sup> *Id.* at 26-27.

<sup>72</sup> *Spears v. Gautreaux*, No. 17-105-JWD-EWD, at \*6 (M.D. La. June 17, 2020).

<sup>73</sup> *See Mason ex rel Mason v. Lafayette City-Par. Consol. Gov’t*, 806 F.3d 268 (5th Cir. 2015) (holding that a reasonable juror could conclude that a suspect, shot on the ground, was incapacitated and therefore posed no threat to officers and further shots were a Fourth Amendment violation); *see also Plumhoff v. Rickard*, 572 U.S. 765, 134 S.Ct. 2012, 2022, 188 L.Ed.2d 1056 (2014) (suggesting, in dicta, that a second round of shots once the first one had hit the target may constitute a Fourth Amendment violation).

<sup>74</sup> Appellants’ Br. at 29-30.

<sup>75</sup> Doc. 63-7, *Spears*, No. 17-105-JWD-EWD, at 54-55.



PO Box 56157  
New Orleans, LA 70156  
504-522-0617  
laaclu.org

Alanah Odoms  
*Executive Director*

Nora Ahmed  
*Legal Director*

That day, officers arrived on scene at a gas station on Northeast Evangeline Thruway, where they allegedly found Mr. Pellerin acting strangely.<sup>76</sup> Cell phone video from the incident shows that, when the first officer arrived, Mr. Pellerin immediately started walking away from him.<sup>77</sup> Officers on the scene claimed that Mr. Pellerin was holding a knife, but that is unclear from the video.<sup>78</sup> What is clear is: when Mr. Pellerin walked away, an officer followed him, aggressively yelling at him to stop.<sup>79</sup> Mr. Pellerin continued to avoid that officer and others who arrived on the scene—deciding instead to enter a gas station.<sup>80</sup> But, just as Mr. Pellerin opened the door to the gas station, multiple officers opened fire on his back.<sup>81</sup> Mr. Pellerin died that evening. After seeing the results of the LSP investigation, which found that all 11 shots aimed at Mr. Pellerin were justified, a grand jury declined to press criminal charges against the officers responsible for Mr. Pellerin’s death.<sup>82</sup>



Reverberating Impacts

Poor training and a lack of accountability at LSP have reverberating impacts throughout the state. Because LSP frequently handles investigations of civilian killings by local law enforcement, deficient investigations by LSP foreclose accountability for officers outside of LSP’s own ranks. LSP’s investigations into the deaths of Messrs. Stevenson and Pellerin reveal a lack of training focused on de-escalation techniques.<sup>83</sup> Had LSP been properly trained, its investigations likely would have led to more nuanced outcomes and necessary recommendations for how to improve use-of-force training among the police departments involved in Messrs. Stevenson’s and Pellerin’s deaths.

PO Box 56157  
New Orleans, LA 70156  
504-522-0617  
laaclu.org

Alanah Odoms  
Executive Director

Nora Ahmed  
Legal Director

---

<sup>76</sup> *Video Captures Fatal Police Shooting of Trayford Pellerin*, ABC NEWS (Aug. 23, 2020), <https://abcnews.go.com/US/video/video-captures-fatal-police-shooting-trayford-pellerin-72555713>.

<sup>77</sup> *Id.*

<sup>78</sup> *Id.*

<sup>79</sup> *Id.*

<sup>80</sup> *Id.*

<sup>81</sup> *Id.*

<sup>82</sup> *See Lafayette Parish Jury Expected to Return Decision in Pellerin Case*, KATC NEWS (May 11, 2021), <https://www.katc.com/news/lafayette-parish/grand-jury-expected-to-return-decision-in-pellerin-case>.

<sup>83</sup> In *City of Canton, Ohio v. Harris*, the Supreme Court held that a city’s failure to train municipal employees may amount to a Section 1983 violation when “the failure to train amounts to deliberate indifference.” 489 U.S. 378, 392 (1989). The holding in *Canton* emphasized the need for de-escalation training and has provided a right of action for many victims since. For example, in *Valle v. City of Houston*, the Fifth Circuit held that a police department was accountable for its failure to implement mental health training because “the City recognized that mental health situations were not being adequately dealt with by [Crisis Intervention Training (“CIT”)]-trained officers and that there was a need for additional CIT training.” 613 F.3d 536, 545 (2010).



