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DEPUTY SECRETARY

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

MAY 22, 2019
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HQ2-1699-19

L.T. GEORGE "KEVIN" BAXTER
LOUISIANA STATE POLICE - TROOP G

IA#19-002; OLA# 062378
VIA PERSONAL DELIVERY

RE: 240 HOUR SUSPENSION
WITHOUT PAY

Dear Lt. Baxter:

Your response to the intended suspension letter delivered to you has been received by me. I have respectfully considered your response and appreciate your candidness in taking responsibility for your actions and inactions. In accordance with State Police Commission Rules 12.1, 12.2, and the authority delegated to me by Colonel Kevin Reeves, you are hereby suspended from duty for 240 working hours without pay and allowances. Your suspension will be imposed in three pay periods (80 hours each) as follows:

You are suspended from 0600 hours on June 5, 2019 to 1400 hours on June 16, 2019 (pay period 13), and will then return to your regular duty schedule.

You are suspended from 1800 hours on July 17, 2019 to 0200 hours on July 29, 2019 (pay period 16), and will then return to your regular duty schedule.

You are suspended from 0600 hours on August 28, 2019 to 1400 hours on September 8, 2019 (pay period 19), and will then return to your regular duty schedule.

You are suspended for the following reasons:

On Sunday, January 13, 2019, you were the Troop G on-duty night shift Lieutenant. At approximately 2:20 a.m., you drove northbound on LA 3, toward Trooper Michael Martinez's location to assist him with a DWI arrest. You noticed an SUV approaching your patrol unit from the rear at a high rate of speed. As the SUV passed you in the inside lane, you observed the front seat passenger's head hanging outside of the passenger side window as though he were "passed out." You were concerned for the passenger's well-being and decided to stop the vehicle to check

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on the passenger. You activated your emergency blue lights and siren to stop the SUV. As the SUV continued traveling refusing to stop, you radioed Region III dispatch and advised that the SUV was not stopping. The Region III Dispatcher, Atiana Dixon, announced the net was "10-33" (Hold all non-emergency traffic), for this pursuit. M/T William Green and Bossier Parish Sheriff's Deputy Billy Williams, who were also assisting Trooper Michael Martinez on scene, heard your radio traffic, left Trooper Martinez's location, and responded to assist you in the pursuit. The SUV continued to travel at approximately 60 M.P.H. M/T Green and Dy. Williams traveled in excess of 100 miles per hour to get to you to assist you with ending the pursuit. Once M/T Green and Dy. Williams joined the pursuit, the SUV pulled onto the shoulder of LA 3 near Courtney Lane and came to a stop. You pulled your unit directly behind the SUV, M/T Green positioned his patrol unit in the travel lane of LA 3 to the left of your unit, and Dy. Williams parked behind your unit¹.

M/T Green exited his unit and conducted a felony traffic stop by drawing his firearm and pointing it at the SUV while giving the driver loud verbal commands of "Driver step out," and "Keep your hands where I can see them. Step out. Step to the rear of the vehicle." A female exited the driver's door of the SUV, at which time you recognized the driver as Mrs. Kami Mondello, Troop G Lt. Joseph "Mickey" Mondellos's wife. You exclaimed, "Oh my God! What an idiot!" M/T Green, who did not know the driver was Mrs. Mondello, advised her to step to the rear of the vehicle, at which time Mrs. Mondello stated, "He said he called you." You asked her if she was by herself, and she replied, "He said he called you." Mrs. Mondello kept repeating, "He said he called you."

As M/T Green moved his vehicle from the road, you and Dy. Williams then walked to the front right side of the SUV where Lt. Mondello was seated in the front passenger's seat. When you advised Lt. Mondello that you had called in a pursuit, he laughed and responded, "Really?" You responded "Yes," and Lt. Mondello replied, "You gotta be kidding right? I texted you man. We were right beside you following you." Mrs. Mondello stated, "I was doing what he told me to do." When M/T Green approached the SUV, he recognized Lt. Mondello as the passenger and asked what was going on. You advised M/T Green that Lt. Mondello told Mrs. Mondello not to stop, to which M/T Green replied, "That wasn't real smart." When you realized Dy. Williams was near the passenger's door, you advised him that he could go and he returned to his unit where BPSO Lt. Eric Wikstrom had arrived.

