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GOVERNOR

LAMAR A. DAVIS
COLONEL DEPUTY SECRETARY

State of Louisiana
Department of Public Safety and Corrections
Public Safety Services
JUNE 7, 2021
4750/0501/MMG/21-23617
HQ2-2002-21

Lt. William Brinkerhoff
Troop F

IA#21-015, 21-022
OLA#072613; 072743
VIA PERSONAL DELIVERY

RE: 80 HOUR SUSPENSION

Lt. Brinkerhoff:

Pursuant to Louisiana State Police Commission Rules 12.1 and 12.2, and the authority delegated to me by Colonel Lamar Davis, you are hereby notified that you are suspended from duty without pay and allowances for 80 hours. Your suspension will begin at 0600 hours on Friday, June 11, 2021, and will end at 1400 hours on Tuesday, June 22, 2021. You shall report back to your assigned duty station at 0600 hours on Friday, June 25, 2021. You are suspended for the following reasons:

Investigator Raymond Hughes and Sgt. Gus Bethea were assigned to conduct a criminal investigation into uses of force by Troop F troopers against Mr. Morgan Blake during his arrest on July 16, 2019, and subsequently while in the custody of S/T William Martin and former Trooper Colby Dickerson. Following a use of force against Mr. Blake by troopers during his arrest, S/T Martin and former Trooper Dickerson transported Mr. Blake to the Oschner/LSU Health Monroe Medical Center (LSU) to be evaluated. While at LSU, S/T Martin and former Trooper Dickerson used force against Mr. Blake. At that time, S/T Martin's and former Trooper Dickerson's Body Worn Cameras (BWC) were not recording due to hospital policy.

During an administrative investigation into your review of the use of force incident (IA#21-015), Inv. Hughes advised Internal Affairs (IA) investigators that on January 5, 2021, he contacted Assistant Chief Ron Lara of the LSU Police Department (LSU PD). Asst. Chief Lara recalled the incident and further advised Inv. Hughes that the video surveillance system only retained video for 30 days, and thus was no longer available. Asst. Chief Lara further explained that around the time of the incident, a copy of the video of the incident was provided to Louisiana State Police (LSP) along with the facility's report relating to the incident. On January 6, 2021, Inv. Hughes met with Captain John Peters, then Commander of Troop F, who advised Hughes that you maintained a copy of the video. When Inv. Hughes met with you that date, you acknowledged that you had obtained a Compact Disc (CD) with the video recording from LSU PD along with a copy of the LSU PD report of the incident, and that the CD was in your desk drawer at Troop F. Inv. Hughes obtained the CD from you and copied the video. Inv. Hughes subsequently had you complete an incident report to document the chain of custody for the CD.

During the investigation, it was determined that S/T Justin Morris completed the arrest report relating to the arrest of Mr. Blake. In his arrest report, he referenced a use of force on Mr. Blake by S/T Martin and Trooper Dickerson at LSU. His arrest report also documented that Mr. Blake was charged with two counts of resisting a police officer and two counts of aggravated battery, in part as a result of Mr. Blake's alleged actions at LSU.

S/T Morris advised IA investigators that he did not have any knowledge that a video of the use of force incident at the hospital existed. He recalled that you were going to check for video, but he (Morris) did not further pursue the issue.

When you were interviewed by IA investigators on April 15, 2021, you advised that on July 16, 2019, S/T Martin called you to inform you that he had been involved in a use of force incident at LSU. You went to LSU that date and met with Sgt. Charles Brown of the LSU PD and watched the video recorded footage of the incident. You requested a copy of the video and was advised by Sgt. Brown that it would not be available that day as the video had to be downloaded. You advised IA investigators that you did not see any wrongdoing by the troopers on the video and secured a copy of the recording for "administrative purposes" and "safekeeping." Once you obtained the CD, you placed it in your desk drawer.

You advised IA investigators that you did not consider the CD with the video as evidence. You did not submit the CD as evidence because you did not want to place the Department or yourself in jeopardy by violating HIPPA laws if the video became a public record. You got a copy of the video to review on a clearer screen just to be thorough and see if you missed anything relating to the use of force in your initial review. You also kept the CD in case there were any developments or questions relating to the incident in the future, and you were concerned that the original recording could get lost or erased.

A review of the electronic routing relating to the use of force report submitted by S/T Martin shows that on July 30, 2019, at approximately 1300 hours, S/T Martin's first line supervisor, Sgt. Bruce Robinson, approved the report and electronically routed it to you. Although LSP policy at that time required all supervisors in the reporting trooper's chain of command to review and approve or reject the report, you did nothing with the report until March 4, 2020, at approximately 1256 hours, when you rejected the report citing "Report sent to wrong person - Sent to wrong person" and routed it back to Sgt. Bruce Robinson. You advised IA investigators that you believed Sgt. Robinson sent the report to you in error because in spite of the LSP policy at the time, the practice at Troop F on July 16, 2019, was for the first line supervisor to route use of force reports directly to the Troop F Captain (then Captain Peters). You had no explanation for why you did nothing with the report for seven months.