PO Box 56157  
New Orleans, LA 70156  
504-522-0617  
laaclu.org

Alanah Odoms  
*Executive Director*

Nora Ahmed  
*Legal Director*

Furthermore, LSP frequently collaborates with local law enforcement agencies on task forces and special targeted enforcement details. As a result, a lack of training and accountability for LSP officers endangers Louisiana residents even within the jurisdiction of local agencies. For example, in June 2021, NOPD began a joint task force with LSP called “Operation Golden Eagle,” ostensibly to reduce violent crime.<sup>84</sup> However, in only two months of the program’s operation, LSP officers have engaged in several dangerous, high-speed vehicle pursuits through residential neighborhoods in circumstances where NOPD policy prohibits its own officers from doing so.<sup>85</sup> One LSP officer, Trooper Henry Kirsch, was personally involved in at least three such pursuits as part of Operation Golden Eagle.<sup>86</sup> The most recent chase began with a traffic stop for a minor infraction and ended with four people hospitalized, including a seven-month-old infant whose tibia was broken. The ensuing search of the vehicle yielded only a small amount of marijuana and a bottle of pain medication.<sup>87</sup>

The Louisiana State Analytical and Fusion Exchange (LA-SAFE), part of LSP’s Investigative Support Section, also enables deployment of specialized surveillance technology in local jurisdictions across the state. This includes analysis of local surveillance footage and still photos using LA-SAFE’s facial recognition system—technology that a 2019 study by the United States National Institute of Standards and Technology deemed unreliable due to its high risk of false identifications, especially among Black women, Black men, and Native American people.<sup>88</sup> At least three Black men in the United States have been wrongfully arrested based on faulty facial recognition identifications.<sup>89</sup>

Notably, LSP’s surveillance and intelligence partnerships with local law enforcement have been largely shrouded in secrecy. For example, NOPD

---

<sup>84</sup> Thanh Truong, *Operation Golden Eagle Will Be Used to Decrease Crime in New Orleans*, 4WWL.COM (May 27, 2021), <https://www.wvltv.com/article/news/local/orleans/operation-golden-eagle-will-be-used-to-decrease-crime-in-new-orleans/289-3fa9aa5c-b6d0-4511-bec7-7bc1b40d59dd>.

<sup>85</sup> Nicholas Chrastil, *State Police Officer Who Initiated Pursuit Leading to Lakeview Crash Has Been Involved in at Least Three High-Speed Chases in New Orleans Since June*, THE LENS (Aug. 19, 2021), <https://thelensnola.org/2021/08/19/state-police-officer-who-initiated-pursuit-leading-to-lakeview-crash-has-been-involved-in-at-least-three-high-speed-chases-in-new-orleans-since-june/>; New Orleans Police Department Operations Manual, Chapter 41.5, “Vehicle Pursuits,” (December 6, 2015), <https://www.nola.gov/getattachment/NOPD/NOPD-Consent-Decree/Chapter-41-5-Vehicle-Pursuits.pdf/#:~:text=Officers%20are%20not%20authorized%20to,for%20the%20protection%20of%20property>.

<sup>86</sup> Chrastil, *supra* note 85.

<sup>87</sup> *Id.*

<sup>88</sup> Patrick Grother, et al., *Face Recognition Vendor Test (FRVT): Part 3: Demographic Effects*, U.S. DEPT. OF COMMERCE, NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY (Dec. 2019), <https://nvlpubs.nist.gov/nistpubs/ir/2019/NIST.IR.8280.pdf>.

<sup>89</sup> Kashmir Hill, *Another Arrest, and Jail Time, Due to a Bad Facial Recognition Match*, THE NEW YORK TIMES (Dec. 29, 2020; Updated Jan. 6, 2021), <https://www.nytimes.com/2020/12/29/technology/facial-recognition-misidentify-jail.html>.



publicly denied using LSP’s facial recognition system for years until a public records request uncovered emails to the contrary in December 2020.<sup>90</sup> Currently, there are no publicly available records or data describing how often, or in what circumstances, LSP surveillance technology and intelligence analysis is used to support local investigations and prosecutions. This lack of transparency is particularly concerning in light of the inherent racial bias that plagues facial recognition technology—especially when coupled with LSP’s demonstrated history of improper training and deficient accountability systems.

