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GOVERNOR

LAMAR A. DAVIS
COLONEL DEPUTY SECRETARY

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

June 27, 2022
4750/0501/MMG/22-23901
HQ-01-701

Trooper Ronald Methvin
Louisiana State Police- Troop C

VIA PERSONAL DELIVERY
IA #22-00020; OLA #077107

Re: 24 HOUR SUSPENSION

Trooper Methvin:

Pursuant to the authority granted by State Police Commission Rules 12.2 and 12.8, you are hereby notified that you are suspended from duty without pay and allowances for 24 hours. Your suspension will be served from 0600 hours to 1800 hours on July 19, 2022, and from 1800 hours on August 1, 2022, to 0600 hours on August 2, 2022. You are suspended for the following reasons:

On March 7, 2022, Captain Lanny Bergeron reviewed your Body Worn Camera (BWC) and In-Car Camera (ICC) recordings relating to a traffic stop you made on February 19, 2022, at approximately 12:55 a.m. Captain Bergeron had numerous concerns about your handling of the stop, which resulted in an administrative investigation by Internal Affairs (IA) being started on March 14, 2022.

On February 19, 2022, at approximately 12:55 a.m., you initiated a traffic stop on a truck for a missing headlight. According to the Axon evidence audit trails for your Body Worn Camera (BWC) and In-Car Cameras (ICC), the cameras were activated by the Axon Signal Vehicle activation when you engaged your emergency lights and recorded the traffic stop.¹ Upon making contact with the driver, Mr. Mark Gautreaux, you asked for his driver's license. Mr. Gautreaux provided you with a Louisiana identification card and a handicapped card, but no driver's license, so you radioed Region 2 Communications to check for a valid driver's license. You then asked Mr. Gautreaux for his vehicle registration and insurance. On the video, Mr. Gautreaux appeared confused by what you were asking him. He walked back to his truck to get the registration and you followed. You asked him if he had any weapons in the vehicle and he replied, "No." Mr. Gautreaux sat in the driver's seat and looked in the glove compartment for the registration and insurance. As he searched, you observed a ziploc bag in the glove compartment that you suspected to be marijuana, asked Mr. Gautreaux what was in the bag, instructed him to hand it to you, and you took possession of it. Mr. Gautreaux could not locate the vehicle's registration and proof of insurance so you instructed him to step out of the vehicle and to the rear. As you walked alongside

¹ The recordings are maintained in Evidence.com.

the truck, you threw the bag of suspected marijuana on top of the truck's bed cover. When you reached the rear of the truck, you asked Mr. Gautreaux if he had "anything" on him. Mr. Gautreaux advised you that he had a .25 caliber pistol on his right side and a "box knife" on his left side. You retrieved and took possession of the pistol from a holster on Mr. Gautreaux's right side that was covered by his jacket, and the knife from the left rear pocket of his jeans.

Region 2 Communications advised you via radio that Mr. Gautreaux's driver's license was suspended. You did not inquire why Mr. Gautreaux's license was suspended². When you asked Region 2 Communications to check for insurance on the truck, Mr. Gautreaux admitted to you that his truck was not insured. You advised Mr. Gautreaux that he seemed "out of sorts" and you wanted to do a sobriety test. After a brief discussion about towing Mr. Gautreaux's truck, you again told him you were going to do a sobriety test and he responded, "Oh gee." Mr. Gautreaux told you he could try, and explained that he was freezing and disabled because of his back, but could not explain to you how that affected him. You then conducted the Horizontal Gaze Nystagmus (HGN) test on Mr. Gautreaux. Upon completion of the HGN, you attempted to administer the Walk and Turn test to Mr. Gautreaux, but he refused to participate. You asked Mr. Gautreaux where he was coming from and he told you the football game at the sports bar. You asked Mr. Gautreaux if he would pass a breathalyzer test, and he responded, "Probably not," to which you replied, "No, I don't think so." You asked Mr. Gautreaux how many (drinks) he had and he answered, "I can't tell you that." When you asked him if he had "a few," he said, "Yea." You told Mr. Gautreaux that you asked him how many drinks he had because he told you he couldn't perform any more tests, he didn't do well on the "eye test," and he was "absolutely lost."

Instead of arresting Mr. Gautreaux for Operating a Vehicle While Intoxicated and conducting a chemical test for intoxication, you told Mr. Gautreaux you were going to tow his vehicle, but he had "to be smarter than this." You radioed Troop C for a tow truck and placed Mr. Gautreaux in the rear seat of your unit to get him out of the cold. You walked along the side of his truck towards the cab, picked up the bag of suspected marijuana, threw it in the cab of the truck, and closed the driver's door. You then returned to your unit and completed a citation for failure to maintain liability insurance and other paperwork for the Notice of Violation. You removed the license plate from Mr. Gautreaux's truck, had Mr. Gautreaux sign the citation and Notice of Violation, and once the tow truck arrived, you drove Mr. Gautreaux to his residence. After he exited your unit, you gave him his wallet, cell phone, and keys. You then instructed him to turn around (his back to you) and you placed the pistol in the right rear pocket of his jeans, the magazine in the left rear pocket of his jeans, and the knife in the left side pocket of his jacket. You told Mr. Gautreaux good luck and watched him as he walked towards his residence.

