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GOVERNOR

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DEPUTY SECRETARY

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

May 28, 2021
4750/0501/MMG/21-23581
HQ-01-493

Trooper Dakota DeMoss
Louisiana State Police- Troop F

VIA PERSONAL DELIVERY
IA #21-007; OLA #072321

Re: TERMINATION

Trooper DeMoss:

I am in receipt of your response to the intended termination letter delivered to you. After due consideration, I find that your termination is warranted. Pursuant to the authority granted by State Police Commission Rules 12.1 and 12.2, you are hereby notified that you are terminated from the state police service effective Friday, June 4, 2021, at 1630 hours for the following reasons:

After a criminal investigation by Louisiana State Police Criminal Investigation Division into the use of force against Mr. Antonio Harris by you and other troopers, you were arrested on February 8, 2021. I ordered an administrative investigation to be conducted into the incident. As a result of the criminal and administrative investigations, I have determined that the following occurred:

On Saturday, May 23, 2020, at approximately 1725 hours, former Trooper Jacob Brown stopped a Hyundai Sonata, driven by Mr. Antonio Harris, after observing him commit an Improper Lane Usage violation on I-20 eastbound in Richland Parish. During the traffic stop, former Trooper Brown learned that Mr. Harris' driver's license was suspended and there were possible outstanding warrants relating to weapons charges and escape. While waiting for confirmation of the warrants, former Trooper Brown sent a group message via his Mobile Data Terminal (MDT) to Trooper George Harper, TFC Larry Shappley, and you for assistance. While former Trooper Brown waited for back up to arrive, Mr. Harris returned to his vehicle and fled. Mr. Harris was actively pursued for 29 miles at high speeds through Richland Parish and into Franklin Parish. The pursuit ended on U.S. 425 just south of Baskin, LA, after Deputy Aaron Touchet of the Franklin Parish Sheriff's Office (FPSO), successfully deployed spike strips on Mr. Harris' vehicle. Mr. Harris' vehicle subsequently veered off the right side of the highway, and while rolling slowly along a small ditch, Mr. Harris exited the passenger side of the vehicle and laid prone in the grass.

You, Trooper Harper, TFC Shappley, and former Trooper Brown were all equipped with Body Worn Cameras (BWCs) on May 23, 2020, and your state police vehicles were equipped with In-Car Cameras (ICCs), which recorded in whole or in part the stop, pursuit and arrest of Mr. Harris. These videos were considered in arriving at my decision.

You were the first law enforcement officer to arrive at Mr. Harris' location. Your ICC and BWC were both activated and recording at the time. You immediately ran to Mr. Harris' location to take him into custody while repeatedly yelling, "Get on the ground," as Mr. Harris laid on his stomach with his arms extended above his head. Your BWC captured you dropping to your knees and your right knee struck the right side of Mr. Harris' torso as your left hand contacted Mr. Harris' face. Mr. Harris rolled onto his left side and placed both arms/hands in front of his face/head. You yelled, "Turn over, turn over! Give me your fucking hands!" Your right knee again made physical contact with the right side of Mr. Harris' torso as you yelled, "Give me your fucking hands!" Mr. Harris rolled onto his stomach and placed both arms behind his back.

Within seconds, TFC Shappley, Trooper Harper, former Trooper Brown, and Deputies Aaron Touchet and Brandon Lance arrived at your location. TFC Shappley, Trooper Harper, former Trooper Brown, and Deputy Touchet were equipped with BWCs that were recording. You grabbed Mr. Harris' right wrist/arm and pulled his right arm behind his back, and Mr. Harris screamed. Then your BWC was powered off. According to the audit trail maintained for this BWC in Evidence.com, this was due to the power switch being turned off. At almost the same time, Trooper Harper's BWC fell off of the magnetic chest mount, and landed on the ground face up briefly before it was turned over. As Mr. Harris was repeatedly being yelled at and cursed, his left wrist was grabbed by someone as they yelled, "I got this one! I got this one you son of a bitch! I got this one." You and former Trooper Brown grabbed and held Mr. Harris' hair/dreadlocks as Deputy Lance drive stunned Mr. Harris in the back with his Taser and Mr. Harris screamed. Mr. Harris was punched in the head several times by Trooper Harper while Trooper Harper held a flashlight in his fist, and at least one time while you were holding Mr. Harris by the hair/dreadlocks. After both handcuffs were secured on Mr. Harris, you stood up near him, you then bent down and with your left hand, grabbed Mr. Harris and jerked him. You then dropped down and kneed Mr. Harris in the back of his head/neck with your right knee, causing Mr. Harris' head to jerk forward from the impact.

After Mr. Harris was searched, TFC Shappley grabbed Mr. Harris' left arm with both hands, as you grabbed Mr. Harris' right arm with your left hand and Mr. Harris' hair/dreadlocks with your right hand and pulled him off of the ground onto his feet. Mr. Harris was escorted around to the right rear door of TFC Shappley's unit and placed in the vehicle.

Following your participation in the arrest of Mr. Harris, and in spite of using force against Mr. Harris as described above, you failed to complete a use of force report detailing the force you used.

