

ROD DEMERY

* NUMBER: 578,945-~~A~~ D

VERSUS

* FIRST JUDICIAL DISTRICT COURT

WILLIE SHAW, INDIVIDUALLY AND
IN HIS OFFICIAL CAPACITY AS CHIEF
OF POLICE AND THE CITY OF SHREVEPORT

* CADDO PARISH, LOUISIANA

ORDER OF SELF RECUSAL

For reasons which follow, and in compliance with Supreme Court Rule XXXVI, the undersigned judge issues an order of self recusal with a directive to the Clerk of Court that this matter be randomly reassigned in accordance with law.

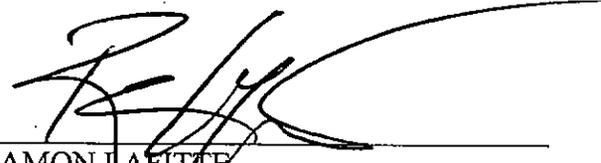
After a review of the record, the undersigned judge acknowledges that he has been a personal friend to one of the parties for many years and, as such, his impartiality might reasonably be questioned. Therefore, in accordance with Judicial Canon 3C and La. C.C.P. Article 152, the undersigned judge self recuses in this matter.

ACCORDINGLY:

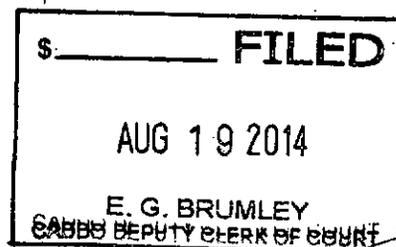
IT IS ORDERED that Judge Ramon Lafitte, Section A of the First Judicial District Court, is self recused in the captioned matter;

IT IS FURTHER ORDERED that the Caddo Parish Clerk of Court reassign the captioned case in accordance with law.

Signed this 19th day of August, 2014 in Shreveport, Caddo Parish, Louisiana.



RAMON LAFITTE
DISTRICT JUDGE



GARY LOFTIN
CLERK OF COURT

Caddo Parish Courthouse
501 Texas Street, Room 103
Shreveport, LA 71101-5408



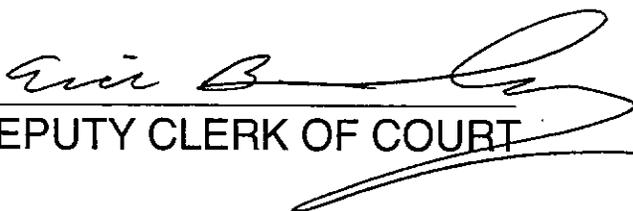
Mike Spence
Chief Deputy
www.caddoclerk.com

CASE REASSIGNMENT WORKSHEET

DATE 8-19-14

SUIT NUMBER 578, 945

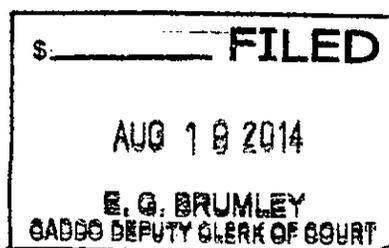
THIS CASE WAS RANDOMLY REASSIGNED FROM
SECTION A TO SECTION
D BY COMPUTER, IN ACCORDANCE WITH AN
ORDER DATED 8-19-14


DEPUTY CLERK OF COURT

PLEASE PLACE THIS AS AN ENTRY IN THE
COURT MINUTES.

"Where The Public Comes First"

Civil Suits: (318) 226-6776 Criminal: (318) 226-6786 Land Records: (318) 226-6780 Fax: (318) 227-9080





ROD DEMERY

: NUMBER 578,945-~~B~~ A

VERSUS

: FIRST JUDICIAL DISTRICT COURT

WILLIE SHAW, INDIVIDUALLY AND
IN HIS OFFICIAL CAPACITY AS CHIEF
OF POLICE AND THE CITY OF
SHREVEPORT

: CADDO PARISH, LOUISIANA

RECUSAL ORDER

For reasons which follow, and in compliance with Supreme Court Rule XXXVI, the undersigned judge issues an order of self-recusal with a directive to the Clerk of Court that this matter be randomly reassigned in accordance with law.

Louisiana Code of Civil Procedure article 152(A) states: "A judge may recuse himself, whether a motion for his recusation has been filed by a party or not, in any case in which a ground for recusation exists."

Louisiana Code of Judicial Conduct Canon 3C states, "A judge should disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned and shall disqualify himself or herself in a proceeding in which disqualification is required by law or applicable Supreme Court rule. In all other instances, a judge should not recuse himself or herself."

