



JOHN BEL EDWARDS
GOVERNOR

LAMAR A. DAVIS
COLONEL DEPUTY SECRETARY

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

JUNE 8, 2022
4750/0501/MMG/22-23892
HQ-01-688

Trooper Derrick Parish
Troop A

VIA PERSONAL DELIVERY
IA-2200010; OLA #076816

Re: 60 HOUR SUSPENSION

Trooper Parish:

Pursuant to the authority granted by State Police Commission Rules 12.2 and 12.8, you are hereby notified that you are suspended from duty without pay and allowances for 60 hours. Your suspension will begin at 0500 hours on Friday, July 15, 2022, and will end at 1700 hours on July 21, 2022. You shall report back to your assigned duty station at 1700 hours on Monday, July 25, 2022. You are suspended for the following reasons:

On January 19, 2022, two juvenile offenders¹ escaped from a detention center, Acadiana Center for Youth (ACY), in Bunkie, LA. Following their escape, the offenders burglarized several vehicles in the surrounding area and stole three handguns from the vehicles. They also stole a Chevy Colorado truck. Offender A left Offender B at a house in New Roads, LA and then drove the Chevy to Mississippi. Offender A abandoned the Chevy in Mississippi and stole a Ford F350 truck and drove back into Louisiana.

On January 20, 2022, you assisted in the apprehension of Offender A in Baton Rouge. Your Department issued Body Worn Camera (BWC) and In-Car Camera (ICC) were activated and recorded the events². Following his apprehension, Offender A was treated at the scene by medical personnel for an injury to his left leg he received the night before when a bullet grazed him. Offender A was also transported to several different locations by you, including the Baton Rouge Police Department Headquarters (BRPD HQ), the East Baton Rouge Parish (EBR) Juvenile Detention Center, and the Mid-City Baton Rouge General Hospital (BRGH), until he was ultimately returned to ACY on January 21, 2022. On January 25, 2022, Offender A advised Judith Sylvester, Chief of Security at ACY, that he (Offender A) was in possession of a handgun (a Taurus 9 mm that contained seven rounds) which he had with him since he was apprehended on January 20, 2022.

¹ Due to their juvenile status, the identity of the offenders will be protected and they will be referred to in this letter as offenders, and Offender A and Offender B.

² The recordings are maintained in Evidence.com.

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During an administrative investigation of the matter, you advised Louisiana State Police (LSP) Internal Affairs (IA) investigator Sgt. Robert Grimes, that just prior to going on shift on January 20, 2022, you received a phone call from a sheriff's deputy that two escaped juveniles had taken a vehicle from Mississippi and may be in the area where you lived. You also received a hit from a License Plate Reader (LPR) that provided a picture of the vehicle. You picked LSP Chaplain Ray Raney up in Zachary to ride along with you and began looking for the suspect vehicle. When you reached the intersection of U.S. 61 and Blount Road, you saw the suspect vehicle in the Murphy gas station parking lot. You made a u-turn on U.S. 61 and saw the truck pull onto U.S. 61 and travel north until it turned into the Chevron/ Made to Go Truck Stop at U.S. 61 and Thomas Road. You parked on the shoulder of U.S. 61 south of the Chevron and notified Region 1 Communications that you needed additional units. You acknowledged that at some point you knew from a BOLO³ that the offenders were armed.

You, LSP Sgt. Alexander Nezhodinsky, Trooper Jeffrey Martin, DPS Lt. Hulon Moran, and DPS Officer Hunter O'Connor⁴ decided to confront the offenders as the suspect truck was backed in between two semi-tractor trailers in the rear parking area of the gas station. The plan was made to surround the truck with law enforcement vehicles to prevent the offenders from escaping.

