



State Police Commission

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Governor

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General Circular No. 228

Date: May 25, 2022

Subject: Proposed Amendments to Chapters 1, 2, 7, 9, 12, 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 June 9, 2022, to consider proposed amendments to Chapters 1, 2, 7, 9, 12, 14, and 15 of the State Police Commission Rules. The hearing will begin at 9:00 A.M. in the Veterans' Memorial Auditorium, 5825 Florida Blvd., Baton Rouge, LA, 70806.

Summary of Proposal - SPC Chapter 1

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 revision of the definition in Chapter 1 correlates with proposed changes to State Police Commission rules in Chapter 12.

Current Rule	Proposed Rule
CHAPTER 1	
DEFINITIONS: Disciplinary Actions - include only the following: dismissals, suspensions without pay, reductions in pay, involuntary demotions and written reprimands.	DEFINITIONS: Disciplinary Actions - include only the following: dismissals, suspensions without pay, reductions in pay, and involuntary demotions and written reprimands .

Summary of Proposal – SPC Rule 2.1

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 amendment of State Police Commission Rule 2.1 would ensure that the Chairman and Vice-Chairman of the State Police Commission are not in the organizational reporting structure of the Appointing Authority for the Office of State Police.

Current Rule	Proposed Rule
CHAPTER 2	
<p>2.1 Election of the Chairman and Vice-Chairman</p> <p>a) The members of the Commission shall meet and organize by electing one of its members Chairman and one of its members Vice-Chairman. In case of a vacancy in either office, the Commission shall elect a replacement from among its members.</p> <p>b) The Chairman and Vice-Chairman shall be elected at the first meeting held following December 31 of each year.</p>	<p>b) Beginning in 2023, the Chairman and Vice-Chairman shall be elected from its appointed membership at the first meeting held following December 31 of each year.</p>

Summary of Proposal – SPC Rule 7.7

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~~.

State Police Commission Rules 7.7 and 7.8 would be repealed and reissued. The purpose of these changes would be to separate and clarify the components of examinations and selection.

Current Rule	Proposed Rule
CHAPTER 7	
<p>7.7 Content of Tests</p> <p>a) Tests for promotional positions shall be practical and job-related in their nature and shall test those areas which will fairly measure the relative capacity and fitness of the candidates to discharge the duties of the positions to which they seek promotion. Promotional examinations may consist of a rating of training, education, and experience, a performance test, an objective written test, an oral examination, an assessment center, or any combination thereof.</p> <p>b) Examinations for entrance into the State Police Service shall be open, competitive, practical in nature, and be constructed to reveal the capacity of the applicants for the class of State Police Cadet. Examinations may consist of</p>	<p>7.7 Content of Examinations</p> <p>a) Examinations for entrance into the State Police Service shall be open, competitive, practical in nature, and be constructed to reveal the capacity of the applicants for the class of State Police Cadet.</p> <p>b) Examinations for promotional positions shall be practical and job-related in their nature and shall test those areas which will fairly measure the relative capacity and fitness of the candidates to discharge the duties of the positions to which they seek</p>

Current Rule	Proposed Rule
<p>a rating of training, education and experience, a written objective test, a performance test, an oral examination, a questionnaire, a psychological evaluation, or any combination thereof, with due reference also to ability to develop in such ways as to merit advancement to positions of higher classes.</p>	<p>promotion. Beginning with the May 2024 promotional examinations and thereafter, the promotional examination shall include questions on effective supervision, use of force, impartial policing, and de-escalation.</p>
<p>7.8 Repealed, effective January 28, 1992, and incorporated as part of Rule 7.7.</p>	<p>7.8 Selection into the State Police Service and Promotions</p> <p>a) Unless otherwise provided by these rules, in selecting persons for entry into State Police Service, the Appointing Authority may consider, among other relevant criteria, some or all of the following: a rating of their training, education, and experience, a written objective examination, a performance examination, an oral examination, a questionnaire, and physical assessment. In addition to these factors, an appropriate risk assessment of all candidates selected for entrance into the State Police Service may be performed and considered based on the availability of funding.</p> <p>b) Unless otherwise provided by these rules, in selecting persons from the Eligible Lists for promotion, the</p>

Current Rule	Proposed Rule
	<p>Appointing Authority may consider, among other relevant criteria, some or all of the following: a rating of their training, education, and experience, performance evaluations, scoring on the eligible promotional examination, oral examination, and the evaluation by an assessment panel.</p>

Summary of Proposal – SPC Rule 9.1

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 purpose of amending State Police Commission Rule 9.1 to a full 24-month period from the date of hire will provide additional time for the Appointing Authority to evaluate the performance of new hires and eliminates the need for provision 9.1(f).