ACCORDINGLY:

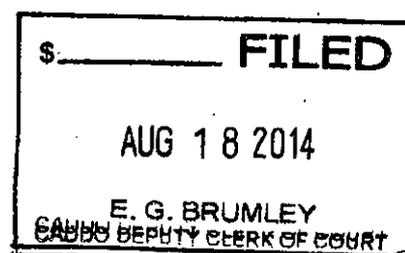
IT IS ORDERED that Judge Scott J. Crichton, Section B of the Caddo District Court, is self-recused in the captioned matter.

IT IS ALSO ORDERED that the Caddo Clerk of Court randomly reassign this matter in accordance with law.

Signed this 18th day of August, 2014, in Shreveport, Caddo Parish, Louisiana.



SCOTT J. CRICHTON
DISTRICT JUDGE



GARY LOFTIN
CLERK OF COURT

Caddo Parish Courthouse
501 Texas Street, Room 103
Shreveport, LA 71101-5408



Mike Spence
Chief Deputy
www.caddoclerk.com

CASE REASSIGNMENT WORKSHEET

DATE 8-18-14

SUIT NUMBER 578,945-A

THIS CASE WAS RANDOMLY REASSIGNED FROM
SECTION B TO SECTION
A BY COMPUTER, IN ACCORDANCE WITH AN
ORDER DATED 8-18-14

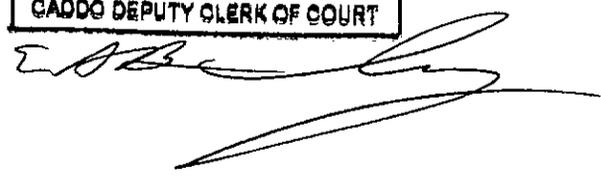

DEPUTY CLERK OF COURT

PLEASE PLACE THIS AS AN ENTRY IN THE
COURT MINUTES.

"Where The Public Comes First"

Civil Suits: (318) 226-6776 Criminal: (318) 226-6786 Land Records: (318) 226-6780 Fax: (318) 227-9080

§ _____ FILED
AUG 18 2014
E. G. BRUMLEY
CADDO DEPUTY CLERK OF COURT



ROD DEMERY

: NUMBER 578,945-~~d~~ B

VERSUS

: FIRST JUDICIAL DISTRICT COURT

WILLIE SHAW, INDIVIDUALLY AND
IN HIS OFFICIAL CAPACITY AS CHIEF
OF POLICE AND THE CITY OF
SHREVEPORT

: CADDO PARISH, LOUISIANA

ORDER OF SELF-RECUSAL

For reasons which follow, and in compliance with Supreme Court Rule XXXVI, the undersigned judge issues an order of self-recusal with a directive to the Clerk of Court that this matter be randomly reassigned in accordance with law.

Louisiana Code of Civil Procedure article 152(A) states: "A judge may recuse himself, whether a motion for his recusation has been filed by a party or not, in any case in which a ground for recusation exists."

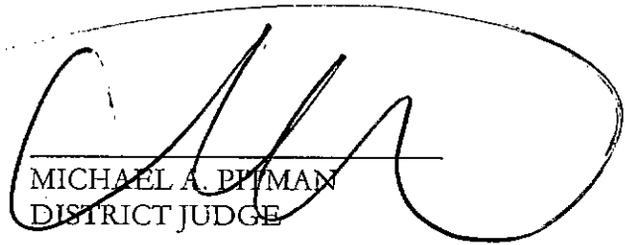
Louisiana Code of Judicial Conduct Canon 3C states, "A judge should disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned and shall disqualify himself or herself in a proceeding in which disqualification is required by law or applicable Supreme Court rule. In all other instances, a judge should not recuse himself or herself."

ACCORDINGLY:

IT IS ORDERED that Judge Michael A. Pitman is self-recused in the captioned matter.

IT IS ALSO ORDERED that the Clerk of Court randomly reassign this matter in accordance with law.

Signed this 18th day of August, 2014, in Shreveport, Caddo Parish, Louisiana.


MICHAEL A. PITMAN
DISTRICT JUDGE

FILED
AUG 18 2014
COLVIN ROBERSON
CLERK OF COURT


GARY LOFTIN
CLERK OF COURT

Caddo Parish Courthouse
501 Texas Street, Room 103
Shreveport, LA 71101-5408



Mike Spence
Chief Deputy
www.caddoclerk.com

CASE REASSIGNMENT WORKSHEET

DATE 08-18-14

SUIT NUMBER 578945

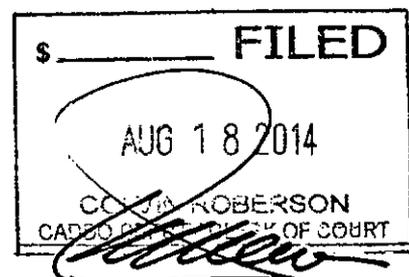
THIS CASE WAS RANDOMLY REASSIGNED FROM
SECTION C TO SECTION
B BY COMPUTER, IN ACCORDANCE WITH AN
ORDER DATED 08-18-14

DEPUTY CLERK OF COURT

PLEASE PLACE THIS AS AN ENTRY IN THE
COURT MINUTES.