Video footage of the incident shows that you exited your unit with your rifle drawn and positioned yourself along the passenger side of your unit and Lt. Moran was positioned along the driver's side of your unit. You and Lt. Moran initiated a felony stop by giving loud verbal commands for the driver to exit the truck. Offender A exited the truck and followed verbal commands to walk back towards your voices with his hands in the air. BWC video shows that Offender A kept his hands slightly above shoulder height and his left arm maintained close contact with the left side of his torso the entire time. Offender A was told to get on his knees, put his hands behind his head, and then lay on the ground with his hands out to the side. With his left arm clenched to his left side, Offender A laid on the ground and placed his hands behind his back rather than out to the side as instructed. Lt. Moran moved to Offender A's position and handcuffed his hands behind his back and conducted a pat down search of him while asking him if he had any weapons. The other officers on scene checked the vehicle for passengers and attempted to determine if Offender B was also present.

After he was handcuffed, Lt. Moran stood Offender A up and conducted a second search of Offender A as he asked, "No guns?" Offender A replied, "No sir." Lt. Moran walked Offender A to Officer O'Connor's unit and placed him in the rear right passenger compartment and you approached Offender A and read him his Miranda Rights. After Offender A acknowledged that he stole the truck, you advised him that he was under arrest.

³ BOLO means Be On the Look Out

⁴ All officers present were equipped with BWCs that recorded some or all of the events. Some units had In-Car Cameras (ICC) that were activated and recorded some or all of the events. All of the recordings are maintained in Evidence.com.

Video footage shows that at the scene, you asked Lt. Moran if he searched Offender A and he replied, "Yeah, I searched him. There ain't nothing on him. No weapons. No weapons." Lt. Moran also told you, "He's clean. He ain't got no weapons or nothing on him."

Due to Offender A's prior injury to his left leg, you summoned medical personnel to the scene to evaluate Offender A. You transferred Offender A from Officer O'Connor's unit to your unit. Prior to placing him in the rear compartment of your unit, you searched Offender A again and did not find any weapons. Your BWC recording shows that you did not check under Offender A's armpits. You exchanged handcuffs with Lt. Moran, placed Offender A in the rear seat of your unit, and he was then evaluated by medical personnel.

You then transported Offender A to BRPD HQ with your interior In-Car Camera (ICC) activated. The video recorded Offender A release his seatbelt and reach with his right hand behind his back up to his left armpit to adjust the firearm upon arrival at BRPD HQ. While at BRPD HQ, Sgt. Nezgodinsky searched Offender A again and asked him how many guns they had, to which Offender A replied, "Three." Sgt. Nezgodinsky's BWC captured Offender A reach across his body with his right hand toward his left side and push the handgun back toward the wall behind him as you and Sgt. Nezgodinsky discussed the booking process. A few minutes later, Offender A can be seen lifting the handgun upward, placing it under his armpit, pull his sweatshirt away from his left armpit, and look down to make sure nothing was showing.

After Offender A was fingerprinted, you proceeded to transport him to the EBR jail to get documents signed, and stopped at a Raising Cane's drive thru on the way to get food for the two of you. At the jail, your BWC recorded you leave Offender A unattended near the jail's intake entrance door while you got paperwork signed. You then transported Offender A to the EBR Juvenile Detention Center. The staff there advised you that Offender A would have to be medically cleared by a hospital due to his prior injury, so you transported him to the BRGH for evaluation.

While at the BRGH, your BWC captured Offender A unrestrained in his room for approximately one hour and 26 minutes, with the handgun still in his possession, and having contact with hospital staff. You also left Offender A alone in his room for approximately one minute and 24 seconds while you walked to the nurses' station across the hall adjacent to Offender A's room.

Once Offender A was treated and released from BRGH, you transported him to the EBR Juvenile Detention Center in the early morning hours of January 21, 2022. Your unit's interior ICC captured Offender A reach under his left arm and adjust the handgun 11 times. At one point while in your unit, Offender A actually moved his handcuffed hands from behind his back to the front of his body, then lift his hands, reach underneath his sweatshirt with his right hand, adjust the handgun, and maintained contact with it for approximately 57 seconds.

