



## **Louisiana tried to crack down on police misconduct. It hasn't worked.**

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In 2017, the state of Louisiana changed how it regulated police misconduct to make it easier to permanently ban rogue cops from the force.

Two years later, there are signs that the reforms have changed little throughout the state, an investigation by the Invisible Institute and USA TODAY has found.

Across Louisiana, just 26 officers have been decertified for misconduct in the last two years, just one of them from the state's 10 largest departments, which collectively employ over 7,000 officers.

In New Orleans alone, eight officers appear to meet the state's guidelines for decertification. They include two officers fired for excessive force and two more convicted of sexually assaulting children.

Yet not a single officer from that department was decertified by the state for misconduct

“If it's happening there, it's going to be happening in other departments.” said Roger Goldman, a law professor at St. Louis University and expert in police licensing laws.

These officers from a single department — all of whom had well-publicized firings or criminal cases — represent a sliver of officers who could qualify for decertification in Louisiana.

In some instances, local police departments did not alert the state regulator after their officers were convicted of crimes or fired for serious misconduct. In at least five cases, the New Orleans Police Department recommended that officers be decertified only to see the state fail to act on their requests.

### **Alton Sterling shooting spurs new law**

The 2016 police shooting of Alton Sterling spurred the overhaul of Louisiana's decertification rules. Two white Baton Rouge officers confronted Sterling outside a convenience store.

Cellphone footage shows officers were holding Sterling down. The video captured someone saying, “He’s got a gun. Gun!”

Officer Blane Salamoni then shot Sterling multiple times while holding him to the ground. Sterling did have a gun in his pocket, but the video footage does not show him drawing it. Baton Rouge police ruled that the shooting was unjustified and fired Salamoni in 2018. Salamoni, who said he believed Sterling was reaching for a gun, was not charged in the incident.

Coming amid a national conversation about police misconduct and racism, Sterling’s death prompted a series of protests and new legislation.

Louisiana Representative Edward “Ted” James says the new rules he helped draft were meant to mend the rift between police and community. The bill expanded the grounds for decertification to include more types of convictions and cases in which an officer was fired for violating someone’s civil rights. Still, even at the time, James felt the rules did not go far enough, noting a lack of pushback from law enforcement.

“They probably knew how hard it was going to be to actually carry out the true intent,” he said.

Since the legislation was passed in June 2017, the Peace Officer Standards and Training Council (POST), the body in charge of regulating law enforcement officers in Louisiana, decertified several hundred officers for failing to complete training — a situation easily remedied by a refresher course — but only permanently decertified 26. All were because of criminal convictions. POST has yet to decertify an officer for a civil rights violation.

Eleven of the permanently decertified officers came from a single mid-sized department — the troubled Iberia Parish sheriff’s office.

### **Flaws in the system**

The system relies on prosecutors to charge and convict police officers accused of misconduct. Ursula Price, the executive director of the New Orleans Workers’ Center for Racial Justice and the former deputy monitor at the New Orleans Independent Police Monitor, says this method is rarely effective.

“Nobody’s playing their roles; they all support and cover for each other,” said Price. “The DA is not a check on police power. Judges are not checks on DA power. They’re all part of one community.”

The National Police Misconduct Reporting Project, an initiative of researcher David Pakman which was later absorbed by the Cato Institute, examined roughly 3,200 criminal cases involving police officers in 2009 and 2010 and found that police are half as likely to be convicted compared to civilians indicted for similar crimes, nationally.

The system also relies on police departments to self-report when officers are fired for civil rights violations or convictions. According to Bob Wertz, a training manager with the Louisiana Commission on Law Enforcement and Administration of Criminal Justice, POST receives daily

updates from departments about new hires and officers moving jobs, but rarely receives reports about firings or convictions that would trigger a decertification hearing.

This process, accompanied by the fact that departments aren't penalized for not reporting, makes for a "weak surveillance system," according to Seattle University criminal justice professor Matthew Hickman.

"You can pass all the laws you want and talk about training requirements and decertification, but it's got to have teeth," said Hickman. "So, I would say that all agencies in the state of Louisiana should be required to report any separation at all to the state POST and they should have to report at that time if they are aware of decertifiable conduct on the part of those officers. And there should be a penalty for not doing that."

Wertz says there is no comprehensive system for identifying officers who qualify for decertification. "It's the honor system for each agency," Wertz said.

The 2017 reforms did not equip POST with any additional resources, he said.

"A lot of times, we pass legislation that feels really good, but in practice doesn't really work," Rep. James said. "And with this bill, it requires good faith police chiefs and good faith prosecutors who are actually going to go after rogue police officers. And without that, the legislation is not worth the paper that it's printed on."

### **Convicted officers weren't decertified**

Looking just at New Orleans, the Invisible Institute and USA TODAY identified four officers since 2017 who were not decertified despite appearing to have met the standards set out in the new law. This list includes two officers, Marcellus White and Michael Thomassie, who were convicted of sexually assaulting children.

Because the cases ended after the two had separated from the NOPD, Wertz explained that their department had no obligation to report the misconduct to POST.

In response to a reporter's questions, Wertz said he plans to request copies of their certified conviction reports so that the POST Council can review their cases for possible revocation.

In 2018, John Galman and Spencer Sutton were accused of beating up a Hispanic veteran and calling him a "fake American." New Orleans police officials found the accusations to be credible and swiftly fired the two officers. They recommended to the state that Galman be decertified, but the POST Council declined to decertify him without a conviction. The revised decertification law does not require a conviction in cases of officers violating someone's civil rights.

Recently, Galman pleaded guilty to simple battery and Sutton entered a plea of no contest to disturbing the peace. Neither have been decertified.

Four other New Orleans officers appear to have qualified for decertification before the new rules, but still have not been decertified. One was convicted of sexually assaulting three minors.

Another shot and killed an unarmed man during a police raid. A third beat a man to death while on duty.

Decertifying officers is more than an administrative formality. Troubled officers who kept their certification prior to the recent reforms have sometimes found new jobs in other departments.

After an officer fatally shot Henry Glover in the days after Hurricane Katrina, then-NOPD captain Jeffrey Winn ordered two other officers to drive the body to a desolate levee, where the pair set the car — and Glover's body — on fire.

Winn testified that he did not hear about the fire until early 2009, but also admitted that he did not alert his supervisors after learning about the potential act of police misconduct. The New Orleans police fired him in 2011 and the New Orleans Times-Picayune published an editorial declaring “Why New Orleans police Capt. Jeff Winn deserved to be fired.” Despite this notoriety, Winn later found work as a cop just a few miles away, joining the St. Charles Parish Sheriff's Office, where he remains today.