"Where The Public Comes First"

Civil Suits: (318) 226-6776 Criminal: (318) 226-6786 Land Records: (318) 226-6780 Fax: (318) 227-9080





Breedlove Law Firm

A Professional Law Corporation

PAMELA N. BREEDLOVE
Attorney-Mediator

216 Rolling Meadow Lane
Bossier City, Louisiana 71112
Post Office Box 8667
Bossier City, La 71113
Telephone: (318) 423-0845
Facsimile: (318) 553-5176

E-mail: pambreedlove@breedlovefirm.com

www.breedlovefirm.com

August 18, 2014

HAND DELIVERED

Caddo Parish Clerk of Court
501 Texas Street
Shreveport, LA 71101

578945-LB
AD

RE: Rod Demery v. City of Shreveport and Willie Shaw, individually and in his official capacity as Chief of Police

Dear Clerk:

Regarding the above referenced matter, attached is the original and three copies of a petition for damages and injunctive relief, including the request for a Temporary Restraining Order. Our firm check is included for the filing fees in this matter.

The TRO requested in the petition is directed at action that will take place on Thursday of this week. Therefore, it is our intent to walk this up to the assigned judge for his review so that the petition and order can be served on the defendants prior to Thursday.

By copy of this letter, we are advising the court that I am unavailable for hearing on Tuesday, August 26, 2014 as I must be in court in Webster Parish in Docket Number 73391. I am not available on Thursday, August 28, 2014 as I will be serving as the Magistrate for the Gibsland Mayor's Court. I am not available Thursday Sept. 4, 2014 as I must be in court for three matters in Bossier Parish in Docket Numbers 137,226; 134,753; and 144,872. Otherwise, I can be available for hearing any other day between now and Sept. 5, 2014.

If you have any questions, please contact me. With kindest regards, I am

Sincerely yours,

Pamela N. Breedlove

enclosures

cc: Det. Rod Demery (w/enc.)

\$ _____	FILED
AUG 18 2014	
JIM SCOTT CADDO DEPUTY CLERK OF COURT	

ROD DEMERY

NUMBER

578945-CLB

VERSUS

1ST JUDICIAL DISTRICT COURT

AD

WILLIE SHAW, INDIVIDUALLY AND
IN HIS OFFICIAL CAPACITY AS CHIEF
OF POLICE AND THE CITY OF
SHREVEPORT

CADDO PARISH, LOUISIANA

PETITION FOR DAMAGES AND INJUNCTIVE RELIEF

ROD DEMERY, ("Det. Demery"), an adult domiciliary of Caddo Parish, plaintiff herein through undersigned counsel, respectfully shows:

1.

Made defendant herein is WILLILE SHAW, individually and in his official capacity as Chief of Police ("Shaw") and the City of Shreveport ("City"), a political subdivision of the State of Louisiana located in Caddo Parish.

2.

Det. Demery has been employed by the Shreveport Police Department ("SPD"), a department of the City, since 1999.

3.

Det. Demery has been assigned to the Investigations Unit of SPD since 2001, which included homicide. In approximately 2003, he was transferred to the Armed Robbery and Sex Crimes Investigation Unit. In about 2006/2007, he was assigned to the Homicide Unit and has remained a member of that unit. Det. Demery has maintained the highest homicide clearance rate of all the detectives in his unit.

4.

Det. Demery had a very good discipline and employee record with SPD and has received many recognitions and awards. Less than a year ago, Shaw testified under oath that Det. Demery was an excellent detective.

6738
Pamela N. Braddock

\$ 450.00 FILED
AUG 18 2014
JIM SCOTT
CADDO DEPUTY CLERK OF COURT

[Handwritten signature]

5.

Although he was assigned to the Homicide Unit, Shaw has specifically requested that Det. Demery investigate sensitive matters outside of homicide since he became Chief of Police. The most recent such request and special investigation assignment began in July, 2013, regarding allegations of acts of prostitution at Shreveport Fire Station Number 8 occurring in June, 2013.

6.

Det. Demery diligently undertook his duties to investigate the possible criminal activity at Fire Station 8 and was the lead investigator for SPD in this matter. Due to the nature of the allegations and other matters, the investigation was a joint investigation with the Federal Bureau of Investigation and the Louisiana State Police.

7.

In August, 2013, five Shreveport Fire Department employees were arrested regarding the incident that took place at Station Number 8. Det. Demery drafted the arrest warrants.

8.

During the investigation of the Station Number 8 incident, Det. Demery and these other law enforcement agencies learned information regarding potential wrongdoing by the Shreveport Fire Department Administration. Therefore, the investigation into this matter continued after the arrests of the firefighters.

9.

Det. Demery kept his commander, Capt. Bill Offer, regularly informed regarding the status of the investigation as required by SPD rules and regulations. Capt. Offer was made aware that the investigation had expanded into Fire Administration officials in August, 2013.