¹ Lt. Baxter and M/T Green were equipped with an Axon 2 Body Worn Camera (BWC) which video and audio recorded in whole or in part the pursuit and the events at the scene of the stop.

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Mrs. Mondello stated, "I mean I'm just doing what he told me to do. He was like that's Kevin. Let's just keep going. I'm like okay. I'm gonna keep doing what he told me to do." Lt. Mondello laughed again and told you that he thought you were kidding with the lights and you replied, "No I wasn't kidding. I don't know who you are." As Mrs. Mondello explained that Lt. Mondello called you, you replied, "Well I, okay. I got my siren and I'm running code. How am I gonna hear your phone call?" Lt. Mondello told you they were just kidding. Mrs. Mondello stated, "I was like he's got two or three cops behind us and he was like well I guess pull over then," and you responded, "Absolutely you better pull over. We're about to spike your vehicle."

You walked back to your unit and advised Dy. Williams and BPSO Lt. Wikstrom that they were not needed, at which time they left the scene. At this point, you stopped your BWC from recording and never turned it back on during the remainder of the traffic stop.

Mrs. Mondello asked if she could leave and M/T Green told her no. M/T Green then asked Mrs. Mondello if she had been drinking at all and she stated, "No. I'm just trying to get home." M/T Green asked her if she was sure and not to lie. He instructed her to come to the rear of the vehicle and reminded her that Lt. Mondello was just a passenger at that time. When M/T Green asked Mrs. Mondello again if she had been drinking at all, she admitted to having a glass of wine earlier. When M/T Green advised you of this, you instructed him to "take a look at her eyes and make sure she's okay." As M/T Green administered the Horizontal Gaze Nystagmus test (HGN), he first checked for nystagmus at maximum deviation, and when he detected nystagmus, he discontinued the test. M/T Green advised you that he would "10-15 (have prisoner in custody) her," and she was not good to drive. M/T Green described her eyes as "ding, ding, ding, ding," and further offered that if he "put her on the Intox. she'd be at least a .10." M/T Green told you several times he would do whatever you wanted him to do, that he could either handle it for you or "he could get gone." You advised M/T Green, "I'll take care of it."

You then allowed Mrs. Mondello to call a friend to pick her up from the scene, you parked her vehicle in a nearby parking lot at Overcoming Faith Church, and drove Lt. Mondello home in your unit. Lt. Mondello advised IA investigators that while riding in your unit he told you this "was going to be a problem" and "we (you and Mondello) are fucked." Lt. Mondello told you that Captain Cordell Williams needed to be notified, but you told him that it was a "non-event."

Later in the shift, you returned to Troop G. In the presence of M/T Green and Sgt. Paul Harris who was working the Troop G desk, you engaged in a discussion about the stop of Mrs. and Lt. Mondello. You described the incident as a "joke gone bad," and did not consider the incident to be a pursuit. You further commented something to the effect of it was a good thing they hadn't been drinking or weren't intoxicated.

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You did not inform Captain Williams of the incident when it occurred or after. On January 16, 2019, Captain Williams was made aware of the pursuit and traffic stop by Troop G Executive Officer, Lt. Michael Mayeux. Lt. Mayeaux was advised of the incident by Trooper Andrew Phillips, who is on a different shift from you. Trooper Phillips heard about the incident from another trooper on your shift.