² Mr. Gautreaux's driving record shows that his driver's license was suspended in relation to his submission to a chemical test for intoxication on 10-24-2017 and DWI conviction, and was still under suspension at the time of the stop as he had not complied with the conditions of reinstatement. R.S. 14:98.8 makes it a crime to operate a motor vehicle while under suspension for certain prior offenses, including R.S. 32:667.

On April 11 and 18, 2022, you participated in recorded interviews with IA investigators Master Trooper Kevin Ducote and Trooper Tony Washington. With regards to your failure to seize and submit the suspected marijuana as evidence, you explained that you saw that it was old and dry, and you felt like it was so degraded that it had lost its potency and had no evidentiary value. You did not open the bag and examine it for fear of it having something else in it and stated, "People are lacing everything with Fentanyl and everything else." When you were asked why you threw the bag with suspected marijuana back into Mr. Gautreaux's truck, you replied that you didn't really view it as evidence because it was so old. You stated, "A pothead won't smoke anything like that because they could get sick and it will taste really bad, but I don't know. I got nothing on that one." You acknowledged that you should have disposed of it instead of putting it back into Mr. Gautreaux's truck.

When IA investigators asked you about the pistol Mr. Gautreaux was carrying concealed on his person, for which he did not have a permit, you advised that you never considered charging him with Illegal Carrying of Weapons. You explained that although the firearm was covered by his jacket, it was in a holster on his belt, and his honesty about the gun played into your decision not to charge him. You did not think that the way you returned the firearm to Mr. Gautreaux was a safety issue because you could see if Mr. Gautreaux maneuvered towards the weapon as he walked with his back towards you.

With regards to your investigation into Mr. Gautreaux's suspected impairment, you explained that after administering the HGN test, you saw some clues, but not enough to proceed with further testing. When you were asked why you attempted to administer the Walk and Turn test, you responded, "I don't know, habit I guess." When you were reminded by IA investigators that Mr. Gautreaux admitted to having a few drinks and he probably would not pass a breathalyzer test, you explained that you were just trying to further the interview and you "couldn't distinguish between intoxication or some sort of mental instability."

A review of Troop C records and the recordings of the stop show that you did not complete a vehicle storage report³ or inventory when you had Mr. Gautreaux's truck towed. In fact, as the tow truck operator was loading Mr. Gautreaux's vehicle onto the flatbed and you were getting ready to drive away from the scene, Mr. Gautreaux requested his cell phone. You had to return to his truck on the flatbed and ask the tow truck operator to hand you Mr. Gautreaux's cell phone. The operator advised you that Mr. Gautreaux's wallet was also in the truck and you took possession of Mr. Gautreaux's wallet and cell phone.

You failed to properly handle the substance that you suspected to be marijuana. Instead of seizing it and submitting it to the Crime Lab for weighing and testing, you merely put it back into Mr. Gautreaux's vehicle. It was accessible to the tow truck operator, and anyone else who took possession of or had access to, Mr. Gautreaux's truck. Your actions violated Louisiana State Police Policy and Procedure Order No. 404 – Evidence, Section 3 – Responsibilities of Investigating Officer, which states in pertinent part:

³ LSP P.O. 1113.8 provides in pertinent part for a vehicle storage report and inventory to be completed for every vehicle stored, unless exempt.

- i) The investigating officer, or designated officer, in each case shall have primary responsibility for the collection, packaging, and preservation of all evidence, with the advice and consent of his supervisor, as needed. The LSP Crime Lab Forensic Lab Services Guide and LSP Evidence Packing Guide serve as the official guidance on appropriately collecting, packaging, and preservation of evidence.

After obtaining clues of impairment on the HGN test you administered to Mr. Gautreaux, finding him to be in possession of suspected marijuana, his admission to you that he consumed "a few drinks," and your agreement with him that he would probably not pass a breathalyzer test, you failed to further investigate Mr. Gautreaux for impairment. You threw suspected marijuana back into Mr. Gautreaux's vehicle, allowing anyone who possessed his vehicle to have access to it, instead of seizing it and submitting it to the Crime Lab for weighing and testing. You failed to complete a vehicle storage form and inventory of Mr. Gautreaux's truck when you had it towed. You failed to determine why Mr. Gautreaux's driver's license was suspended, which would have alerted you that it was for a prior alcohol related violation, and cite him accordingly. You failed to recognize that Mr. Gautreaux violated R.S. 14:95, which could have been a felony if the suspected marijuana he possessed was more than 14 grams.⁴ You placed Mr. Gautreaux back in possession of a firearm and a knife, and concealed the firearm in his pocket, while you were at his residence, when you admittedly could not "distinguish between intoxication or mental some sort of mental instability." Your actions were in violation of Louisiana State Police Policy and Procedure Order No. 901 – Code of Conduct and Ethics, Section 8 – Performance of Duty, which states in pertinent part:

- i) A commissioned officer shall conscientiously strive to enforce the laws of the state of Louisiana, render service to all citizens within the state, be responsible for the proper performance of all assigned duties, and strictly adhere to the rules, regulations, orders, manuals, and directives promulgated by the Department.

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 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:

⁴ R.S. 14:95(E)

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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,



Colonel Lamar A. Davis

Superintendent, Louisiana State Police

c: Lt. Col. Chavez Cammon
Major Benny Broussard
Captain Lanny Bergeron
Internal Affairs
Office of Legal Affairs
Human Resources Management

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