10.

The standard operating procedure of SPD would have required Capt. Offer to keep

his superiors advised, including Deputy Chief Duane Huddleston and Shaw.

11.

Shaw, Huddleston, and Capt. Offer never told Det. Demery, the FBI or the La. State Police investigators any information about the Fire Station 8 incident despite the regular updates by Det. Demery and despite Shaw and Huddleston being interviewed.

12.

Shortly after the arrests of the firefighters, Capt. Offer began telling Det. Demery that he needed to rap up the investigation into the Fire Department and concentrate on homicides. However, Det. Demery continued his investigation into the Fire Administration in conjunction with the FBI and the La. State Police as it was not complete.

13.

When Det. Demery continued to investigate the Fire Administration officials in conjunction with the FBI and La. State Police as was required by standard investigation practices, Capt. Offer told Det. Demery that he was placing him on special evaluation due to his allegedly not completing reports in a timely fashion and his working homicides assigned to other detectives. In August, 2013, Det. Demery filed a grievance with the City's Human Resources Department ("HR") regarding this special evaluation as he was able to show that he was timely filing his reports and established that his actions on all investigations was proper. Capt. Offer told the City's HR personnel that he had recommended placing Det. Demery on this Special Evaluation period because his supervisors had advised that he was incompetent and insubordinate and because he had filed reports later than all other members of the unit. However, Det. Demery's supervisor never told Capt. Offer that he was incompetent or insubordinate and at least one detective had filed reports later than Det. Demery. Furthermore, the reports complained of regarding Det. Demery were not causing any delay in investigations or prosecutions and were the direct result of the extensive amount

of investigative time necessary for the investigation into the Station 8 events. As a result of the HR investigation, Det. Demery was never actually placed on special evaluation despite Capt. Offer's threats.

14.

In 2014, Det. Demery's supervisor, Lt. Dennis Pratt, told him that he had a target on him because the other white detectives were jealous of him because he solved more crimes. Lt. Pratt told him that those detectives could also but they don't care about "black on black crimes."

15.

As Det. Demery found it offensive and improper leadership for his supervisor to condone any such type of racial discrimination in investigating the murders of citizens, he filed a complaint with the EEOC and SPD's Internal Affairs Bureau ("IAB") regarding his conversation with Lt. Pratt. Initially, IAB advised that the complaint was unfounded because Lt. Pratt denied saying these things such that the investigator could not make a determination either way. Lt. Pratt told IAB and Capt. Offer that he had told Det. Demery that the target was on his back because he had got involved with other people's cases without notifying supervisors and the target would come off if Det. Demery simply completed his own assignments.

16.

In June, 2014, Det. Demery requested to speak to Dep. Chief Huddleston by submitting a proper request through his chain of command. In response, Dep. Chief Huddleston sent Det. Demery advising that he did not have time to discuss his evaluation with him as he had over 700 officers. This email was copied throughout the chain of command below Huddleston and above, including the Chief and the Mayor's office in an obvious attempt to discredit Det. Demery's reputation as an officer. Det. Demery responded

to this email with a copy to all who had been copied in the chain of command advising that he had been told that he has a target on his back and wanted to know what was the reason for the sudden animosity towards him.

17.

Det. Demery then provided IAB with a copy of a recording of the conversation which clearly established that Lt. Pratt said exactly what Det. Demery complained about and not what the lieutenant had told IAB or Capt. Offer. The IAB investigator advised he would get back with Det. Demery. However, Det. Demery has not been advised of any conclusion of the investigation -- despite the 60 day limit to complete investigations set forth in Louisiana statutory law.

18.

Det. Demery's IAB complaint against Lt. Pratt was not turned over to the City's HR for their review or investigation even though Shaw has told the Shreveport Municipal Fire and Police Civil Service Board on multiple occasions that he has to turn over any complaints that allege harassment or discrimination in order to comply with the City's executive order.

19.

Det. Demery continued to investigate the Fire Administration officials in conjunction with the FBI and La. State Police as was required by standard investigation practices and continued to advise Capt. Offer of his status -- which included information regarding potential criminal conduct by Fire Administration officials. As a result of his reporting this criminal conduct, six frivolous complaints were filed against him with IAB for unrelated matters in an effort to harass and discredit Det. Demery who had never been disciplined by the department previously. The complaints were so frivolous that even IAB could only sustain one regarding an email he had sent to stating the City was responsible for the towing fees of a vehicle instead of the vehicle owner because the officer who had it towed did so

only to locate the person for arrest. Despite being unable to explain to him how he had violated the towing or any other SPD policy or procedure, SPD improperly sustained the complaint and gave him a one day fine.

20.

In June, 2014, the Fire Chief and an Assistant Fire Chief were indicted and then arrested due to their actions in response to the report of and investigation into the incident at Fire Station 8. Capt. Offer continued to push Det. Demery to close out his investigation but he was not able to do so until all matters had been resolved to the satisfaction of the FBI, the La. State Police, and the Caddo Parish District Attorney's Office.