In the end, LSP’s deficiencies in training and accountability have an outsized impact statewide—as LSP’s reach extends into local jurisdictions through its authority to investigate civilian killings by local police, its participation in task forces and special joint operations, and its surveillance and intelligence partnerships with local law enforcement. In the absence of adequate training, transparency as to the training curriculum imposed upon LSP officers, and the corollary decertification process that must accompany the firing of said officers, LSP will continue to condone unconstitutional police killings across the state.

As was the case with NOPD, which has seen “significant progress in reducing excessive uses of force and in fully investigating potential improper uses of force,” DOJ has the ability to both implement and monitor a comprehensive training program for LSP officers.<sup>91</sup>

### ***The Unmet Needs of Louisianans***

The severity of the misconduct and lack of adequate training and accountability alone should be sufficient for DOJ to start an investigation. But there are two additional reasons why DOJ’s involvement with respect to LSP is critical. *First*, Louisiana law imposes a statute of limitations (“SOL”) that prevents civilians from filing civil rights lawsuits against police officers who infringe upon their constitutional rights more than one year after the date of the incident.<sup>92</sup> *Second*, in the face of any lawsuit brought against LSP, the entity argues that it is immune from suit.

As to Louisiana’s one-year SOL, such a limited SOL applies to only three of the fifty states in the Union. This timeline is particularly problematic because

---

<sup>90</sup> Matt Sledge, *NOPD Has Used Facial Recognition Since At Least 2018, Emails Reveal*, NOLA.COM (Dec. 14, 2020), [https://www.nola.com/news/crime\\_police/article\\_2e2fccb2-3e5c-11eb-a45d-032cabc1b089.html](https://www.nola.com/news/crime_police/article_2e2fccb2-3e5c-11eb-a45d-032cabc1b089.html).

<sup>91</sup> Richard A. Webster, *‘Significant Progress’ Made by NOPD in Decreasing Use of Force, Federal Monitors Say*, NOLA.COM (May 9, 2017), [https://www.nola.com/news/crime\\_police/article\\_2770772a-7157-5e70-abee-9c3d3ccd5d33.html](https://www.nola.com/news/crime_police/article_2770772a-7157-5e70-abee-9c3d3ccd5d33.html).

<sup>92</sup> Annot., 45 A.L.R. Fed. 548 (1979); Dani Kritter, *The Overlooked Barrier to Section 1983 Claims: State Catch-All Statutes of Limitations*, CAL. L. REV. BLOG (Mar. 2021) <https://www.californialawreview.org/the-overlooked-barrier-to-section-1983-claims-state-catch-all-statutes-of-limitations/>.



PO Box 56157  
New Orleans, LA 70156  
504-522-0617  
laaclu.org

Alanah Odoms  
*Executive Director*

Nora Ahmed  
*Legal Director*

officers in Louisiana know to file cover charges against individuals whose civil rights they violate.<sup>93</sup> Those charges, such as resisting arrest, aim to shield officers from any potential civil liability for excessive force—indeed, more frequently than not, such charges result in criminal defenses attorneys advising their clients against filing a federal civil rights suit during the pendency of the criminal case, which often takes more than one year to resolve.<sup>94</sup>

Although some lawmakers in Louisiana have proposed extending the SOL to two years, the Louisiana State Legislature has consistently rejected such proposals, including one in 2016.<sup>95</sup> The argument as to why is simple: allowing individuals more time to file civil rights complaints may amount to accountability to which police departments in the state are unwilling to subject themselves. Former Louisiana State Senator Daniel Martiny, whose law firm defends Louisiana law enforcement officers, stated as much during a legislative hearing regarding a possible extension to the SOL.<sup>96</sup> Martiny was unequivocal in expressing the position that defending officers in Section 1983 cases would become more challenging if the SOL was extended.<sup>97</sup>