Current Rule	Proposed Rule
CHAPTER 9	
<p>9.1 Probationary Period.</p> <p>a) The probationary period shall be an essential part of the examination process and shall be used for the most effective adjustment of a new employee and for the elimination of any probationary employee whose performance does not meet the required performance standard of work. A probationary period shall be served by all employees from the date of appointment to</p>	<p>9.1 Probationary Period</p> <p>a) The probationary period shall be an essential part of the examination evaluation process and shall be used for the most effective adjustment of a new employee and for the elimination of any probationary employee whose performance does not meet the required performance standard of work. A probationary period shall be served by all employees from the date of appointment to the State</p>

Current Rule	Proposed Rule
<p>the State Police service and extending through 12 months from the date of graduation from the State Police Training Academy. For employees who are non-competitively reemployed, such probationary period shall be 12 months from the date of reemployment.</p> <p>b) A permanent employee who is promoted, transferred, reassigned or demoted to another position shall not serve a probationary period in the new position.</p> <p>c) A probationary employee may be removed by the Appointing Authority at any time, provided that the Appointing Authority furnish the Director reasons therefor in writing.</p> <p>d) A former employee who is appointed from a department preferred re-employment list is not required to serve a probationary period in the new position.</p> <p>e) The probationary period of a part-time employee shall be computed on the same calendar basis as though he were employed full time.</p>	<p>Police service and extending through 12 24 months from the date of graduation from the State Police Training Academy hire. For employees who are non-competitively reemployed, such probationary period shall be 12 months from the date of reemployment.</p> <p>b) A permanent employee who is promoted, transferred, reassigned or demoted to another position shall not serve a probationary period in the new position.</p> <p>c) A probationary employee may be removed by the Appointing Authority at any time, provided that the Appointing Authority furnish the Director reasons therefor in writing.</p> <p>d) A former employee who is appointed from a department preferred re-employment list is not required to serve a probationary period in the new position.</p> <p>e) The probationary period of a part-time employee shall be computed on the same calendar basis as though he were employed full time.</p>

Current Rule	Proposed Rule
<p>f) The Appointing Authority may request, and the Executive Director may grant, up to two successive six month extensions of an employee's probationary period when the request is based on reasonable justification and such extension is in the best interest of the employee and the State Police service.</p> <p>Nonwithstanding any other provision of the Rules, an Extension of Probationary Period is not a disciplinary action and may not be appealed to the Commission, except on the basis of discrimination or a violation of the Article or these Rules.</p>	<p>f) The Appointing Authority may request, and the Executive Director may grant, up to two successive six month extensions of an employee's probationary period when the request is based on reasonable justification and such extension is in the best interest of the employee and the State Police service. Nonwithstanding any other provision of the Rules, an Extension of Probationary Period is not a disciplinary action and may not be appealed to the Commission, except on the basis of discrimination or a violation of the Article or these Rules.</p>

Summary of Proposal - SPC Rules within Chapter 12

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 amendments of State Police Commission Rules 12.2, 12.7, and 12.9 remove written reprimands from consideration as disciplinary actions. Written reprimands do not deprive a property right and are more appropriately categorized as an Improvement Letter to be used to improve an employee's conduct.