21.

As a result of additional information that had been provided to all of the investigating agencies, Capt. Offer was served with a subpoena to testify before the Grand Jury. On the date he was served with the subpoena, Capt. Offer advised that he was recommending that Det. Demery be transferred from the detectives office – without any legitimate reason being provided.

22.

Capt. Offer went on vacation after he testified before the Grand Jury. When he returned, Capt. Offer unexpectedly turned in retirement papers and is no longer with SPD.

23.

On or about August 13, 2014, a credible witness voluntarily reported to the Caddo Parish District Attorneys office and advised the lead prosecutor, the FBI, the La. State Police, and Det. Demery that several weeks prior to the arrests of any of the five firefighters who worked at Fire Station Number 8, Shaw, Dep. Chief Huddleston, Asst. Chief Chipper Hayes, Capt. Offer, and Lt. Timothy Beckus had been personally advised about certain information regarding the prostitution incident and that the Fire Chief and other Fire Administration

officials' knew about the incident at Fire Station 8. Despite having specifically requested Det. Demery to investigate the incident at Fire Station 8, Shaw never told Det. Demery about the information provided to him about the prostitution incident at Station 8. Despite receiving regular reports and supervising Det. Demery during the investigation, Capt. Offer never told Det. Demery this information. None of these SPD officials ever told any of the investigators with any of the agencies investigating this matter about this information that they had learned in 2013 prior to any arrests. To the contrary, Shaw and Dep. Chief Huddleston had both claimed and testified under oath that they were only aware of a hypothetical situation posed by the Fire Chief.

24.

Det. Demery has been the primary lead detective for SPD in the investigation of the incident at Fire Station 8 and the derivative investigations into the Administration regarding same. No other detective or officer within SPD has the knowledge regarding the facts or investigation.

25.

However, on August 13, 2013, just hours after the witness provided information to all of the investigating agencies that indicate Shaw, Dep. Chief Huddleston, Asst. Chief Hayes, Capt. Offer, and Lt. Beckus may not have been honest and are now potential suspects in additional derivative crimes and not long after Capt. Offer was subpoenaed to the Grand Jury and then suddenly retired, Det. Demery was notified that he was being transferred out of the Detectives Office and sent back to evening shift patrol.

26.

When Asst. Chief Hayes told Det. Demery that he was being transferred, he provided no legitimate reason for the transfer and simply said that an IAB complaint had been filed against him for some unexplained alleged violation of the media relations policy. Asst. Chief

Hayes did not advise what he allegedly did to violate the policy and ignored the fact that he had been trained as a Public Information Officer and consistently relied upon to provide information to the media. Det. Demery was not provided a copy of the alleged IAB complaint – nor has it been sustained. Hayes simply advised he was being transferred.

27.

Det. Demery had not requested a transfer. He is the most senior detective in the Homicide Unit. He has the highest homicide clearance rate of all investigators in the Homicide Unit. He has a stellar reputation within the various police agencies, the courts, the District Attorneys' office, and even among the criminal defense attorneys as being honest, hardworking, and a fact finding investigator.

28.

The purported transfer is to take place effective Thursday, August 21, 2014 – which is contrary to SPD General Order 305.05(V)(E)(5)(a) which states that all routine transfers will be accomplished on the 1st or the 16th of the month. *See* SPD General Order 305.05 attached hereto as Exhibit One.

29.

SPD General Orders further provide that only Shaw may authorize the transfer of a police officer. *See* Exhibit One, SPD General Order 305.05(V)(E)(1). Therefore, Shaw is responsible for the sudden, unrequested transfer of the most senior detective in the Homicide Unit.

30.

Det. Demery shows that the repeated filing of frivolous Internal Affairs Complaints, the one day fine issued when he had not violated any rules, and this proposed unprecedented transfer are reprisals and retaliation for his continued investigation into crimes of City employees, his reporting of these crimes in written reports and providing information to the

other investigating agencies and the District Attorneys Office, and to interfere with his ongoing criminal investigation in conjunction with these other agencies in violation of Louisiana Revised Statute 23:967.

31.

In violation of Louisiana Revised Statute 23:967, Chief Shaw took reprisals and retaliated against him by ordering he be transferred in violation of SPD policy and for no valid reason due to his reporting the violations of law as a result of his investigation into the firefighters at Station 8, the Fire Administration, and the ongoing investigation into possible corruption in the police department regarding same.

32.

Det. Demery has suffered general compensatory damages, including but not limited to, emotional damages, stress, and embarrassment due to the retaliatory harassment inflicted upon him by the City, Shaw, Capt. Offer, Deputy Chief Huddleston, Asst. Chief Hayes, and Lt. Buckhus in violation of the Louisiana Whistleblower Statute and he is entitled to compensatory damages for same.

33.