PO Box 56157  
New Orleans, LA 70156  
504-522-0617  
laaclu.org

Alanah Odoms  
Executive Director

Nora Ahmed  
Legal Director

---

<sup>93</sup> See Trey Schmaltz & Chris Nakamoto, *Top State Police Attorney Abruptly Reassigned Amid Nakamoto Reports*, WBRZ (June 23, 2021), <https://www.wbrz.com/news/top-state-police-attorney-abruptly-re-assigned-amid-nakamoto-reports/> (reporting that Faye Morrison, LSP’s former top attorney, was removed from her position due to leaked emails in which she discussed how to reduce LSP’s “percentage of liability” after Ronald Greene’s death); see also Chris Nakamoto, *Nakamoto Obtains State Police Memo: Guilty Verdict ‘Important’ to Clear Troopers of Excessive Force*, WBRZ (June 18, 2021), <https://www.wbrz.com/news/nakamoto-obtains-state-police-memo-guilty-verdict-important-after-suspect-accuses-troopers-of-excessive-force/>; *Perkins v. Hart*, No. 2:21-cv-00879 (E.D. La. May 31, 2021) (Ms. Perkins was charged with resisting a police officer with force or violence, battery of a police officer, driving a motorcycle with no proof of insurance and driving a motorcycle with no safety helmet. Each charge was baseless, and each was dropped with the exception of resisting arrest); Annot., 45 A.L.R. Fed. 548 (1979); see, e.g., Lisa Cacho & Jodi Melamed, *How Police Abuse the Charge of Resisting Arrest*, BOSTON REVIEW (June 29, 2020), <http://bostonreview.net/race-law-justice/lisa-cacho-jodi-melamed-how-police-abuse-charge-resisting-arrest>; Scott Holmes, *Resisting Arrest and Racism – The Crime of “Disrespect”*, 85 UMKC L. REV. 625 (2017); Jonah Newman, *Chicago Police Use ‘Cover Charges’ to Justify Excessive Force*, CHICAGO REPORTER (Oct. 23, 2018), <https://www.chicagoreporter.com/chicago-police-use-cover-charges-to-justify-excessive-force/>.

<sup>94</sup> *Id.*

<sup>95</sup> See S.B. 83, Reg. Sess. (La. 2016) <https://legis.la.gov/legis/BillInfo.aspx?s=16RS&b=SB83&sbi=y>.

<sup>96</sup> See Video: Hearing of Judiciary A Committee, Louisiana State Senate, (Apr. 12, 2016), [https://senate.la.gov/s\\_video/videoarchive.asp?v=senate/2016/04/041216JUDA\\_0](https://senate.la.gov/s_video/videoarchive.asp?v=senate/2016/04/041216JUDA_0); see also Rebekah Allen, *Louisiana Legislators Are Earning Big Money From Government Agencies – But Don’t Have to Disclose It All*, PROPUBLICA (April 13, 2018), <https://www.propublica.org/article/louisiana-legislators-are-earning-big-money-from-government-agencies-but-dont-have-to-disclose-it-all>.

<sup>97</sup> *Hearing of Judiciary A Committee*, LOUISIANA STATE SENATE, (Apr. 12, 2016), [https://senate.la.gov/s\\_video/videoarchive.asp?v=senate/2016/04/041216JUDA\\_0](https://senate.la.gov/s_video/videoarchive.asp?v=senate/2016/04/041216JUDA_0).



PO Box 56157  
New Orleans, LA 70156  
504-522-0617  
laaclu.org

Alanah Odoms  
*Executive Director*

Nora Ahmed  
*Legal Director*

The data we have collected to date from our Justice Lab campaign supports Martiny’s fear. Since we started the campaign in June 2020, we have received more than 100 complaints from individuals whose civil rights cases cannot be litigated in federal court due to Louisiana’s one-year SOL. A number of these traumatizing stories are featured on our Justice Lab [website](#). One such story belongs to Javier Dunn—who, on July 9, 2016, was forced to the ground by Baton Rouge police, put in handcuffs, and beaten while protesting Alton Sterling’s death.<sup>98</sup> One officer put his weight on Dunn’s head, punched him, and scraped his face against the concrete.<sup>99</sup> Mr. Dunn suffers from permanent injuries as a result of the encounter.<sup>100</sup> At bottom, victims of police brutality face “a stressful and unfair sprint to the courthouse” as they race to file their complicated federal civil rights claims before the SOL expires.<sup>101</sup>