During a recorded interview with Internal Affairs (IA) investigators M/T Kevin Ducote and Trooper Dean Coates², you advised them that you believed Lt. Mondello was intoxicated by his condition and his reaction to the situation – laughing. You further advised that when you drove him home, there was a strong odor of alcoholic beverage in your unit. You advised them that Mrs. Mondello did not show any physical signs of impairment, she did not have an odor of alcoholic beverage on her breath, and did not have red eyes. You further advised that you know Mrs. Mondello personally and that she does not drink and drive. You advised that you were shocked when M/T Green told you he observed HGN at Maximum Deviation, and were “blown away” by her not stopping the vehicle and exhibiting nystagmus. Although you did not think Mrs. Mondello was impaired, you did have some concerns because M/T Green advised you he observed nystagmus and that he believed she was intoxicated. In spite of Mrs. Mondello’s admission that she had consumed alcohol earlier, and M/T Green’s observations, you did not conduct any additional standardized field sobriety tests (SFST) yourself to determine if Mrs. Mondello was impaired. During his interview with IA investigators, Lt. Mondello advised them that Mrs. Mondello had at a minimum two glasses of wine, and possibly more, but he did not know because they were not together the entire night. You admitted to IA investigators that in hindsight you should have performed SFST on Mrs. Mondello and you regret that you did not. You admitted that your friendship with the Mondellos played a role in your decision to just get them home. You further advised IA investigators that you did not notify Captain Williams of the incident because you did not consider it to be “a real pursuit”, and you “did not want to drag Captain Williams into it.” However, you acknowledged to IA investigators that you should have informed Captain Williams of the matter.

Although you could not recall for IA investigators if you stopped the recording on your BWC while you were talking to Lt. Mondello or sitting in your unit, you acknowledged that you should have turned it back on during the stop.

² You participated in a recorded interview on February 13, 2019 and a copy of the interview is maintained by Internal Affairs.

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As a Lieutenant with over 24 years of service with Louisiana State Police, your above described actions and inactions are extremely disappointing and not reflective of the standards for your position and experience. Not only are you a supervisor to troopers on your shift, you also teach the Louisiana State Police Leadership Course to troopers, exacerbating your failure to act as expected of a Lieutenant.

You initiated a pursuit which resulted in another trooper and local law enforcement officers responding in excess of 100 M.P.H. to assist. The driver admitted drinking alcohol that evening, and another trooper advised you he had observed nystagmus in her eyes and believed she was impaired. You did not conduct additional SFST to either corroborate or dispel M/T Green's observations and opinions before releasing the driver. Lt. Mondello was a passenger in the vehicle at the time of the stop and by your own account, was intoxicated. Yet you did not report the incident that occurred on your shift to Captain Cordell Williams. These actions and inactions were in violation of 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:

- ...
b) An unwillingness or inability to perform assigned task.
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.

...

By failing to record on your BWC your entire contact with the Mondellos during the traffic stop on January 13, 2019, you violated Louisiana State Police Policy and Procedure Order No. 1117 – Body Worn Camera and In-Car Camera Systems, Section 5 – Activation, which states in pertinent part:

...

- iii) Officers equipped with the BWC or in-car camera system recording equipment shall record all traffic stops, foot pursuits, arrests and/or incident. Officers shall also record other events, situations, and circumstances including, but not limited to: armed encounters, acts of physical violence and felonious activity. Officers are not required to record

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informal, non-law enforcement related contact with the public, but shall activate the recording if the encounter becomes adversarial. The BWC and/or in-car camera system shall remain activated until the event is complete per this policy, the contact moves into an area restricted by this policy, or a supervisor authorizes the officer to cease recording. The operator is authorized to mute the audio or pause the recording of the BWC and/or in-car camera system when the operator is not in the immediate presence of the individual(s) being interviewed, investigated, detained, or arrested.

...

The above described events of January 13, 2019 quickly spread through the ranks at Troop G as evidenced by the manner in which Captain Williams became aware of the matter. The manner in which you handled the stop in the presence of other law enforcement officers did not reflect favorably on you or the Department. Your above described actions and inactions violated Louisiana State Police Policy and Procedure Order 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.
- 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.
 - d) Detrimentally affects the morale of the Department's personnel.
 - e) May reasonably be expected to destroy public respect for State Police

Officers and/or confidence in the Office of State Police.

This is not the first time that you have been disciplined for conduct unbecoming an officer. By letter dated December 5, 2005, you were reprimanded for failing to cause the arrest of an intoxicated driver who was a sheriff's deputy at the time of the stop.³

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

³ A copy of the letter is maintained by Internal Affairs and is available for your review upon your request.

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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. Col. Mike Noel
Assistant Superintendent/Chief of Staff
Louisiana State Police

c: Lt. Col. Jay D. Oliphant
Major Wayne Vidrine
Captain Cordell Williams
Internal Affairs
Office of Legal Affairs
Human Resources Management