Louisiana Code of Civil Procedure Article 3601, *et. seq.* provides this court with authority to issue a Preliminary Injunction in cases where irreparable injury may result. Det. Demetry shows that the transfer will cause immediate and irreparable injury in that it will interfere with the ongoing joint investigation with two other law enforcement agencies which investigation now must look at the actions of Shaw who has ordered this transfer and Det. Demery is the only member of SPD with sufficient knowledge to assist the other investigating agencies with this investigation such that a preliminary injunction must be granted after notice and hearing and requests that a hearing be set as required by law.

34.

Det. Demetry further shows that the transfer order is contrary to his civil service rights and the SPD General Orders such that advance notice to the defendants is not necessary prior to issuance of a Temporary Restraining Order or a preliminary injunction. *See Barlow v. Town of Waterproof*, 45,2111 (La. App. 2 Cir. 5/19/10); 39 S0. 3d 768, 773.

35.

Det. Demery is entitled to a Temporary Restraining Order without advance notice to the defendants prohibiting Shaw the City prohibiting the defendants from transferring Det. Demery from the Detectives Office to the patrol office. Det. Demery shows that his transfer would cause immediate and irreparable injury in that it will interfere with the ongoing joint investigation with two other law enforcement agencies which investigation now must look at the actions of Shaw who has ordered this transfer. Therefore, a Temporary Restraining Order is appropriate and should be ordered prohibiting the defendants from transferring him and prohibiting them from interfering with the ongoing investigation pursuant to Louisiana Code of Civil Procedure Article 3603(A)(1).

36.

Det. Demery is further entitled to reasonable attorneys fees and court costs pursuant to Louisiana Revised Statute 23:967.

WHEREFORE ROD DEMERY PRAYS that the court issue a Temporary Restraining Order prohibiting the defendants CITY OF SHREVEPORT and WILLIE SHAW, individually and in his official capacity as Chief of Police, from transferring him and prohibiting them from interfering with the ongoing investigation.

ROD DEMERY FURTHER PRAYS that after that citation issue and service be had on the defendants CITY OF SHREVEPORT and WILLIE SHAW, individually and in his official capacity as Chief of Police, in accordance with law and, after all legal delays and due

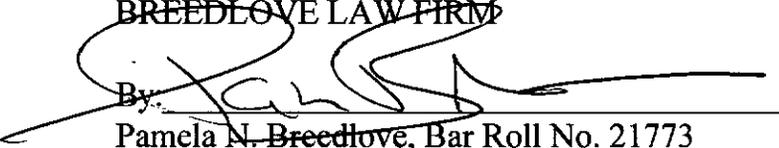
proceedings have been had,

- 1) That a hearing be scheduled within ten days as required by law;
- 2) That after the hearing this court enter a preliminary injunction prohibiting the defendants CITY OF SHREVEPORT and WILLIE SHAW, individually and in his official capacity as Chief of Police from transferring him and prohibiting them from interfering with the ongoing investigation;
- 3) That there be judgment rendered herein in his favor and against defendants CITY OF SHREVEPORT and WILLIE SHAW, individually and in his official capacity as Chief of Police, for all sums reasonable under the premises, including attorneys fees and court costs with legal interest thereon as permitted by law.

PLAINTIFF FURTHER PRAYS for any and all just and equitable relief to which he is entitled and which this court is competent to grant.

Respectfully submitted,

~~BREEDLOVE LAW FIRM~~

By: 

Pamela N. Breedlove, Bar Roll No. 21773
216 Rolling Meadow Lane
Bossier City, LA 71112
P.O. Box 8667
Bossier City, LA 71113-8667
Telephone : (318) 423-0845
Facsimile : (318) 553-5176
ATTORNEYS FOR ROD DEMERY

PLEASE SERVE:
CITY OF SHREVEPORT
Through its Mayor
Mayor Cedric Glover
505 Travis Street, Suite 200
Shreveport, LA 71101

WILLIE SHAW, individually and in his official capacity as Chief of Police
at his place of employment
Shreveport Police Department
1234 Texas
Shreveport, LA 71101

STATE OF LOUISIANA

PARISH OF BOSSIER

BEFORE ME, the undersigned notary public in and for the above referenced Parish, personally came and appeared ROD DEMERY who after being duly sworn did depose and state:

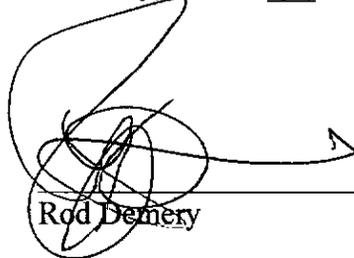
1.

He is an adult domiciliary of the State of Louisiana, Parish of Caddo and he makes this affidavit based on his own personal knowledge.

2.

He is the petitioner in this matter and the allegations therein are true and correct to the best of his knowledge and belief.