A separate administrative investigation (IA#21-022) was conducted by IA into your review of a use of force incident by Trooper F troopers against Mr. Antonio Harris on May 23, 2020. During the investigation, you advised IA investigators that at the time of the use of force, you were the lieutenant over Troop F E-team, which included the troopers involved in the use of

force incident. You advised that you were made aware of the incident by Captain John Peters, the commander of Troop F at the time, who advised you that the LSP Training Academy had some concerns relating to the use force.

A review of the audit trails for the videos relating to the arrest in Evidence.com shows that no supervisor in the troopers' chain of command reviewed the videos prior to approving the use of force report, as was required by LSP policy. You advised IA investigators that Captain Peters instructed you and Sgt. Robinson to review the videos for any concerns. You advised that you and Sgt. Robinson watched the videos on Sgt. Robinson's computer and Sgt. Robinson made notes of concerns on counseling forms. The audit trails relating to the videos in Evidence.com were reviewed by IA and show that Sgt. Robinson accessed the videos on June 12, June 14, and June 16, 2020. You advised IA investigators that you briefed Captain Peters on the videos and Captain Peters instructed you to do a verbal counseling.

Captain Peters advised IA investigators that you reported to him that the videos "were not pretty" and had some inappropriate language and threats made to Mr. Harris by some of the troopers. He denied that you told him that you observed any excessive force used, and further advised that if you had told him that, he would have forwarded the matter up his chain of command.

During your interview with IA, you advised that you did not remember reading the use of force report because it was not routed to you. IA investigators played all of the videos associated with the arrest of Mr. Harris. They slowed down the videos and pointed out a trooper punching Mr. Harris in the head while holding a flashlight in his fist, a trooper delivering a knee strike to Mr. Harris in the head/neck area after he was handcuffed, and a trooper pulling Mr. Harris to his feet by his arm and his hair/dreadlocks. You advised IA investigators that if you had observed these actions initially, you would have had a lot more to talk to Captain Peters about and, "Beyond a shadow of a doubt, today, you would do things totally differently."

You failed to recognize that the CD containing video evidence that you obtained from LSU PD relating to the use of force against Mr. Morgan Blake on July 16, 2019, was evidence of a crime Mr. Blake was alleged to have committed. It was also evidence of a potential crime committed by the troopers who used force against Mr. Blake, if that force was determined to be excessive. You also failed to understand the relevance of the video evidence to the use of force review process, and handle the CD as evidence. Your actions and inactions violated Louisiana State Policy and Procedure No. 404 – Evidence, Section - 3 – Confiscating or seizing evidence and/ or property, which states in pertinent part:

- i) The investigating officer, or designated officer, in each case shall have primary responsibility for the collection of all evidence, with the advice and consent of his supervisor, as needed. ...

After Captain Peters informed you about the LSP Training Academy's concerns relating to the use of force against Mr. Antonio Harris, you failed to conduct a thorough review in order to recognize potential issues with the use of force, including reviewing the use of force report, at all, and thoroughly reviewing the video evidence. You did not provide Captain Peters with sufficient and accurate details to handle the matter appropriately. Furthermore, you failed to take any action for seven months with regards to the use of force report routed to you relating to the use of force against Mr. Morgan Blake. When you did take action on the report, instead of reviewing it in accordance with LSP policy, you rejected it as being sent to the wrong person. You failed to properly handle the video evidence contained on a CD you obtained from LSU PD relating to the use of force against Mr. Blake. You did not provide the video evidence to the trooper who prepared the use of force report, or the trooper who prepared the arrest report to forward to the District Attorney's Office for consideration of the charges against Mr. Blake. All of these actions and inactions were in violation of Louisiana State Police Policy and Procedure 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:
 - ...
 - c) A failure to conform to work standards established for the officer's rank, grade or position.
 - d) A failure to take appropriate action on the occasion of a crime, disorder or other matter deserving attention.
 - ...

By failing to review and act on the use of force report relating to Mr. Blake for seven months, you violated Louisiana State Police Policy and Procedure No. 238 – Use of Force, Section 10 – Use of Force Reporting, which states in pertinent part:

- ...
- ii) Supervisors shall review the Use of Force Report and indicate whether actions taken by the officer complied with policy and training. ...

Your above described failures to perform your duties properly as detailed above contributed to the delay in these uses of force being properly investigated and the conduct addressed. You violated Louisiana State Police Policy and Procedure No. 901- Code of Conduct and Ethics, Section 4 – Conduct Unbecoming an Officer, which states in pertinent part:

- i) A commissioned officer shall conduct himself at all times, both on and off-duty, in such a manner as to reflect most favorably on himself and the Department.

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- ii) Unbecoming conduct is defined as conduct which:
 - a) Brings the Department or any of its subdivisions into disrepute.
 - b) Reflects discredit upon the officer as a member of the Department.
 - c) Impairs the operations or efficiency of the Department, the officer, or state service.
 - ...
 - e) May reasonably be expected to destroy public respect for State Police officers and/or confidence in the Office of State Police.

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,



Lt. Colonel M. Doug Cain, II
Asst. Superintendent/Chief of Staff
Louisiana State Police

- c: Lt. Col. Chavez Cammon
Major Wayne Vidrine
Captain Eric Cuenca
Internal Affairs
Office of Legal Affairs
Human Resources Management

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