



JEFF LANDRY
GOVERNOR

COLONEL ROBERT P. HODGES
DEPUTY SECRETARY

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

March 4, 2024
4750/0501/MCB/24-24076
HQ-1-1030

TFC David Hamm
Transportation Safety Services,
Commercial Vehicle Enforcement

VIA PERSONAL DELIVERY
IA#2300055 OLA# P-200069

Re: 128 HOUR SUSPENSION

TFC Hamm:

Pursuant to the authority granted by the Louisiana State Police Commission Rules 12.2 and 12.8, you are hereby notified that you are suspended from duty without pay and allowances for a total of 128 hours. Your suspension will be from 0600 hours on Wednesday March 6, 2024 to 14:00 hours on March 27, 2024.

You are suspended for the following reasons:

On October 15, 2023, LSP Lieutenant (Lt.) Joel Heard was dispatched to a single vehicle crash on US-80 in Madison Parish. Lt. Heard arrived on scene, and observed a 2012 GMC Sierra in a ditch at rest on its passenger side. You were later identified as the driver of the vehicle. Lt. Heard instructed you to perform a series of Standard Field Sobriety Test in which you performed poorly. You were then placed under arrest and transported to Madison Parish Jail to complete the chemical test for intoxication. You were read your rights related to the chemical test and the intoxication form, to which you signed acknowledging understanding. You blew a breath sample which registered at 0.154g% Blood Alcohol Concentration and were subsequently booked into the Madison Parish Jail for violating Louisiana Revised Statute 14:98- Driving While Intoxicated (DWI- 1st Offense) and Louisiana Revised Statute 32:58- Careless Operation.

On October 16, 2023, at the direction of Colonel Lamar Davis, Internal Affairs (IA) initiated an administrative investigation. Captain Saleem El-Amin assigned the investigation to TFC Ashton McRae to investigate whether you violated the provisions of LSP P.O. 901- Code of

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Conduct and Ethics-3. Conformance to Laws and LSP P.O. 901- Code of Conduct and Ethics-4. Conduct Unbecoming an Officer.

Internal Affairs investigators reviewed Lt. Heard's Body Worn Camera (BWC) in regards to the incident and date in question. The BWC revealed that you stated you had drank several Coors Light beers and made a "bad mistake". You admitted that you started drinking at home and drove around trying to clear your head. Finally, you admitted that you did poorly on the Standardized Field Sobriety Test (SFST) which included the Horizontal Gaze Nystagmus, Walk and Turn, and One Legged Stand tests.

On November 1, 2023, you were interviewed by TFC Ashton McRae and TFC Jacob Butler. The interview took place at the Louisiana State Police Headquarters, 7919 Independence Blvd., Baton Rouge, La 70806. During your interview, you admitted to drinking 12 to 15 cans of Coors Light beer before leaving your house. You also admitted to drinking 5 to 7 bottled Coors Light beers in the 2.5 hours you were away from home before crashing your vehicle.

On January 3, 2024, TFC Ashton McRae and Trooper William Kirkland interviewed Lt. Heard. The interview took place at the Louisiana State Police Headquarters, 7919 Independence Blvd., Baton Rouge, La 70806. In addition to verifying the information that occurred on October 15, 2023, Lt. Heard informed investigators that you contacted him to come and arrest you because you were in a crash and screwed up.

Based on the above evidence and witness interviews, I have determined you violated the following LSP policy and procedural orders and Louisiana law:

CONFORMANCE TO LAWS

LSP P.O. 901- Code of Conduct and Ethics-3. Conformance to Laws

- A. An employee shall conform to, and abide by, the laws of the United States, the State of Louisiana, all other states of the United States and subdivisions when present therein.
- B. A conviction for the violation of any law shall be prima facie evidence of a violation of this section.

LSA-Revised Statutes, Title 14, Part VI, Subpart A-3. Offenses Affecting the Public Safety

§98. Operating a vehicle while intoxicated

A.(1) The crime of operating a vehicle while intoxicated is the operating of any motor vehicle, aircraft, watercraft, vessel, or other means of conveyance when any of the following conditions exist:

(a) The operator is under the influence of alcoholic beverages.

(b) The operator's blood alcohol concentration is 0.08 percent or more by weight based on grams of alcohol per one hundred cubic centimeters of blood.

* * *

Your failure to conform to Louisiana law (R.S. 14:98(A)(1)(a)) clearly was an offense affecting the public safety. You violated this law by drinking alcohol and operating your vehicle in an intoxicated state. After you were transported from the scene of your single-car vehicular accident directly to the Madison Parish Jail, you were administered a breathalyzer test whereupon your sample registered a BAC of 0.154%. According to R.S. 14:98(A)(1)(b), a BAC equal to or in excess of 0.08% constitutes the crime of operating a vehicle while intoxicated. In turn, your violation of R.S. 14:98 placed you in violation of LSP P.O. 901 which requires you to abide by the laws of the State of Louisiana.

CODUCT UNBECOMING AN OFFICER

LSP P.O. 901- Code of Conduct and Ethics-4. Conduct Unbecoming an Officer

- 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) Detrimentially 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.

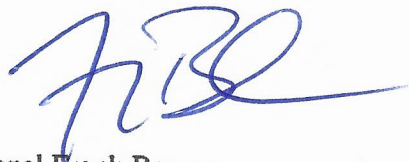
As a commissioned officer, you swore an oath acknowledging your fundamental duty to be honest in thought and deed in your personal and official life, and to be exemplary in obeying the laws of the land and the regulations of my Department. Although self-reporting to Lt. Heard was the right thing to do, admissions made to him and to IA investigators show that you already knew your conduct was unbecoming of a LSP officer.

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For the above listed policy violations, I am suspending you without pay and allowances for a total of 128 hours (8 hrs Conduct Unbecoming) (120 hrs Conformance of Laws). The suspension will be from 0600 hours on Wednesday March 6, 2024 to 14:00 hours on March 27, 2024. 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 Louisiana State Police Commission. The Commission's 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.

Sincerely,

LTC. 

Lieutenant Colonel Frank Besson
Deputy Superintendent, Louisiana State Police

/mcb

cc: Colonel Robert Hodges
Lt. Col. Joseph Hasselbeck
Capt. Bertrand Dabadie
Internal Affairs
Office of Legal Affairs