During your interview with IA investigator Sgt. Grimes, you advised that you believed that you conducted a full search of Offender A, that he had been previously searched by a seasoned DPS Lieutenant, and nothing led you to believe that Offender A had a weapon on him. A review of your BWC recording shows that you did not check under Offender A's armpits. IA investigators reviewed your written incident report with you wherein you explained that after you learned Offender A had a gun at ACY, you reviewed your ICC footage and saw Offender A unbuckle himself and mess with an object under his left armpit. You explained to Sgt. Grimes that you knew it was a gun based on what you were told. You also saw on your ICC recordings that Offender A moved his handcuffed hands to the front of his body by sliding his arms under his legs and then grabbed an object under his left armpit and repositioned it. You acknowledged to Sgt. Grimes that you believe the object was a gun. You admitted that your search of Offender A did not include his armpits. You were also shown footage from Sgt. Nezgodinsky's BWC at BRPD HQ and acknowledged that Offender A adjusted something under his armpit two times. You agreed that there was no explanation for Offender A introducing the handgun the offenders stole back into ACY, other than Offender A had it with him the entire time.

You failed to conduct a full and thorough search of Offender A, before placing him in the rear seat of your unit on January 20, 2022, which resulted in him retaining a handgun the entire time he had contact with you, other law enforcement personnel, and hospital personnel. Offender A ultimately introduced the handgun into ACY Detention Center. Your actions violated Louisiana State Police Policy and Procedure Order No. 203 – Arrest and Searches, Section 9 – Search Procedures, which states in pertinent part:

- ...
- iv) Full search
 - a) A search of a person may be conducted based on probable cause or incident to arrest. The search may be for weapons, contraband, or evidence.
 - b) The search should be systematic and thorough. It should include all items in the suspect's possession, pockets, purse or any object that is within his reach.

You failed to, at any point, recognize Offender A manipulate the handgun in his left armpit, or even see him move his handcuffed hands from behind his back to the front of his body to manipulate the handgun. You failed to constantly supervise Offender A while in your custody by leaving him unrestrained and alone in his hospital room, and leaving him alone at the jail while you had paperwork signed. Your actions violated Louisiana State Police Policy and Procedure Order No. 901 – Code of Conduct and Ethics, Section 12 – Unsatisfactory Performance, which states in pertinent part:

- i) A commissioned officer shall maintain a competency level sufficient to properly perform his duties and assume the responsibilities of his position. Officers shall perform their duties in such a manner as to maintain the highest standards of efficiency. Unsatisfactory performance may be demonstrated by:

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- c) A failure to conform to work standards established for the office's rank, grade or position.
- d) A failure to take the appropriate action on the occasion of a crime, disorder or other matter deserving attention.

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Any future violations of this or any nature may result in more severe discipline, up to and including termination.

You have the right to appeal this action to the Louisiana State Police Commission. The time limits and procedure for appealing are contained in Chapter 13 of the State Police Commission Rules. A copy of Chapter 13 can be obtained from the State Police Commission. Their current mailing address is P.O. Box 66555, Baton Rouge, LA 70896-6555. Their current telephone number is (225) 925-7057 and their fax number is (225) 925-7058.

Your attention is directed to Louisiana State Police Policy and Procedure Order No. 201.5.iv, which states:

- iv) No officer shall work escorts, paid off-duty details, or overtime in any pay period wherein he has taken leave without pay, been suspended without pay, placed on forced or administrative leave, or worked at a reduction in pay as a result of a disciplinary action unless authorized by the appointing authority.

Sincerely,



Colonel Lamar A. Davis

Superintendent, Louisiana State Police

- c: Lt. Col. Chavez Cammon
- Major John Riles
- Captain Aaron Marcelle
- Internal Affairs
- Office of Legal Affairs
- Human Resources

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