

JOHN BEL EDWARDS
GOVERNOR

Lamar A. Davis, Colonel
Deputy Secretary

State of Louisiana

Department of Public Safety and Corrections Public Safety Services

> December 9, 2021 4750/0501/OLA-21-23758 HQ-01-584

JENNIFER MURRAY ATTORNEY 3 OFFICE OF LEGAL AFFAIRS

IA#21-044; IA#21-044 VIA HAND DELIVERY

Re:

Notice of Disciplinary Action Employee Number: 24378

Dear Ms. Murray:

Your response to my letter of intended disciplinary action issued to you has been received by me. After due consideration, I have determined that discipline is warranted. You are hereby notified that in my capacity as Appointing Authority, and in accordance with the authority contained in Louisiana Department of State Civil Service Rules 12.1, 12.2 and 12.3, I am suspending you from duty without pay for 120 hours. Your suspension will begin at 0830 hours on Monday December 13, 2021 and will end at 1700 hours on Wednesday, January 5, 2022. You shall report back to duty on January 6, 2022. You are being suspended for the following reasons:

You have been an employee of the Department of Public Safety and Corrections, Public Safety Services, Office of Legal Affairs, since October 15, 2007. You began your employment as an Attorney 3, with probationary status. You are currently employed as an Attorney 3, with permanent status.

On April 1, 2021, you attended a meeting with me, my command staff, other members of LSP and their supervisors, and former Assistant Secretary Faye Morrison. You were advised that you would be a member of a seven person audit team assigned to review video evidence from traffic stops of certain troopers and note possible policy violations, criminal violations, or training issues. The members of the "audit team" were Captain Robert Hodges, Investigative Support

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Services; Lieutenant Paul Chamorro, Internal Affairs; Lieutenant Craig Rhodes, Criminal Investigation Division; Lieutenant Johnnie Brown, Troop A; Sergeant Scott Davis, Training Academy; Ms. Jennifer Murray, Legal Affairs; and Mr. Blake Lee, Management and Finance. As the attorney on the committee, you gave guidance to the "audit team" members on the legal parameters surrounding the "audit team".

You knew the work you were performing was confidential because I gave you all special instructions not to disclose nor disseminate to anyone beyond this team, Captain Robert Hodges, your section heads, and Chief Doug Cain or myself. A Non-Disclosure Agreement was drafted to memorialize the confidentiality of this team. On May 13, 2021, you emailed Faye Morrison a copy of the Non-Disclosure Agreement. Later, that morning Sergeant Scott Davis sent you an email letting you know he had edited the agreement and changed it to a fillable PDF form. Each member of the team was interviewed by an IA investigator. Each member knew the team was supposed to remain confidential. And, although there was a Non-Disclosure Agreement in place, information about a specific video reviewed by the "audit team" surfaced in the media. At this point, I instructed Internal Affairs to conduct an administrative investigation into the allegation of Dissemination of Information, on the part of all members of the "audit team".

On July 28, 2021, the Louisiana State Police Internal Affairs Section began its administrative investigation. On August 18, 2021, Internal Affairs investigators interviewed Laura Ellender, Attorney for DPS Office of Legal Affairs. During the investigation, IA investigators learned from Laura Ellender, that you told her that you were a member of the panel, the names of the other panel members, that the panel met weekly, and that you were reviewing videos in Evidence.com. You even told her the name of the trooper whose videos you were assigned to view. Ms. Ellender advised IA investigators that one day while in the library at the Office of Legal Affairs, you took a call on your cell phone from a panel member and she overheard him state something about being "locked out." Ms. Ellender left the room and did not hear any more of the conversation. Ms. Ellender also advised IA investigators she overheard you on multiple occasions speaking with an audit team member on the phone. She specifically recalled one occasion when you received a call from an audit team member while the two of you were walking for exercise during your lunch break.

On September 13, 2021, you were interviewed by LSP IA investigators. You denied you told Ms. Ellender you were on the audit team or provided her with the names of the other audit team members. You also denied that you spoke to any audit team members in the presence of Ms. Ellender, and suggested that she may have heard conversations through the wall of your office.

¹ Email from Jennifer Murray to Faye Morrison dated May 13, 2021

² Email from Sergeant Scott Davis to Jennifer Murray Dated May 13, 2021

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You also suggested that Ms. Ellender may have gotten information about the audit team from Mr. Stephen Quidd, your supervisor. You advised IA investigators that you informed Mr. Quidd about your participation on the audit team, but did not advise him of the content of the videos that you reviewed. Although you denied that you disseminated information relating to your participation on the audit team to Ms. Ellender, I find Ms. Ellender to be credible.

Your actions in disclosing your participation on the audit team to Ms. Ellender and Mr. Quidd, disclosing that your assignment was to review videos of traffic stops, and further telling Ms. Ellender the names of the other audit team members and the name of the trooper whose videos you were assigned to review, violated Department of Public Safety and Corrections, Public Safety Services, Chapter 1 Introduction, Ethics & Conduct Section 01-03.12, Dissemination of Information, which states in pertinent part:

- A. An employee shall not access, use and/or disclose in any manner without proper authority any confidential or personal information that is maintained by the Department without authority.
- B. Information shall be accessed only when necessary to perform work assignments in order to accomplish the Department's mission and objectives. An employee shall not access, use and/or disclose information maintained by the Department for personal gain.
- C. An employee shall disclose information from the Department's files and/or databases only to individuals or entities who are entitled to receive such information as determined by federal and state statutes and who have been authorized to receive it through the appropriate department procedures.

You have been disciplined prior to this for other prohibited conduct. Although the infractions set forth in this letter alone warrant your discipline, your prior conduct is noted by letter dated December 22, 2015. You were suspended for 40 hours for violating the policies relating to DPS Policy and Procedure Order No. 03-01.10(D) ISIS Time Entry, DPS Policy and Procedure Order No. 01-03.08 Unsatisfactory Performance and DPS Policy and Procedure Order No. 01-03.02 Conduct Unbecoming of an Employee.³ You agreed to a consent discipline.⁴

⁴ Agreement for Consent Discipline

³ Disciplinary Letter date December 22, 2015

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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 letter of reprimand can be used to support the severity of future discipline.

You have the right to appeal this action to the Louisiana State Civil Service Commission within 30 calendar days following the date you receive this notice. The appeal procedure is contained in Chapter 13 of the Civil Service Rules, which is available from the Louisiana Department of State Civil Service. Their current mailing address is P.O. Box 94111, Baton Rouge, LA 70804-9111. Or you may hand or courier deliver to the Louisiana Department of State Civil Service, Claiborne Building 1201 North Third Street, suite 3-240 Baton Rouge, Louisiana. Their current telephone number is (225) 342-8058-7057 and their fax number is (225) 342-8058.

Sincerely,

Colonel Lamar A. Davis

Deputy Secretary, Public Safety Services Superintendent, Louisiana State Police

cc:

Office of Legal Affairs Internal Affairs Human Resources Management