



JOHN BEL EDWARDS
GOVERNOR

LAMAR A. DAVIS
COLONEL DEPUTY SECRETARY

State of Louisiana
Department of Public Safety and Corrections
Public Safety Services

August 18, 2023
4750/0501/SDS/23-24041
HQ-01-913

Sergeant Derick Robin
Department of Public Safety
Capital Detail

VIA PERSONAL DELIVERY
IA#230015 OLA #P-200030

Re: 176 HOUR SUSPENSION and DEMOTION

Sergeant Robin:

Pursuant to the authority granted to me as Appointing Authority by Louisiana Department of State Civil Service Rules 12.1 and 12.2, and in accordance with Rule 12.7, you are notified that it is my intention to discipline you as follows: 1) suspend you from duty for a total of 176 hours and demote you from your rank of Louisiana Department of Public Safety (DPS) Sergeant to DPS Police Officer 3. Your demotion is effective August 21, 2023. Your suspension will begin on August 21, 2023 at 06:00 a.m. You will return to work on September 19, 2023, at 10:00 a.m. Additionally, you will be transferred from the Capital Detail to the LSP Barracks and loss of use of your department vehicle privileges for a period of 90 days.

You are suspended and demoted because you violated the following three (3) DPS policies and procedures: Chapter 1- Introduction, Ethics & Conduct Section 1-03.02 *Conduct Unbecoming*, Section 1-03.11 *False Statements*, and Chapter 4- Equipment and Safety Section 04-01.02 *Use of Department Vehicles*.

You are a permanent employee and a commissioned officer. You have been employed with the Department since 2004 and you hold the rank of Sergeant. You were assigned a 2020 Chevrolet Tahoe to perform your duties.

On, March 14, 2023, at approximately 8:04 PM, you were driving your Tahoe in the 2100 block of N. Third Street near its intersection with Eiland Street when you struck a light pole.¹ You notified Region 1 Communications that you crashed your unit. The shift supervisor, Lieutenant Clifton Leonard, heard the notification and responded to your location. The Lieutenant interviewed you regarding the crash. During the interview, you informed Lt. Leonard that you crashed your

¹ Exhibit 1. Crash Report No. 23-043108.

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unit because you swerved to avoid a collision with an oncoming vehicle traveling in your travel lane. After the crash, you exited your vehicle to inspect the damage. You then activated your lights and your in-car camera. Because of the delay in activating your in-car camera the crash was not recorded and Lt. Leonard was unable to confirm your statements regarding the cause of the crash. Your unit was towed because it was disabled during the crash. Before your shift ended, you prepared an *Incident Report* and emailed it to Lt. Leonard.² In your report, you provided the following account:

“On 03/14/2023 at approximately 20:04 hrs, after checking both north and southbound lanes of North Third St confirming it was clear to pull out. I pulled out of the parking lot of 2200 North Third Street and headed southbound in the inside lane. I observed a vehicle traveling northbound in the southbound inside lane that must have turned out at the same time as me. I steered to the right to avoid a collision with the vehicle striking the curb and then the telephone pole with the passenger side front corner of my unit. The other vehicle continued northbound unknown direction of travel make model or plate. My unit was the only vehicle involved in the crash that had any damage.

No injuries reported and no other damage to any other vehicle except my fully marked DPS unit.”

Lt. Leonard then notified his chain of command, DPS Capital Detail Captain Johnson Hale and Executive Officer Lieutenant Pete Freeman, about your crash.

On March 15, 2023, Lt. Freeman traveled to the location of your crash, observed a Life Storage facility in the vicinity, and retrieved video that captured your crash. Lt. Freeman viewed the footage in an effort to get a description of the vehicle you alleged was traveling in your travel lane. Lt. Freeman showed the video to Capt. Hale and Lt. Leonard; neither of them observed another vehicle in the vicinity of your unit prior to or after the crash, as you asserted.

On or about March 23, 2023, Lt. Leonard completed his crash report and included the following in his narrative: “Video was obtained from Life Storage facility located at 2151 North 3rd Street. The video showed there was no other vehicles on the road at the time of the crash.”³ At some point, you reviewed Lt. Leonard’s crash report and saw his statement regarding the video footage obtained from the storage facility.

As instructed by me, LSP Internal Affairs (IA) Unit initiated an administrative investigation to determine whether you provided false statements during the investigation into your crash. IA Captain Saleem El-Amin assigned the investigation to Trooper Ashton McRae. The Internal Affairs investigation began on March 20, 2023.

² Exhibit 2. Sgt. Robin’s *Incident Report*.

³ Exhibit 1. Crash Report No. 23-043108.

