



State Police Commission

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John Bel Edwards
Governor

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General Circular No. 224

Date: December 1, 2021

Subject: Proposed Amendments to Chapters 11, 14, and 15 of the State Police Commission Rules.

Pursuant to the provisions of State Police Commission Rule 2.10(a), the State Police Commission will hold a public hearing on December 16, 2021, to consider proposed amendments to Chapters 11, 14, and 15 of the State Police Commission Rules. The hearing will begin at 9:00 A.M. in Senate Committee Room E, Louisiana State Capitol Building, 900 N. Third Street, Baton Rouge, Louisiana 70802.

Summary of Proposal - SPC Rule 11.35

Please refer to the charts that follow for a comparison between the current and proposed rule language. Proposed additions appear in **blue** and omissions appear in **red**.

The proposed adoption of State Police Commission Rule 11.35 will incorporate verbiage for the handling of special leave during a declared pandemic. Placement of this verbiage within Chapter 11 will ensure its availability for use if/when a future need arises and no longer relies on an Emergency Rule. The verbiage contained in this proposed rule mirrors the department's operating rules for non-commissioned personnel.

Current Rule	Proposed Rule
CHAPTER 11	
<p>**** NEW RULE **** Previously 21.2.1</p>	<p>11.35 Special Leave Related to COVID-19 Health Pandemic</p> <p>a) Effective September 14, 2020, the use of special leave under</p>

Current Rule	Proposed Rule
	<p>State Police Commission Rule 11.23(d) shall not be granted by the appointing authority for any employee absence related to the COVID-19 health pandemic. The Executive Director is granted the authority to reinstate special paid leave under State Police Commission Rule 11.23(d) for absences related to COVID-19 in the event the need arises due to a resurgence in the pandemic and an accompanying declaration by the Governor.</p> <p>b) Intentionally left blank.</p> <p>c) The appointing authority may grant time off without loss of pay, annual leave or sick leave to an asymptomatic employee who is directed by the appointing authority to be tested for COVID-19 and/or self-quarantine after being exposed through close contact to an individual with a confirmed positive COVID-19 diagnosis.</p> <p>Such special paid leave shall not extend beyond 14 calendar days for each occurrence as recommended by the Centers for Disease Control and Prevention. Once the employee develops symptoms of illness or is confirmed with a positive COVID-19 diagnosis, he shall immediately be placed in an appropriate leave status, including leave without pay if the employee has exhausted both annual leave and sick leave.</p>

Current Rule	Proposed Rule
	<p>d) Intentionally left blank.</p> <p>e) The appointing authority may grant time off without loss of pay, annual leave, or sick leave to an employee in order to receive a COVID-19 vaccination, provided such leave shall not exceed 4 hours for each administration of the vaccine. The appointing authority shall require the employee to provide proof of vaccination for documentation purposes.</p>

Summary of Proposal - SPC Rules within Chapter 14

The proposed changes to Chapter 14 of State Police Commission Rules support the Commission’s constitutional authority to require training and safety programs as well as establish employment conditions for the overall betterment of the state police service.

Proposed additions appear in **blue** and omissions appear in ~~red~~.

Current Rule	Proposed Rule
CHAPTER 14	
<p>14.1 Required Activity</p> <p>Every classified member of the State Police Service shall:</p> <p>a) Assist the State Police Commission and/or its Director in effectively carrying out the provisions of the Article and Rules; and</p>	<p>14.1 Required Activity</p> <p>Every classified member of the State Police Service shall:</p> <p>a) Assist the State Police Commission and/or its Director in effectively carrying out the provisions of the Article and Rules; and</p>

Current Rule	Proposed Rule
<p>b) Answer truthfully, whether under oath or otherwise, all proper questions put to him or her by authorized representatives of the State Police Commission and/or its Director.</p>	<p>b) Answer truthfully, whether under oath or otherwise, all proper questions put to him or her by authorized representatives of the State Police Commission and/or its Director.</p> <p>The Appointing Authority of the State Police Service shall:</p> <p>c) Implement training, policies and procedures to ensure that all members of the classified state police service comply with the rules of the Louisiana State Police Commission, the policies and procedures of the Office of State Police, the laws of the United States and the U.S. Constitution, the laws and Constitution of the State of Louisiana and other rules and procedures that are applicable for the good manner and order of the members of the classified state police service.</p> <p>d) Ensure that all members of the classified state police service undergo annual, sensitivity training to raise awareness of diversity, inclusion, sensitivity, and racial, ethnic, gender and sexual orientation bias and shall include training on awareness of attitudes and behavior toward others, including people who are different in race, color,</p>