Furthermore, after Mr. Harris was booked into jail, on May 24, 2020 you participated in the following exchange of instant messages with former Trooper Brown, Trooper Harper and TFC Shappley on your MDT:

Jacob Brown "How was his attitude at the jail?"

George Harper "Complete silence"

Jacob Brown "Lmao"

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Dakota DeMoss "lol he was still digesting that ass whoopin"

Jacob Brown "its gonna take him a couple days..."

Jacob Brown "he gonna be sore tomorrow for sure"

Jacob Brown "BET he won't run from a full grown bear again"

Dakota DeMoss "Bet he don't even cross into LA anymore"

George Harper "GRIZZLY. Nah he gonna spread the word that's for damn sure"

Jacob Brown "lmao"

Dakota DeMoss "he's gonna have nightmares for a long time"

Jacob Brown "lmao...warms my heart knowing we could educate that young man"

Dakota DeMoss "lolol"

Larry Shapple "haha"

During an administrative investigation into the incident, on March 29, 2021, you were placed under oath and questioned by IA investigators Master Trooper Kevin Ducote and Trooper Qualyndrea Jones, accompanied by your attorneys. You were shown your ICC video as well as other videos relating to the arrest of Mr. Harris. You explained that you felt Mr. Harris got out of his vehicle with the intent to run, but decided to lay down. You explained that you did not believe that you intentionally delivered a knee strike or placed your hand on Mr. Harris' head, but felt you either slipped or fell and the forward momentum caused you to contact Mr. Harris. You explained that Mr. Harris resisted the entire time by flexing his body. You denied that you intentionally turned your BWC off during the encounter. You explained that grabbing Mr. Harris' hair/dreadlocks was a "distraction move" to get Mr. Harris to quit thinking about resisting and to relax. You explained a "distraction strike/move" as anything that might get a resistive suspect to lose focus on resisting. Although you are a Strategic Self-Defense and Gun Fighting Tactics (SSGT) instructor, you told investigators that you did not know if "distraction strikes" were taught to troopers. When you were asked about the knee strike you delivered to Mr. Harris after he was handcuffed, you advised that you had "absolutely zero recollection" of what you had done, and further advised that it looked to you like you dropped down to a knee, but did not knee Mr. Harris. When you were asked about picking Mr. Harris up from the ground by his hair/dreadlocks, you advised that you did not mean to do that, and meant to put your hand behind his neck to support it.

You admitted to IA investigators that you did not complete a use of force report, but did not do so because you did not feel like you used any force.

When you were asked about using profane language towards Mr. Harris, you advised IA investigators that it was a high risk situation, and cursing was "stress relief." You acknowledged that there were better words to use.

When you were asked about the message "still digesting that ass whoopin" you sent after Mr. Harris' arrest, you explained that it did not relate to a "physical ass whoopin." What you meant was Mr. Harris ran from the police, got caught by the police, and went to jail.

Sgt. Scott Davis, a certified SSGT instructor and use of force instructor at the Louisiana State Police Training Academy, was consulted during the administrative investigation. After reviewing the videos of the arrest of Mr. Harris, and your statements as justification for your actions, Sgt. Davis advised IA investigators that Mr. Harris did not appear to be resisting or threatening, and appeared to have surrendered. He advised that you did not have to take such an aggressive approach towards Mr. Harris, but if you did intend to deliver a knee strike to Mr. Harris upon your initial contact, your actions could be reasonable based on your perception. Sgt. Davis advised that grabbing and holding Mr. Harris' hair/dreadlocks is not taught nor was it proper at the time you did it. He explained that there were numerous law enforcement officers present at the time during the handcuffing of Mr. Harris. Sgt. Davis advised that based on the video evidence, it appeared as though after Mr. Harris was handcuffed lying on the ground, you brought your leg back to generate force and delivered a knee strike to Mr. Harris, causing his head to jerk forward. He could not find any justification for the use of force. After viewing the video of you lifting Mr. Harris from the ground while holding his hair/dreadlocks, Sgt. Davis advised that if you intended to support Mr. Harris' neck, your thumb would have been pointing down. On the videos, Sgt. Davis observed your thumb pointing up and you pulling on Mr. Harris' hair/dreadlocks, and explained that the action appeared to be "punitive" or "retaliatory" force.

Following a criminal investigation into the use of force on May 23, 2020 during the arrest of Mr. Harris, you were arrested on February 8, 2021, and charged with one count of Simple Battery (misdemeanor), a violation of R.S. 14:35, and one count of Malfeasance in Office (felony), a violation of R.S. 14:134. As of the date of this letter, those charges have not been resolved.

IA investigators were unable to definitively conclude that the first contact of your knee to Mr. Harris' torso and your hand to his head were intentional or a result of your momentum. Additionally, even if intentional, those actions could be justifiable under the circumstances. However, your actions in the performance of your duties as a Louisiana State Trooper on May 23, 2020, in grabbing and holding Mr. Harris by his hair/dreadlocks while several other law enforcement officers were present, delivering a knee strike to Mr. Harris after he was handcuffed and lying on the ground, and pulling Mr. Harris by the hair while lifting him from a laying position to his feet, were not reasonable uses of force, and were in violation of the following:

- 1) Louisiana Revised Statute 14:35- Simple Battery, which states in pertinent part:
 - A. Simple battery is a battery¹ committed without the consent of the victim.
 - ...
- 2) Louisiana Revised Statute 14:134 – Malfeasance in Office, which states in pertinent part:
 - A. Malfeasance in office is committed when any public officer or public employee shall:
 - ...