Current Rule	Proposed Rule
CHAPTER 12	
<p>12.2 Cause; Disciplinary Actions.</p> <p>(a) A permanent employee may only be disciplined for cause.</p> <p>(b) Disciplinary actions include only the following: dismissals, suspensions without pay, reductions in pay, involuntary demotions and written reprimands.</p>	<p>12.2 Cause; Disciplinary Actions.</p> <p>(a) A permanent employee may only be disciplined for cause.</p> <p>(b) Disciplinary actions include only the following: dismissals, suspensions without pay, reductions in pay, and involuntary demotions and written reprimands.</p>
<p>12.7 Pre-dismissal, Removal or Discipline Procedure.</p> <p>(a) A permanent employee may not be dismissed or removed or subjected to any discipline, other than a letter of reprimand until he has been given written notice of the proposed action and the reasons therefor, a description of the evidence supporting the proposed action and a reasonable opportunity to respond thereto.</p> <p>(b) In the case of a suspension pending the outcome of criminal proceedings, the notice provided to the employee under the provisions of Rule 12.5(b) shall satisfy the requirements of paragraph (a) of this rule.</p>	<p>12.7 Pre-dismissal, Removal or Discipline Procedure.</p> <p>(a) A permanent employee may not be dismissed or removed or subjected to any discipline, other than a letter of reprimand until he has been given written notice of the proposed action and the reasons therefore, a description of the evidence supporting the proposed action and a reasonable opportunity to respond thereto.</p> <p>(b) In the case of a suspension pending the outcome of criminal proceedings, the notice provided to the employee under the provisions of Rule 12.5(b) shall satisfy the requirements of paragraph (a) of this rule.</p>
<p>12.9 Letters of Counseling and/or Warning; Responses.</p> <p>(a) A letter of counseling or warning is not a disciplinary action. Such letters may be</p>	<p>12.9 Letters of Counseling and/or Warning; Responses. Improvement Letters.</p> <p>(a) A letter of counseling or warning is not a disciplinary</p>

Current Rule	Proposed Rule
<p>maintained in a supervisory or investigatory file, however, they shall not be included in any record which is accessible to the public. Such a letter is not appealable to the Commission except on the basis of discrimination or a violation of the Article or these Rules.</p> <p>(b) The employee may submit a written response to any letter of counseling or warning issued to him or her, and such response shall be attached to each copy of the letter of counseling or warning that is maintained by the employing agency.</p>	<p>action. Such letters may be maintained in a supervisory or investigatory file, however, they shall not be included in any record which is accessible to the public. Such a letter is not appealable to the Commission except on the basis of discrimination or a violation of the Article or these Rules.</p> <p>(b) The employee may submit a written response to any letter of counseling or warning issued to him or her, and such response shall be attached to each copy of the letter of counseling or warning that is maintained by the employing agency.</p> <p>(a) An appointing authority may issue letters (such as warnings, counseling, coaching, reprimands, supervisory plans, etc.) to attempt to improve an employee's conduct.</p> <p>(b) An employee may respond in writing to an improvement letter. The employee's response must be attached to each copy of the letter kept by the agency.</p> <p>(c) If the same or similar conduct recurs, an improvement letter can be used to support the severity of future discipline, but only if the letter advised the employee that the letter would be used for this purpose and advised</p>

Current Rule	Proposed Rule
	<p>the employee of his right to respond.</p> <p>(d) An improvement letter is not discipline, is only appealable under Rule 13.10(a) or (c), and may not be included in any publicly accessible personnel record until used to support future discipline.</p>

Summary of Proposal – SPC Rules within Chapter 14

The proposed changes to Chapter 14 of State Police Commission Rules are new and support the Commission’s constitutional authority to establish employment conditions for the overall betterment of the state police service and to re-enforce the policies and procedures of the Office of State Police

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Current Rule	Proposed Rule
CHAPTER 14	
<p>14.1 Required Activity</p> <p>Every classified member of the State Police Service shall:</p> <ul style="list-style-type: none"> a) Assist the State Police Commission and/or its Director in effectively carrying out the provisions of the Article and Rules; and b) Answer truthfully, whether under oath or otherwise, all proper questions put to him or her by authorized representatives of the State 	<p>14.1 Required Activity</p> <p>Every classified member of the State Police Service shall:</p> <ul style="list-style-type: none"> a) Assist the State Police Commission and/or its Director in effectively carrying out the provisions of the Article and Rules; and b) Answer truthfully, whether under oath or otherwise, all proper questions put to him or her by authorized representatives of the State

Current Rule	Proposed Rule
<p>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, ethnicity, gender, sexual orientation, religion, age,</p>	<p>Police Commission and/or its Director.</p> <p>The Appointing Authority of the State Police Service shall:</p> <p>e) 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, ethnicity, gender, sexual orientation, religion, age, and ability. Sensitivity</p>

