



# CITY OF NEW ORLEANS

DEPARTMENT OF CITY CIVIL SERVICE  
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CITY CIVIL SERVICE COMMISSION  
BRITTNEY RICHARDSON, CHAIRPERSON  
JOHN KORN, VICE-CHAIRPERSON  
CLIFTON J. MOORE  
MARK SURPRENANT  
RUTH WHITE DAVIS

Monday, January 24, 2022

AMY TREPAGNIER  
DIRECTOR OF PERSONNEL

Mr. Keith Sanchez  
3925 N. I-10 Service Road W., Suite 212  
Metairie, LA 70002

Re: **Darlene Stokes VS.**  
**Department of Police**  
**Docket Number: 9247**

Dear Mr. Sanchez:

Attached is the decision of the City Civil Service Commission in the matter of your appeal.

This is to notify you that, in accordance with the rules of the Court of Appeal, Fourth Circuit, State of Louisiana, the decision for the above captioned matter is this date - 1/24/2022 - filed in the Office of the Civil Service Commission at 1340 Poydras St. Suite 900, Orleans Tower, New Orleans, Louisiana.

If you choose to appeal this decision, such appeal must conform to the deadlines established by the Commission's Rules and Article X, 12(B) of the Louisiana Constitution. Further, any such appeal shall be taken in accordance with Article 2121 et. seq. of the Louisiana Code of Civil Procedure.

For the Commission,

A handwritten signature in blue ink that reads "Doddie K. Smith".

Doddie K. Smith  
Chief, Management Services Division

cc: Shaun Ferguson  
Darren Tyus  
Jay Ginsberg  
Darlene Stokes  
!  
file

**CIVIL SERVICE COMMISSION  
CITY OF NEW ORLEANS**

**DARLENE STOKES,  
Appellant**

**Docket No. 9247**

v.

**DEPARTMENT OF POLICE,  
Appointing Authority**

**DECISION**

Appellant, Darlene Stokes, brings this appeal pursuant to Article X, § 8(A) of the Louisiana Constitution and this Commission's Rule II, § 4.1 seeking relief from her January 8, 2021 letter of reprimand. (Ex. HE-1). At all relevant times, Appellant had permanent status as a Police Sergeant. A Hearing Examiner, appointed by the Commission, presided over a hearing on April 8, 2021. At this hearing, both parties had an opportunity to call witnesses and present evidence.

The undersigned Commissioners have reviewed and analyzed the entire record in this matter, including the transcript from the hearing, all exhibits submitted at the hearing, the Hearing Examiner's report dated May 31, 2021, and controlling Louisiana law.

For the reasons set forth below, Sgt. Stokes' appeal is DENIED.

**I. FACTUAL BACKGROUND**

While patrolling on December 25, 2019, Officer Crochet, a "brand new" officer under Sgt. Stokes' supervision, heard three gunshots and followed a man (later identified as Joshua Hall) running to the alley of 2437 Blair Street. (Tr. at 13, 15, 68). According to the warrant application, Officer Crochet observed Hall run by the vehicles in the drive at 2437 Blair Street. (Ex. 1). A woman was closing the gate to the backyard when Officer Crochet arrived, and she asked Officer Crochet to go to the front door. (Ex. 1). Officer Crochet knocked on the front door of the residence,

and a woman eventually informed him that her son, Hall, was inside, but that he was unwilling to talk to him. (Ex. 1). Another officer arrived, and he and Officer Crochet observed that a vehicle in the drive of the residence smelled like marijuana and had what appeared to be marijuana in a bag, along with a hand-rolled cigar. (Tr. at 13; Ex. 1). Task Force officers, who arrived on the scene later, discovered that another vehicle parked in front of the residence had an AK-47-type rifle in plain view in the front seat. (Tr. at 16, 29, 31). Officer Crochet had been on the scene an hour and a half when the gun was discovered. (Tr. at 29). According to Sgt. Glover, "Task force officers are always looking and searching for stuff." (Tr. at 31).

Sgt. Stokes was the supervisor in charge on the night of December 25, 2019. (Tr. at 15). When Officer Crochet contacted Sgt. Stokes, she advised him to obtain a warrant and then she reported to the scene. (Tr. at 14-15). Sgt. Stokes testified that when she arrived at the scene, she was waiting for a search warrant to be prepared and for a judge to approve the warrant before the officers entered the vehicles. (Tr. at 68). According to body-worn-camera footage, the officer applying for the warrant walked over to Stokes and asked Stokes about the search warrant for both vehicles. (Tr. at 43). The application for the search warrant reads as follows:

DUE TO THE RECENT SHOOTING APPROXIMATELY 10 BLOCKS FROM THE LOCATION THE DAY PRIOR (12/24/2019), GUNS SHOTS HEARD BY THE OFFICER JUST PRIOR TO ARRIVAL AND THE PREVALENCE OF VEHICLE BURGLARIES IN THE CITY OFFICERS BELIEVE THE RIFLE IN PLAIN VIEW IS A SAFETY CONCERN FOR THE COMMUNITY

(Ex. 1). Sgt. Stokes testified that the shooting on December 24 was ten blocks away. (Tr. at 82).

