



**JOHN BEL EDWARDS**  
GOVERNOR

**LAMAR A. DAVIS**  
COLONEL DEPUTY SECRETARY

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

JANUARY 19, 2023  
4750/0501/BJB/23-23976  
HQ-01-802

Trooper Russell Jones  
Troop A

**VIA PERSONAL DELIVERY**  
IA#22-00049; OLA #079697

**Re: 60 HOUR SUSPENSION**

Trooper Jones:

Pursuant to the authority granted by State Police Commission Rules 12.2 and 12.8, you are hereby notified of my intention to suspend you from duty without pay and allowances for 60 (sixty) hours. You are suspended during the following periods:

1. First suspension period (shift) begins Friday, February 3, 2023 at 1700 hours, and ends Saturday, February 4, 2023 at 0500 hours (12 hour suspension);
2. Second suspension period (shift) begins Saturday, February 4, 2023 at 1700 hours, and ends Sunday, February 5, 2023 at 0500 hours (12 hour suspension);
3. Third suspension period (shift) begins Sunday, February 5, 2023 at 1700 hours, and ends Monday, February 6, 2023 at 0500 hours (12 hour suspension);
4. Report back to duty on Wednesday, February 8, 2023 at 1700 hours;
5. Fourth suspension period (shift) begins Saturday, March 4, 2023 at 1700 hours, and ends Sunday, March 5, 2023 at 0500 hours (12 hour suspension);
6. Fifth suspension period (shift) begins Sunday, March 5, 2023 at 1700 hours, and ends Sunday, March 6, 2023 at 0500 hours (12 hour suspension);
7. Report back to duty on Wednesday, March 8, 2023 at 1700 hours.

You are suspended for the following reasons:

On Wednesday, September 21, 2022, in connection with a public records request, Captain Aaron Marcelle, Troop A Commander reviewed Crash Report #20220015839.<sup>1</sup> While conducting

<sup>1</sup> Subject crash report of this investigation

his review, Captain Marcelle reviewed videos associated with the crash investigation. After reviewing the videos, Captain Marcelle determined that you, the primary investigating trooper, failed to perform your duties by not thoroughly investigating the possible impairment of the at-fault driver in the subject crash. On the same day, Captain Marcelle notified Major John Riles about his findings and requested an administrative investigation. As instructed by Colonel Lamar Davis, Internal Affairs initiated an administrative investigation into Captain Marcelle's determination.

On Thursday, April 28, 2022, at approximately 1305 hours, you were dispatched to a two (2) vehicle crash on the westbound exit ramp at Interstate 10 and Bluebonnet Blvd in Baton Rouge, Louisiana. Trooper First Class (TFC) Oscar Soileau, who was in close proximity to that location also acknowledged the crash and responded to the scene. Trooper Soileau arrived on the scene at 1316 hours; you arrived on the scene at 1334 hours.

When you arrived at the crash scene, TFC Soileau advised you that he suspected that Driver 1<sup>2</sup>, who was identified as Zachary Cavalier, was possibly impaired. You immediately responded "Fuck!" as TFC Soileau explained why he suspected that Mr. Cavalier was impaired. TFC

Soileau informed you of his observations regarding Mr. Cavalier's possible impairment, including the emission of odor of alcohol from his breath, and the discovery of an alcoholic beverage bottle cap on the passenger side seat of Mr. Cavalier's vehicle. You were also informed by TFC Soileau that he had conducted standardized field sobriety tests (hereinafter "SFST") on Mr. Cavalier, which resulted in his identification of six (6) out of six (6) clues of impairment on the Horizontal Gaze Nystagmus (hereinafter "HGN") test. TFC Soileau also informed you that a witness, DeMarius Calloway, used his cell phone to record the vehicle<sup>3</sup> Mr. Cavalier was operating swerving on the interstate moments prior to the crash.

At the crash scene, when you made contact with Mr. Cavalier, Mr. Cavalier informed you of his medical condition and advised you that he is a diabetic. You also conducted the HGN test on Mr. Cavalier; however, you did not record observing any HGN clues of impairment. Unlike TFC Soileau, you believed that Mr. Cavalier had experienced a diabetic episode which caused him to perform poorly on the HGN test. Although you stated that you believed Mr. Cavalier's impairment was due to a diabetic episode, you did not at any point call EMS or ask Mr. Cavalier if he required medical attention. You subsequently cited Mr. Cavalier for La. R.S. 32:281 (limitations on backing) and released him to a licensed driver.

