



## CITY OF NEW ORLEANS

DEPARTMENT OF CITY CIVIL SERVICE  
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CITY CIVIL SERVICE COMMISSION  
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DIRECTOR OF PERSONNEL

Tuesday, March 23, 2021

Mr. Keith Sanchez  
7809 Airline Drive, Suite 205  
Metairie, LA 70003

Re: **Sidney Jackson Jr. VS.  
Department of Police  
Docket Number: 9090**

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 - 3/23/2021 - filed in the Office of the Civil Service Commission at 1340 Poydras St. Suite 900, Amoco Building, New Orleans, Louisiana.

If you choose to appeal this decision, 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 "Stacie Joseph".

Stacie Joseph  
Management Services Division

cc: Shaun Ferguson  
Renee E. Goudeau  
Alexandra Mora  
Sidney Jackson  
file

**CIVIL SERVICE COMMISSION  
CITY OF NEW ORLEANS**

**SIDNEY JACKSON**  
**Appellant**

v.

**Docket No. 9090**

**NEW ORLEANS POLICE DEPARTMENT**  
**Appointing Authority**

**DECISION**

Appellant, Sidney Jackson, brings this appeal pursuant to Article X, § 8(A) of the Louisiana Constitution and this Commission's Rule II, § 4.1, seeking relief from his 10-day suspension imposed by the New Orleans Police Department (NOPD or "Appointing Authority") on August 27, 2019. (See Exhibit HE-1). At the time he was suspended, Appellant was employed as a police sergeant and had permanent status as a classified employee. A Hearing Examiner, appointed by the Commission, presided over a hearing held on November 20, 2019. At this hearing, both parties had an opportunity to call witnesses and present evidence. The Hearing Examiner provided the Commission with her advisory report.

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, and controlling Louisiana law. For the reasons set forth below, we DENY the appeal.

**I. FACTUAL BACKGROUND**

In November of 2018, Sergeant Jackson was assigned to the Eighth District as the second watch supervisor on the second platoon (2:25 PM to 11:00 PM). (Tr. at 13, 57). Sgt. Jackson's job duties included "overseeing district patrol activities as a frontline supervisor." (Tr. at 13). Captain Nicholas Gernon was serving as the Commander of the Eighth District at that time. (Tr. at 9). Lieutenant Caprera complained to Captain Gernon about the charge of an aggravated assault being downgraded to a miscellaneous incident. (Tr. at 13). After he received the complaint, Commander Gernon reviewed the Real-Time Crime Center Video, the witness statements, and the victim statements. (Tr. at 15). Commander Gernon determined that Sergeant Jackson exercised his supervisory duties in a negligent manner. (Tr. at 36-37).

The parties stipulated that the ten-day suspension was the appropriate penalty under the matrix for a (B) level fourth offense. (Tr. at 56).

The parties agree that on November 11, 2018, an officer assigned to the Eighth District on the day watch responded to a complaint about an incident at the 300 block of Bourbon Street (Bourbon at Bienville). (Tr. at 16). Although the complainant initially reported an armed robbery

of her 12-year-old daughter, the responding officer classified the incident as an aggravated assault based on the suspect's use of a knife and the absence of any stolen items. (Tr. at 24-26). According to a video, several unsupervised children were playing on "bucket drums," and, in the midst of playing keep-away with the children, a male in a gray hooded sweatshirt lunged at the 12-year-old girl with a knife. (Tr. at 20, 21, 35). The suspect also touched the 12-year-old on her face, hugged her, and grabbed her by her legs, flipping her off the crate. (Tr. at 21-22; 60-61). When the male suspect walked away, the children ran after him. (Tr. at 22). The video reflects that the male suspect with the knife walked away and disposed of the knife in a doorway one-half block away from the children. (Tr. at 20-21). The interactions between the suspect and the children span over eight minutes on the video. (Tr. at 22). One of the younger children apparently reported the incident to the mother of the children (off-camera), and the mother called the police. (Tr. at 22).

The suspect, who was 17 years old, informed the police he carried the knife for protection. (Tr. at 26). The suspect also took the officers on the scene to the location of the knife in the doorway. (Tr. at 77). Because the incident occurred near the time of shift change, the day watch sergeant requested that a second watch officer report to the scene and complete the report and the booking paperwork. (Tr. at 27). The officers on the scene took the 17-year-old suspect to the police station, along with the knife at issue. (Tr. at 27). The suspect was at the police station from 2:00 to about 8:00 PM. (Tr. at 65). Officer Beechem on the second watch completed the initial report. (Tr. at 67). After Officer Beechem reviewed the video and was unable to contact the victims, Officer Beechem asked Sgt. Jackson to review the video because Officer Beechem did not believe an aggravated assault had occurred. (Tr. at 67). Sgt. Jackson agreed with Officer Beechem based solely on a review of the video, and Sgt. Jackson released the suspect and the knife to the suspect's mother. (Tr. at 67).

Sgt. Jackson testified that he believed the interactions among the suspect and the children were playful in nature, and that the suspect did not pose a threat to public safety. (Tr. at 70). Sgt. Jackson testified that he believes arresting individuals wrongfully creates a public trust problem. (Tr. at 68). Sgt. Jackson also testified he did not believe the suspect posed a threat to public safety. (Tr. at 76).

Commander Gernon testified that Sgt. Jackson's instruction to Officer Beechem to downgrade an aggravated assault to a miscellaneous incident and to release the suspect were incorrect instructions to Officer Beechem. (Tr. at 29). Therefore, Sgt. Jackson failed to supervise Officer Beechem appropriately. (Tr. at 37). Commander Gernon also testified that Sgt. Jackson should have reviewed the statements of the victim, the statements of the witnesses, and talked to the supervisor of the detectives who initially responded to the call before downgrading the offense. (Tr. at 29). The downgrading of the offense impaired the efficient operation of NOPD because downgrading crimes of violence erodes public trust in NOPD and gives a perception of a lack of investigation. (Tr. at 33-34, 43). In addition, releasing this suspect endangered the public. (Tr. at 34).

## 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 terminating 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).

NOPD has carried its burden of showing that the complained-of conduct occurred. It is undisputed that the 17-year-old suspect lunged at a 12-year-old girl with a knife on more than one occasion. NOPD has also carried its burden of showing the conduct impaired the efficient operation of the department, as downgrading violent offenses erodes public trust in the department. The parties stipulated that the penalty was commensurate with the infraction, if NOPD proved the infraction occurred.

Therefore, Sgt. Jackson's appeal is DENIED.

This the 23 day of March, 2021.

WRITER:

J. H. Korn

J. H. Korn (Mar 23, 2021 14:58 CDT)

JOHN KORN, COMMISSIONER

CONCUR:

BR

Brittney Richardson (Mar 21, 2021 20:43 CDT)

BRITTNEY RICHARDSON, CHAIRPERSON

CJ Moore

CJ Moore (Mar 22, 2021 08:57 CDT)

CLIFTON J. MOORE, VICE-CHAIRPERSON