Current Rule	Proposed Rule
	<p>ethnicity, gender, sexual orientation, religion, age, and ability. Sensitivity training shall include teaching members of the classified state police service how to be respectful of people with different experiences, backgrounds and communication styles.</p>
<p>14.3 Other Prohibited Activity ...</p>	<p>14.3 Other Prohibited Activity ...</p> <p>m) While on duty or in uniform, no member of the classified state police service shall use disparaging, discriminatory or profane language, whether written or spoken in reference to a person's affiliation or perceived affiliation with any race, ethnic group, nationality, gender or sexual orientation.</p> <p>n) No member of the classified state police service, while on duty or in uniform, shall treat a person disrespectfully or unequally based on the person's affiliation or perceived affiliation with any race, ethnic group, nationality, gender or sexual orientation.</p>
<p>**** NEW RULE ****</p>	<p>14.4 Prohibited Force</p> <p>No member of the classified state police service shall use any more force than is objectively reasonable to bring</p>

Current Rule	Proposed Rule
	<p>an incident or pursuit under control, while accounting for public safety and the safety of officer(s).</p>
<p>**** NEW RULE ****</p>	<p>14.5 Supervisor's Requirement to Report</p> <p>All supervisors in the chain of command of an employee in the classified state police service who fail to enforce or fail to report up the chain of command a violation of any of the rules of the Louisiana State Police Commission or the policies and procedures of the Office of State Police shall be in violation of this rule.</p>
<p>**** NEW RULE ****</p>	<p>14.6 Employee's Requirement to Report</p> <p>All members of the classified state police service are obligated to report violations of the rules of the Louisiana State Police Commission, the Office of State Police, the laws and constitutions of the United States and the State of Louisiana by themselves and any other members of the classified state police service to their chain of command. Retaliation against those reporting such violations is prohibited.</p>

Summary of Proposal – SPC Rules within Chapter 15

The proposed changes to Chapter 15 of State Police Commission Rules will increase accountability by requiring additional reporting of violations and incidents. Tracking this information should spotlight issues and highlight areas for internal process and/or policy improvements.

Proposed additions appear in **blue** and omissions appear in ~~red~~.

Current Rule	Proposed Rule
CHAPTER 15	
<p>**** NEW RULE ****</p>	<p>15.12 Information Reporting and Accuracy</p> <ul style="list-style-type: none"> a) All members of the classified state police service shall make a report up the chain of command when the job duties, LSP policies, or these rules require the reporting. b) No member of the classified state police service shall make a false statement in any report the employee is obligated to prepare, nor shall such member of the classified state police service provide any incorrect or misleading information or make material omissions of facts in any such report. c) No member of the classified state police service shall willfully and/or intentionally withhold any information in a report that the employee has written or is obligated to write. d) No member of the classified state police service who has the duty to review a report in the chain of command shall

Current Rule	Proposed Rule
	<p>accept a report as complete if the member knows or has credible evidence that a false statement has been made or material facts omitted. In that event, the member shall require that the known facts or credible evidence be addressed in the report.</p> <p>e) When a member of the classified state police service who has a duty to review a report in the chain of command receives a report that contains information which the member reasonably believes or has credible evidence that the report contains a willful and/or intentional false statement or the omission of information relevant to the report, that member shall report this information up the chain of command.</p>
<p>**** NEW RULE ****</p>	<p>15.13 Camera Reporting</p> <p>When a member of the classified state police service experiences a failure of that member's body-worn camera (BWC) or in-car camera system to activate or operate properly while in the performance of that member's duties, or when the BWC or in-car camera equipment is deactivated or turned off whether intentionally or accidentally, or when the video/audio footage and/or digital link from a BWC or in-car camera system is missing or otherwise not made available to the user or the chain of command, the classified</p>