THUS SWORN TO AND SUBSCRIBED before me, Notary, on this 18th day of August, 2014.



Rod Demery



Pamela Nathan Breedlove, Bar Roll No. 21773
Notary Public, Caddo Parish, State of Louisiana
My commission expires at death.

SHREVEPORT POLICE DEPARTMENT GENERAL ORDER

DATE ISSUED: JUN 6, 1994	EFFECTIVE DATE: JAN 1, 2010	REVIEW DATE: JUN 07	PROCEDURE NUMBER: SPD 305.05
ISSUED BY: Henry L. Whitehorn, Sr.	DISTRIBUTION: All Personnel	REVISION DATE: DEC 15, 2009	PAGE 1 OF 4 PAGES
SUBJECT: JOB ASSIGNMENTS, VACANCIES, & TRANSFERS			
INDEX: PERSONNEL ASSIGNMENTS; REQUESTS FOR TRANSFER; TRANSFER EVALUATION CRITERIA; VACANCIES			
CALEA: 16.2.2			

Index

I. PURPOSE:

The purpose of this instruction is to provide policy and procedure on assignments, vacancies, and transfers.

II. POLICY:

It shall be the policy of the Shreveport Police Department to select personnel for vacant, newly created, or specialized positions for the rank of corporal or officer, as well as conduct transfers, in a fair and impartial manner.

III. SCOPE:

This order applies to all members of the Shreveport Police Department.

IV. DEFINITIONS:

- A. **Open position:** A vacant, newly created, or specialized position within a Bureau that is normally staffed by an officer or corporal regardless of unit assignment.
- B. **Transfer Evaluation Criteria:** An impartial evaluation system, established by the bureau commander for each advertised position, which uses a numerical value from one to five (1-5) to rate an applicant's suitability for transfer to an advertised position.
- C. **Vacancy Notice:** A Notice posted by the personnel officer that advertises an open position and includes required documentation for submission, the minimum requirements for transfer and the evaluation criteria.

V. PROCEDURE:

- A. Open positions which will be filled by a member holding the rank of corporal or officer will be advertised by the personnel bureau. This will:
 1. Provide a base of candidates from which to select from through out the department.
 2. Allow members the opportunity to compete for a greater choice of career opportunities and minimize feelings that selection is based on favoritism.
 3. The Chief of Police retains the right to assign personnel for positions staffed by a sergeant or above.
 4. The Chief of Police retains the right to allocate specific numbers of members to various activities and to assign members otherwise as the needs of the Department dictate.
 5. When a vacancy exists in a particular unit, the commander of the bureau affected may, upon approval of the Chief of Police, select another member from within the bureau to fill that vacancy without advertising. This is an acceptable lateral personnel move. A vacancy will still exist in the bureau and will need to be advertised.

578945

FILED

AUG 18 2014

JIM SCOTT
CADDIS DEPUTY CLERK OF COURT

EXHIBIT

ONE

PROCEDURE NUMBER SPD 305.05	EFFECTIVE DATE: JAN 1, 2010	REVISION DATE: DEC 15, 2009	PAGE 2 OF 4 PAGES
--	--	--	--------------------------

B. Announcements.

1. The personnel officer will publish a vacancy notice for open positions that includes:
 - a. The name of the bureau with a vacancy.
 - b. Where submissions are to be delivered.
 - c. The closing date of the notice.
 - d. A list of any documents to be submitted.
 - e. The minimum requirements for transfer.
 - f. The evaluation criteria.

2. The Division commander will provide the personnel officer with the official announcement regarding the anticipated filling of a vacant, newly created, or specialized position. The announcement will include:
 - a. The job description which explains the essential functions of the position.
 - b. The knowledge, abilities, skills, formal education requirements, and length of service or experience needed to compete for the position.
 - c. The cutoff date for receiving requests for transfer to the position.

3. The personnel officer will distribute copies of the announcement:
 - a. On all official bulletin boards throughout the department.
 - b. Send email copies of the vacancy notice through out the department intranet.
 - c. Send email copies of the vacancy notice to all mobile data terminals.

4. The vacancy notice will be open for a minimum of fourteen days from the date posted.

C. Requests for transfer distribution.

1. Requests for transfer in response to a vacancy notice must be submitted in accordance with the instructions contained in the advertisement.

2. Original requests for transfer will be in the form of an interoffice communication memorandum. The original shall be turned in to the personnel unit prior to the closing date on the vacancy notice.

3. The Personnel Unit, within two (2) days following the cutoff, shall provide the selecting commander with all requests for transfer and other appropriate data.

4. The individual requesting transfer will forward a copy of the request to transfer to their division commander, through the chain-of-command.

5. Requests for transfer will not be routinely received except in response to an announced or anticipated opening.

6. Due to the volume of transfers necessary in patrol to maintain minimum staffing, this procedure will not apply to vacancies in a patrol area or a particular patrol shift. Requests to change patrol areas or patrol shifts should be made in writing, to the particular Area Captain, with a copy going to the East and West USD Commander.