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On April 12, 2023, you were interviewed by IA investigators Trooper McRae and Sergeant Georgianna Sonnier. When asked whether you actually saw another vehicle in your travel lane before you struck the light pole, you recanted your initial verbal and written statements to Lt. Leonard and you stated that you “perceived” there was another vehicle. You then went on to explain that you did not intend to make false statements to the Lieutenant regarding the crash; and you admitted fault for the crash.

The total cost of repair to your unit was \$19,285.43. Your unit was out of service for approximately three months for repairs.

DETERMINATIONS

1. DPS Chapter 1- Introduction, Ethics & Conduct: Section 01-03.11 False Statements.

By your own admission, you violated Section 01-03.11, *False Statements*, which provides,

- A. An employee shall not make false statements or falsify any written report to a supervisor knowing such statement to be incorrect or misleading.
- B. An employee shall not willfully and/or intentionally withhold any information from a report or statement, knowing such information to be relevant to the report or statement.

In the *Incident Report* you prepared immediately following your crash, you specifically stated, “I *observed* a vehicle traveling northbound in the southbound inside lane that must have turned out at the same time as me. I steered to the right to avoid a collision with the vehicle.” (*emphasis added*). Not only did you offer this narrative in writing, you also gave this account to Lt. Leonard verbally. You then submitted your written statement to Lt. Leonard. Lt. Leonard believed your narrative and reported the same to your chain of command, Capt. Hale and Lt. Freeman. However, Lt. Freeman discovered that your verbal and written statements were false after viewing video that he obtained from the Life Storage facility. The surveillance video from the storage facility captured your crash and showed that there were no other vehicles on the road at the time. Lt. Leonard then prepared his crash report noting the same. You read Lt. Leonard’s report before your IA interview. Only after reviewing Lt. Leonard’s report, did you recant your initial verbal and written statements by stating you “*perceived*” that there was another vehicle on the roadway. (*emphasis added*).

You violated this policy because you knowingly made a false statement and provided that false statement in writing to the shift supervisor, Lt. Leonard.

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2. Chapter 4- Equipment and Safety Section 04-01.2, Use of Department Vehicles.

By your own admission, you violated Section 04-01.2, *Use of Department Vehicles*, which provides,

2. An employee shall drive all Department vehicles with prudence and care, mindful that abuse, misuse or recklessness reduces the operating efficiency of the Department's fleet.

You violated this policy because the cause of this single-vehicle crash, which is your second, was a result of your failure to operate the Department's fleet vehicle with prudence and care.

3. Chapter 1- Introduction, Ethics & Conduct, Section 1-03.02 Conduct Unbecoming of an Employee.

The IA investigation revealed that you violated Section 1-03.02 *Conduct Unbecoming of an Employee*, which states:

- A. An employee shall act dutifully responsible and professional at all times so as not to reflect unfavorably upon himself or the Department.
- B. Unbecoming conduct is defined as conduct which:
 2. Reflects discredit upon the employee as a member of the Department;

You violated this policy because you, a DPS Sergeant with almost 19 years of service, discredited yourself by falsifying the report regarding your single-vehicle crash.

Although these violations alone warrant the discipline imposed, your offenses are even more egregious for the following reasons.

Prior Discipline

You were previously disciplined because of a single-vehicle fleet crash you were involved in that was determined to be preventable.⁴ The discipline issued was a *Letter of Reprimand* for the at-fault crash that occurred on March 2, 2011. The *Letter of Reprimand* notified you that any future violations of this or any nature may result in more severe discipline including termination.⁵

⁴ Exhibit 3. June 16, 2011, *Letter of Reprimand*.

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Additionally, you were involved in another preventable fleet crash on August 26, 2021, for which you received a *Letter of Counseling*.⁶

For the above listed policy violations, it is my intention to suspend you from duty for a total of 176 hours and to demote you from your rank of Sergeant to Police Officer 3.

You have the right to appeal this action to the Louisiana State Civil Service Commission. The time limits and procedure for appealing are contained in Chapter 13 of the Louisiana State Civil Service Commission Rules. A copy of Chapter 13 can be obtained from the Louisiana State Civil Service Commission. The Commission's current mailing address is P.O. Box 94111, Baton Rouge, LA 70804-9111. Their current telephone number is (225) 342-8274 and their fax number is (225) 342-8508.

Sincerely,



Colonel Lamar A. Davis
Superintendent, Louisiana State Police

cc: Lt. Col. Chavez Cammon; Lt. Col. Chris Eskew; Major Fertano Jackson;
Captain Hale Johnson; Internal Affairs; Office of Legal Affairs

⁶ Exhibit 4. August 26, 2021, *Letter of Counseling*.

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