Sgt. Glover testified that "[t]en blocks is a long way." (Tr. at 24).

After Magistrate Jonathan Friedman issued the warrant, the officers ran the plates of the vehicle with the gun, went to the owner's residence, and asked the owner for the keys to his vehicle. (Tr. at 17-18). The officers then seized the gun. (Tr. at 17-18; Ex. 1). Because the gun and the

drugs were linked in the warrant, the gun was classified as evidence. (Tr. at 51). When the owner, Shane Andry, attempted to retrieve his gun from Central Evidence and Property, Andry was unable to retrieve the gun without an additional document releasing it. (Tr. at 8). If the gun had been classified as property, then no additional release would have been necessary. (Tr. at 35-36). Andry filed a complaint with NOPD about NOPD's failure to release the gun to him.

Sgt. Anika Glover, who investigated this complaint about Sgt. Stokes, testified that the problem was that the gun in the vehicle on the street was unrelated to the drugs in the vehicle in the drive. (Tr. at 17). The gun was locked and secured in the front seat of the vehicle. (Tr. at 16). Therefore, even if the officers decided to seize the gun, it should have been classified as property, not evidence. (Tr. at 35). According to departmental policy, an officer can return property to its owner or notify the owner that property will be taken to Central Evidence and Property. (Tr. at 36). In this situation, Sgt. Glover also testified that if the officers were concerned about car burglaries, the officers could have simply asked Andry to remove the gun from the scene. (Tr. at 18). Alternatively, the officers could have seized the gun and classified it as property, if the seizure was based on safety reasons, as set forth in the warrant application. (Tr. at 17, 35).

According to Captain Lawrence Dupree, who made the recommendation of discipline, "we gotta get it right when it comes to why we're doing things." (Tr. at 49). Captain Dupree testified that there should have been two separate search warrants instead of one search warrant for two items because no evidence existed linking the gun to the drugs. (Tr. at 61). The "weapon didn't fit into the case." (Tr. at 61). Further, the warrant and the body-worn-camera video "contradict that it was evidence." (Tr. at 58). Captain Dupree specifically criticized the inclusion of a shooting ten blocks away on the previous day as a basis for the warrant application. (Tr. at 58).

Sgt. Stokes testified that she would not have considered the gun evidence but for the shots heard on December 25. (Tr. at 70). Stokes testified she believes there was probable cause to treat the gun as evidence. (Tr. at 81). Stokes also testified the felon, Hall, who ran into the residence may have left the gun in Andry's car, as Hall was related to Andry. (Tr. at 84).

## II. ANALYSIS

It is well-settled that, in an appeal before the Commission pursuant to Article X, § 8(A) of the Louisiana Constitution, the appointing authority has the burden of proving by a preponderance of the evidence: 1) the occurrence of the complained of activity, and 2) that the conduct complained of impaired the efficiency of the public service in which the appointing authority is engaged. *Gast v. Dep't of Police*, 2013-0781 (La. App. 4 Cir. 3/13/14), 137 So. 3d 731, 733 (quoting *Cure v. Dep't of Police*, 2007-0166 (La. App. 4 Cir. 8/1/07), 964 So. 2d 1093, 1094). The Commission has a duty to decide independently from the facts presented in the record whether the appointing authority carried its legally imposed burden of proving by a preponderance of evidence that it had good or lawful cause for disciplining the classified employee and, if so, whether such discipline was commensurate with the dereliction. *Abbott v. New Orleans Police Dep't*, 2014-0993 (La. App. 4 Cir. 2/11/15); 165 So.3d 191, 197; *Walters v. Dept. of Police of the City of New Orleans*, 454 So. 2d 106 (La. 1984).

The Department of Police has carried its burden of showing that the complained-of conduct occurred. Sgt. Glover approved the application for a single warrant for both the gun and the drugs, when there was no evidence that the gun had any relationship to the drugs. Therefore, the gun should not have been classified as evidence. The Department of Police has shown that Sgt. Stokes violated Rule 4, Performance of Duty, by failing to properly supervise her subordinate's application for a search warrant. This conduct impaired the efficient operation of the Department,

as a citizen had difficulty retrieving his property from the Department. Further, Sgt. Glover failed to lead by example, thereby affecting her subordinates' understanding of policy. (Tr. at 53). The undersigned Commissioners also find that the penalty is commensurate with the infraction, as the letter of reprimand is the presumptive penalty under the disciplinary matrix for this infraction.

Therefore, the appeal is DENIED.

This the 24<sup>th</sup> day of January, 2022

WRITER:

Ruth White Davis  
Ruth Davis (Jan 12, 2022 20:21 CST)

RUTH DAVIS, COMMISSIONER

CONCUR:

J H Korn  
J H Korn (Jan 14, 2022 13:14 CST)

JOHN KORN, VICE-CHAIRPERSON

C J Moore  
CJ MOORE (Jan 24, 2022 06:18 CST)

CLIFTON J. MOORE, JR., COMMISSIONER