On Wednesday, October 19, 2022, at 1032 hours, you were interviewed by Internal Affairs (hereinafter "IA") investigators Trooper Kevin Ducote and Trooper Nicholas Kirkland.

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<sup>2</sup> "At-fault" driver of subject crash

<sup>3</sup> Vehicle 1 = the at-fault vehicle Driver 1 was operating



Before conducting the interview, IA investigators advised you of your administrative rights. You verbally acknowledged that you understood your rights, and you affixed your signature to the administrative rights form (DPSSP 4117). The interview was recorded and conducted at Internal Affairs located at 7919 Independence Boulevard, Baton Rouge, Louisiana 70806.

In your interview, you were asked why you responded "Fuck!" upon learning of the possible impairment of Mr. Cavalier from TFC Soileau. You stated that your exclamation was in reference to all of the required paperwork that has to be completed for a DWI arrest. You were then asked why you missed six (6) clues of impairment that TFC Soileau observed when he administered the HGN test to Mr. Cavalier. You responded, "I really did not know how to handle a diabetes thing and an alcohol thing, I don't know guys, I must have been off my game that day. I was not trying to let a drunk go." You stated that you do not know anything about diabetes. You were then advised by IA investigators that a diabetic episode does not cause someone to display nystagmus.

During your interview, you initially stated that you did not smell any odor of alcohol on Mr. Cavalier. You then stated, "if I'm going to be totally transparent with you, I did smell a faint odor of an alcoholic beverage later on Mr. Cavalier." You stated that you felt that Mr. Cavalier's condition was more due to a diabetic episode than being impaired. You were then shown your BWC video during the interview, wherein IA investigators pointed out visible nystagmus in Mr. Cavalier's eyes. You acknowledged that you observed nystagmus as well, and that you had missed it on the day that you investigated the crash.

You were asked what you told TFC Soileau after you checked Mr. Cavalier for HGN. You responded that you told TFC Soileau that you did not observe HGN or smell any alcohol on Mr. Cavalier. Trooper Ducote then informed you that BWC footage revealed that you did in fact tell TFC Soileau that you observed HGN in Mr. Cavalier's eyes. You responded that must have been the second time that you checked Mr. Cavalier for HGN. You were shown a clip of your BWC video, wherein you told TFC Soileau that you did observe HGN, but thought it was a diabetic episode, not Mr. Cavalier being impaired.

You were then asked why you did not request EMS for Mr. Cavalier if you believed he had experienced a diabetic episode. You responded that you had asked Mr. Cavalier's father if he wanted you to request EMS to assist Mr. Cavalier. However, review of the BWC footage of both TFC Soileau's and your BWC revealed that you never asked Mr. Cavalier's father about calling EMS. You stated in your IA interview that you thought you remembered asking Mr. Cavalier's father about requesting EMS, but did not know why it was not on the video.

In closing the IA interview, you stated that you had never dealt with a DWI and a diabetic patient at the same time. You stated that if you dropped the ball, then you dropped the ball. You were adamant that you were not trying to avoid arresting a drunk. You were asked about the crash report, wherein you had selected the driver's condition to be inattentive. You responded that was a mistake. You were also asked why you did not mention anything about possible impairment or a medical episode in the narrative of the crash report. You responded that was also a mistake. You acknowledged that you made several mistakes on Thursday, April 28, 2022. You stated that you should have investigated better by going through the SFSTs.

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 an unwillingness or inability to perform the assigned task, or by failure to take the appropriate action on the occasion of a crime, disorder, or other matter deserving attention. Based on all of the evidence, including your own admissions, your failure to fully and properly investigate the possible impairment of Mr. Cavalier using the required DWI protocols violated Louisiana State Police, Procedural Order 901.12, UNSATISFACTORY PERFORMANCE, which states in pertinent part:

## 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:
  - a) A lack of knowledge in the application of laws required to be enforced.
  - b) An unwillingness or inability to perform the 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.

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.



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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,



Colonel Lamar A. Davis  
Superintendent, Louisiana State Police

c: Lt. Col. Chavez Cammon; Lt. Col. Joseph Hasselbeck, III; Major John Riles;  
Captain Aaron Marcelle; Internal Affairs; Office of Legal Affairs

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