D. Selection - The selecting commander shall devise an impartial method of comparing each of the competing candidates to an established standard depending on the specific requirements of the position. The method of comparison and selection will be subject to review and approval of the chain-of-command of the advertised vacant position.

1. A copy of the evaluation method must be submitted to the personnel office with the vacancy announcement.

2. Oral interviews, if used, should be conducted using uniform questions, evaluation criteria, and rating procedures. Subjective evaluations must include supportive narrative documentation from each evaluator. Oral interviews will consist of a panel composed of not less than three supervisors approved through the chain of command.
3. Skills testing, physical fitness, or agility testing should be measured by trained personnel using valid, useful, and nondiscriminatory procedures.
4. Measurable evaluation criteria shall have a numerical value assigned ranging from one to five (1-5) for each criteria measured.
5. The top five score groups will be submitted to the Bureau Commander. Example:

Officer A – 94	Officer B – 92	Officer C – 92	Officer D – 89
Officer E – 89	Officer F – 89	Officer G – 84	Officer H – 82
Officer I – 80	Officer J – 79	Officer K – 75	

In this example the top five score 'groups' would be Officer A through Officer H, a total of eight officers. If there are fewer than five candidates who complete the process with a passing score, all candidates' names will be submitted to the Bureau Commander.
6. The Bureau Commander will submit the top five score groups to their Assistant Chief and discuss their recommendations.
7. The Assistant Chief will meet with the Chief of Police to discuss the top five score group candidates and determine which candidate best meets the needs of the Department

E. Transfers:

1. Only the Chief of Police may authorize a transfer of members of the Shreveport Police Department.
2. After a selected member is approved for transfer by the Chief of Police or his designee the Division Commander receiving the individual being transferred shall notify the Police Personnel Unit of the pending transfer by way of interoffice communication or email.
3. Information that shall be included for each individual being transferred is as follows:
 - a. Rank.
 - b. Name (First, Middle Initial, Last).
 - c. Badge number.
 - d. Assignment being transferred from including Division, Bureau, and Unit.
 - e. Assignment being transferred to including Division, Bureau, and Unit.
4. The Personnel Unit, at the direction of the Chief of Police shall prepare a Personnel Order for each individual being transferred. The prepared order will then forward it to the Chief of Police for approval. Once approved, the order shall be disseminated accordingly. Only the Personnel Unit shall generate orders to notify members of transfer.
5. Date transfer is to become effective:
 - a. All routine transfers will be accomplished on the 1st or 16th day of the month.
 - b. In order to minimize potential personal adverse impact regarding routine transfers, members should be given ample advance notification of a pending transfer. Ample notification shall be defined as a minimum of seven days between the issuance of the Personnel Order advising the member of the pending transfer and the effective date of the transfer.
 - c. The member being transferred may waive the seven day requirement.

PROCEDURE NUMBER SPD 305.05	EFFECTIVE DATE: JAN 1, 2010	REVISION DATE: DEC 15, 2009	PAGE 4 OF 4 PAGES
--	--	--	--------------------------

- d. This does not preclude the Chief of Police making an emergency transfer if a particular situation dictates the need.

Henry L. Whitehorn Sr.
Chief of Police

ROD DEMERY : NUMBER
 :
 VERSUS : 1ST JUDICIAL DISTRICT COURT
 :
 WILLIE SHAW, INDIVIDUALLY AND : CADDO PARISH, LOUISIANA
 IN HIS OFFICIAL CAPACITY AS CHIEF :
 OF POLICE AND THE CITY OF :
 SHREVEPORT :

ORDER

The foregoing verified petition and exhibits considered,

IT IS ORDERED that a Temporary Restraining Order is hereby issued prohibiting the defendants CITY OF SHREVEPORT and WILLIE SHAW, individually and in his official capacity as Chief of Police, from transferring him and prohibiting them from interfering with the ongoing investigation and that a hearing is scheduled in this matter for the ___ day of August, 2014 at _____ o'clock for the determination of further relief.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that defendants CITY OF SHREVEPORT and WILLIE SHAW, individually and in his official capacity as Chief of Police, show cause on the ___ day of August, 2014 at _____ o'clock why the court should not enter a preliminary injunction prohibiting the defendants CITY OF SHREVEPORT and WILLIE SHAW, individually and in his official capacity as Chief of Police, from transferring him and prohibiting them from interfering with the ongoing investigation.

THUS DONE AND SIGNED, this ___ day of August, 2014.

DISTRICT JUDGE

PLEASE SERVE:
 CITY OF SHREVEPORT
 Through its Mayor
 Mayor Cedric Glover
 505 Travis Street, Suite 200
 Shreveport, LA 71101

WILLIE SHAW, individually and in his official capacity as Chief of Police
 at his place of employment
 Shreveport Police Department
 1234 Texas
 Shreveport, LA 71101