Current Rule	Proposed Rule
<p>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>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>**** NEW RULE ****</p>	<p>14.1.1 The Appointing Authority of the State Police Service shall:</p> <ul style="list-style-type: none"> a) Implement training, policies, and procedures to ensure that all members in 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. b) 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

Current Rule	Proposed Rule
	<p>shall include training on awareness of attitudes and behavior toward others, including people who are different in race, color, 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>c) Implement training, policies, and procedures to ensure that all employees in the classified state police service are knowledgeable about policies and procedures of the Office of State Police relative to the use of body and dash cameras and the proper and effective use of those cameras. The Appointing Authority or its designee shall periodically evaluate the need for additional training either of individual employees of the state police service or employees as a group and shall provide such training as deemed appropriate. The requirement that an employee in the classified state police service requires additional training in these or other</p>

Current Rule	Proposed Rule
	<p>areas is not a disciplinary action and may not be appealed to the Commission, except on the basis of discrimination or a violation of the Article or these Rules.</p>
<p>14.3 Other Prohibited Activity</p> <p>...</p> <p>**** NEW RULES ****</p>	<p>14.3 Other Prohibited Activity</p> <p>...</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. An exception to this provision is granted to trainers engaged in scenario-based training exercises.</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. An exception to this provision is granted to trainers engaged in scenario-based training exercises.</p>

Current Rule	Proposed Rule
<p>**** NEW RULE ****</p>	<p>14.4 Prohibited Force</p> <p>No member of the classified state police service shall violate the policies and procedures of the Office of State Police relative to the use of force.</p>
<p>**** NEW RULE ****</p>	<p>14.5 Use of Force Reporting Requirement</p> <p>No member of the classified state police service shall violate the policies and procedures of the Office of State Police relative to the use of force reporting requirements.</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
<p>CHAPTER 15</p>	
<p>**** NEW RULE ****</p>	<p>15.12 Information Reporting and Accuracy</p> <p>a) All employees in the the classified state police service shall make a report up the chain of command when the job duties, policies and procedures of the Office of</p>

Current Rule	Proposed Rule
	<p>State Police, or these rules require the reporting.</p> <p>b) No employees in the classified state police service shall willfully and/or intentionally make a false statement, provide any incorrect or misleading information, or withhold material information in any report made by the employee in the course of his duties.</p> <p>c) No employee in the classified state police service who has the duty to review a report in the chain of command shall accept a report as complete if the employee knows or has credible evidence that a false statement has been made or facts material to the report are omitted. In that event, the employee shall require that the known facts or credible evidence be addressed in the report by the person preparing the report.</p> <p>d) When an employee in the classified state police service who has a duty to review a report in the chain of command receives a report which the employee knows or has credible evidence to believe contains a willful and/or intentional false statement and/or omission of facts material to the report, that members shall report this information up the chain of command.</p>

Current Rule	Proposed Rule
<p>**** NEW RULE ****</p>	<p>15.13 Camera Reporting</p> <ul style="list-style-type: none"> a) No member of the classified state police service shall violate the policies and procedures of the Office of State Police relative to body-worn and/or in-car camera systems. b) A statistical report, without identifying the employees involved, regarding the incidents when the camera systems of employees in the classified state police service were not properly operational shall be provided by the agency to the Executive Director quarterly. c) As may be required by the Commission, the Appointing Authority or designee shall appear at the Commission to provide such information relative to these reports as may be required by the Commission.
<p>**** NEW RULE ****</p>	<p>15.14 Requirement to Report Use of Force, Pursuits, and Administrative Investigations</p> <ul style="list-style-type: none"> a) The Appointing Authority or its designee shall provide to the Executive Director a statistical report quarterly regarding uses of force, pursuits, and administrative investigations. b) As may be required by the Commission, the Appointing Authority or designee shall appear at the Commission to

Current Rule	Proposed Rule
	<p>provide such information relative to these reports as may be required by the Commission.</p>
<p>**** NEW RULE ****</p>	<p>15.15 Investigation Files</p> <p>The Appointing Authority shall maintain documentation of sustained discipline against employees in the classified state police service in investigative files designated in the name of each employee for the duration of the employee's active service with the Department. Upon separation of an employee, this documentation shall be archived.</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