



JOHN BEL EDWARDS
GOVERNOR

Lamar A. Davis, COLONEL
DEPUTY SECRETARY

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

December 29, 2020
4750/0501/JPR/20-23338
HQ2-1925-20

SERGEANT JOSHUA ARVIE
TROOP I

IA#20-010, OLA#069374
VIA PERSONAL DELIVERY

RE: TWENTY- FOUR (24) HOUR SUSPENSION

Dear Sgt. Arvie:

In accordance with State Police Commission Rules 12.1, 12.2, and the authority delegated to me by Colonel Lamar Davis, you are hereby notified that you are suspended from duty for twenty- four (24) hours without pay and allowances. Your suspension will begin at 0500 hours on Monday, January 25, 2021, and will end at 1700 hours on Tuesday, January 26, 2021. You shall report back to your assigned duty station at 0500 hours on Friday, January 29, 2021. You are suspended for the following reasons:

On September 28, 2019, TFC Kevin Prejean attempted to conduct a traffic stop on a vehicle but the driver refused to stop. A pursuit ensued which lasted approximately 28 minutes. You joined the pursuit along with other troopers and Iberia Parish Sheriff's Office ("IPSO") deputies. The driver eventually drove into a cane field where his vehicle became stuck in the mud. The following events were captured on TFC Prejean¹, TFC Matthew Motes², and Trooper Derek Noel's³ Axon Body 2 body-worn cameras:

The driver began moving his vehicle in a reverse and forward motion, traveling approximately 5-10 feet in either direction. Approximately 39 seconds after the vehicle came to a stop, TFC Motes requested permission to shoot the tires of the vehicle. Trooper Noel then made the same request approximately 11 seconds later. Approximately 14 seconds after TFC Motes' request, you stated, "Take it out." Trooper Noel then fired one round from his Glock model 17 9mm caliber duty weapon at the right rear tire of the vehicle. TFC Motes fired 15 rounds from his Glock model 22 .40 caliber duty weapon at the right rear tire of the vehicle at that time. Approximately 30 seconds after Trooper Noel and TFC Motes fired the first shots, you began firing your Glock model 22 .40 caliber duty weapon at the vehicle, and ultimately fired 18 rounds at the left rear tire and engine block of the vehicle.

¹ On September 28, 2019, TFC Prejean was using an Axon Body 2 camera with serial number X81118116.

² On September 28, 2019, TFC Motes was using an Axon Body 2 camera with serial number X81130265.

³ On September 28, 2019, Trooper Noel was using an Axon Body 2 camera with serial number X81131262.

Approximately one minute after you gave permission to shoot at the vehicle's tires, TFC Motes asked you, "We got a passenger in there or not? I got a clear shot without a passenger. Want me to take the shot, Sarg.?" You responded, "Not yet." Approximately two and a half minutes after his first shot, TFC Motes retrieved his Bushmaster AR-15 rifle from his unit and fired another 19 rounds at the vehicle, for a total of 34 rounds fired from his duty weapons at the right rear tire and engine block of the vehicle. You never told TFC Motes to cease firing at the vehicle's tires and engine block.

On June 16, 2020, you were interviewed by Internal Affairs ("IA") investigators Trooper Richard Buckland and S/T Michael Talley. During this recorded interview, you admitted to IA investigators you fired your rounds at the left rear tire and the engine block of the vehicle. You said you felt those actions were reasonable because the vehicle was the threat and being used as a deadly weapon. You said you did not feel it was reasonable to shoot at the driver because you did not know who was in the vehicle.

The Use of Force Review Board ("Board") met on October 22, 2020, to review the incident and, based on the evidence, determined the use of deadly force was not justified, and therefore you were not justified in shooting at the vehicle. The Board found that by firing 18 rounds from your weapon at a moving vehicle when deadly force was not justified, you violated LSP P.O. Order 238- Use of Force, Section 5- Use of Firearms, which states:

- ...
- v.) Firing at or from a moving vehicle is prohibited except where the use of deadly force is justified, in accordance with this order.

By this letter, you are notified that I agree with the Board's findings.

I also find that by authorizing TFC Motes and Trooper Noel to fire their weapons at a moving vehicle when deadly force was not justified, and failing to stop TFC Motes from retrieving a second weapon and continuing to fire at the vehicle after the initial shots were not effective, you violated Louisiana State Police Policy and Procedure Order 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 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, and this suspension can be used to support the severity of future discipline.

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:

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
Assistant Superintendent/ Chief of Staff
Louisiana State Police

c: Col. Lamar Davis
Lt. Col. Layne Barnum
Lt. Col. Jay D. Oliphant
Major Benny Broussard
Captain Eric Duplechain
Internal Affairs
Office of Legal Affairs
Human Resources Management

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