Current Rule	Proposed Rule
	<p>member(s) of the state police service who is (are) responsible for review of the equipment and the video/audio footage and/or digital link from the incident shall provide a report within seven calendar days of the incident that provoked the need for the BWC or in-car camera equipment to the Appointing Authority and Executive Director of the Louisiana State Police Commission, and the report shall provide the following:</p> <ul style="list-style-type: none"> a) A copy of the incident report, and if there was none, a description of the incident which prompted the need for the use of the BWC, or in-car camera system, b) If the equipment failed to activate, did not work properly, or otherwise did not record the incident fully, state the alleged reasons for the incident not being recorded by the equipment, and the corrective actions that were taken to repair the equipment if the equipment was not working properly; c) If the video/audio footage and/or digital link is missing, the report shall list the person(s) who had the video/audio footage and/or digital link prior to its disappearance and an explanation of what happened to the footage and/or link. d) The Appointing Authority or agency representative will appear before the LSPC at the

Current Rule	Proposed Rule
	<p>next LSPC meeting following the delivery of the report and explain, to the extent required by the Commission, the report and reasons for the body-worn camera (BWC) or in-car camera system failure.</p>
<p>**** NEW RULE ****</p>	<p>15.14 Equipment Failure Reporting</p> <p>a) If at any time a body-worn camera (BWC) or in-car camera system is not worn, is not operational, or does not operate at a time when it should be operated, the member of the classified police service assigned to wear or use the BWC and/or in-car camera system shall report the fact that the camera was not worn or the inoperable status of the equipment to the member's supervisor in writing by the end of the member's shift, and that supervisor shall, within three calendar days, provide a written report to the Appointing Authority and the Executive Director of the Louisiana State Police Commission. That report shall identify the circumstances under which the camera was not worn or of the nonoperation of the equipment. If the nonoperation required or will require an inspection or repair of the equipment the report shall describe the repairs and when they were completed or the plan for the repair and the anticipated date for the repair. Within seven calendar days after the</p>

Current Rule	Proposed Rule
	<p>date of the planned repair, another written report indicating the status of the equipment shall be sent to the Appointing Authority and Executive Director of the Louisiana State Police Commission.</p> <p>b) The Appointing Authority or agency representative will appear before the LSPC at the next LSPC meeting following the delivery of the report and explain, to the extent required by the Commission, the report required under the preceding subparagraph a).</p>
<p>**** NEW RULE ****</p>	<p>15.15 Requirement to Report Specific Rule Violations</p> <p>a) The Appointing Authority for the Office of State Police or the Appointing Authority's designee shall provide a written summary report of any alleged violations of rules 14.3 (m) and (n), 14.4, 15.12 and 15.13, the use of a firearm or use of force reports to the Executive Director of the Louisiana State Police Commission within three business days of the submission of the report, or if no report is submitted within seven calendar days of the time that the chain of command has notice of an alleged violation of these rules has occurred or that a use of a firearm or use of force report should have been submitted.</p>

Current Rule	Proposed Rule
	<p>b) The summary report shall give sufficient details so that the Executive Director of the Louisiana State Police Commission may adequately and completely advise the Commission of the then known facts and circumstances of the violation of these rules, the use of a firearm, or the use of force, including the basis for any allegations that there was a violation of these rules, the use of a firearm or the use of more force than was reasonably necessary under the circumstances. Further, should knowledge about those facts or circumstances significantly and materially change, a supplemental, summary report shall be provided to the Executive Director no more than three business days after this information becomes known to the superior officer(s) of the person(s) involved. Upon the request of the Executive Director, the Appointing Authority or the Appointing Authority's designee shall provide additional information and follow-up reports on the matter.</p>
<p>**** NEW RULE ****</p>	<p>15.16 Investigation Files</p> <p>The Appointing Authority shall maintain documentation of sustained complaints against members of the classified police service in investigative files designated in the name of each classified member</p>

Current Rule	Proposed Rule
	<p>of the classified police service for the duration of the classified member's active service, and this documentation shall be archived upon separation.</p>

Questions pertaining to information in this General Circular should be addressed to my attention at Jason.Hannaman@La.gov or via telephone at (225) 925-7057.

s/Jason Hannaman, PHR, SHRM-CP
 Executive Director