As to the issue of immunity, in a recent Justice Lab lawsuit in which we named the Superintendent of LSP as a defendant, we were confronted with a motion to dismiss. The thrust of the motion: sovereign immunity. Specifically, attorneys for LSP argued that, under current Fifth Circuit precedent, a declaratory judgment as to past actions is prohibited: “The request for a declaration that the LSP Superintendent ‘violated’ rights against Plaintiffs through past actions is a request for this Court to determine that the Superintendent violated the law in the past. This Court lacks jurisdiction to provide this declaratory relief under the *Ex parte Young* doctrine because the declaration has nothing to do with future conduct.”<sup>102</sup> In short, in LSP’s own words, it can never be held to account for past civil rights violations because “deterrence interests are insufficient to overcome the dictates of the Eleventh Amendment.”<sup>103</sup>

### ***Conclusion***

The incidents highlighted in this letter demonstrate that, in the absence of federal oversight, LSP will continue to put Louisianans at risk of constitutional rights violations. Only an independent investigation can restore the broken trust and address the unmet needs of the community.<sup>104</sup>

---

<sup>98</sup> *Justice for Javier Dunn*, ACLU OF LOUISIANA (2021), <https://www.aclujusticelab.org/story/justice-for-javier-dunn/>.

<sup>99</sup> *Id.*

<sup>100</sup> *Id.*

<sup>101</sup> Ritter, *supra* note 92.


<sup>102</sup> Mem. in Supp. of Mot. to Dismiss at 9, *Williams v. Ferguson*, No. 21-CV-00852 (E.D. La. July 19, 2021).

<sup>103</sup> *Id.* at 10.

<sup>104</sup> *Our Views: It’s Time for a Full Federal Investigation of Louisiana State Police*, THE ADVOCATE (July 10, 2021), [https://www.theadvocate.com/baton\\_rouge/opinion/our\\_views/article\\_a59f6176-df66-11eb-b824-3b2f7c093748.html](https://www.theadvocate.com/baton_rouge/opinion/our_views/article_a59f6176-df66-11eb-b824-3b2f7c093748.html) (explaining that “[t]he people of Louisiana do not trust the Louisiana State Police — we don’t trust them to protect all citizens, nor to treat Black people with dignity and respect. We certainly cannot trust that LSP is capable of performing

One of the core tenets of law enforcement is public accountability.<sup>105</sup> Both individual officers and law enforcement agencies must be held accountable for their actions.<sup>106</sup> The ACLU of Louisiana stands ready to assist DOJ however it sees fit. We are happy to prepare a presentation that further elucidates the key points made in this letter.

Sincerely,



Alanah Odoms  
Executive Director  
ACLU of Louisiana



Nora Ahmed  
Legal Director  
ACLU of Louisiana



Enclosure

PO Box 56157  
New Orleans, LA 70156  
504-522-0617  
laaclu.org

Alanah Odoms  
*Executive Director*

Nora Ahmed  
*Legal Director*

Cc: The Honorable John Bel Edwards, Governor of Louisiana, PO Box 94004  
Baton Rouge, LA 70804  
The Honorable Alexander C. Van Hook, Acting United States Attorney  
for the Western District of Louisiana, 300 Fannin Street, Suite  
3201 Shreveport, LA 71101  
The Honorable Jeff Landry, Attorney General of Louisiana, Post Office  
Box 94005 Baton Rouge, LA 70804  
The Honorable John Belton, District Attorney of the Third Judicial  
District of Louisiana, 100 West Texas Avenue, 2nd Floor Ruston,  
Louisiana 71270

---

impartial and thorough investigations into matters which involve their own misconduct”  
(internal quotation marks omitted)).

<sup>105</sup> *Importance of Accountability in Law Enforcement*, POWERDMS (Dec. 22, 2020)  
<https://www.powerdms.com/why-powerdms/law-enforcement/importance-of-accountability-in-law-enforcement>.

<sup>106</sup> Samuel Walker, *POLICE ACCOUNTABILITY: CURRENT ISSUES AND RESEARCH NEEDS* (Nov. 28-29, 2006), <https://www.ojp.gov/pdffiles1/nij/grants/218583.pdf>.