¹ La. R.S. 14:33 defines "battery" as "the intentional use of force or violence upon the person of another; or the intentional administration of a poison or other noxious liquid or substance to another."

(2) Intentionally perform any such duty in an unlawful manner;...

3) Louisiana State Police Policy and Procedure Order No. 901- Code of Conduct and Ethics, Section 25 - Use of Force, which states in pertinent part:

- i) Commissioned officers shall not use more force that is reasonably necessary under the circumstances.
- ii) Officers shall use force in accordance with applicable law, Department guidelines, and training.

By performing your duties as a Louisiana State Trooper contrary to law as detailed above, you violated Louisiana State Police Policy and Procedure Order No. 901 – Code of Conduct and Ethics, Section 3 – Conformance to Laws, which states in pertinent part:

- i) A commissioned officer 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 thereof.

Even though you claim Mr. Harris resisted arrest the whole time by flexing his body, and you used force against him by grabbing, holding, and pulling his hair, and delivering a knee strike after he was handcuffed and lying on the ground, you failed to complete a use of force report documenting your use of force, in violation of Louisiana State Police Policy and Procedure Order No. 238 – Use of Force, Section 11 – Use of Force Reporting, which states in pertinent part:

- i) The officer(s) involved shall complete an electronic Use of Force Report as soon as practicable when the officer(s):

...

- (d) Applies deadly or non-deadly force.²

By using profane language towards Mr. Harris as outlined in this letter, you violated Louisiana State Police Policy and Procedure Order No. 901 – Code of Conduct and Ethics, Section 23 – Courtesy, which states in pertinent part:

- i) Courtesy to the public will be strictly observed. A commissioned officer's conduct and deportment shall always be civil, orderly and courteous. He shall be diplomatic and tactful in the performance of his duties, controlling his temper and exercising patience and discretion.

² On May 23, 2020, LSP P.O. No. 238 defined "deadly force" as "force that would lead a reasonable officer to objectively conclude that its use poses a substantial risk of causing death or serious bodily injury to its human target, regardless of whether or not death, serious injury, or any harm actually occurs." It defined "non-deadly force" as "force that is not likely to result in or produce serious bodily injury or death. This includes any physical effort to control or restrain another, or to overcome the resistance of another."

- ...
- iv) Officers shall at all times, while on-duty or in uniform, refrain from using coarse, violent, profane, or insolent language. ...

By using Department equipment and systems for your personal entertainment to send the embarrassing messages described above relating to Mr. Harris following his arrest, you violated Louisiana State Police Policy and Procedure Order No. 1109 – MDT, Internet/Intranet and Mass Notification, Section 3 – Computer Compliance Provisions, which states in pertinent part:

- ...
- vi) Uses of Department computer equipment, electronic mail the Internet, and Department systems that interfere with normal business activities, involve solicitation, are associated with any for-profit business activities, or could potentially embarrass the state or the Department, are strictly forbidden.

- ...
- viii) Electronic messages shall not contain offensive or harassing statements including disparagement of others based on their race, color, religion, marital status, creed, political affiliation, national origin, sex, sexual orientation, handicap or age.

Your actions in using unreasonable force against Mr. Harris which resulted in your arrest for Simple Battery and Malfeasance in Office, failing to complete a use of force report, using profane language during the arrest, and participating in the instant messages described above following the arrest of Mr. Harris, were in violation of Louisiana State Police Policy and Procedure Order No. 901 – Code of Conduct and Ethics, Section 4 – Conduct Unbecoming an Officer, and Section 12 – Unsatisfactory Performance, which state in pertinent part:

Section 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:
- Brings the Department or any of its subdivisions into disrepute.
 - Reflects discredit upon the officer as a member of the Department.
 - Impairs the operations or efficiency of the Department, the officer, or state services.
 - Detrimentially affect the morale of the Department's personnel.
 - May reasonably be expected to destroy public respect for State Police Officers and/or confidence in the Office of State Police.

Section 12 – Unsatisfactory Performance

- 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 the 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.

...

Any questions you may have regarding your retirement benefits should be directed to the Louisiana State Police Retirement System. Their telephone number is (225) 295-8400, and their address is 9224 Jefferson Hwy Baton Rouge LA 70809. Questions regarding your final paycheck or other benefits may be addressed to the Department of Public Safety Human Resources Office. Their telephone number is (225) 925-6067 and their address is 7979 Independence Blvd., Suite 201, Baton Rouge, LA 70806.

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.

Sincerely,



Colonel Lamar A. Davis
Superintendent, Louisiana State Police

c: Lt. Col. M. Doug Cain, II
Major Wayne Vidrine
Captain Eric Cuenca
Internal Affairs
Office of Legal Affairs
Human Resources Management