

PETITION OF APPEAL

**TO: BATON ROUGE FIRE & POLICE
 CIVIL SERVICE BOARD
 POST OFFICE BOX 1471
 BATON ROUGE, LOUISIANA 70821**

The Petition of Blane Salamoni with respect represents:

1.

A. *Officer Blane Salamoni* is an individual of the full age of majority. He is an officer with permanent status in the Baton Rouge Police Department.

2.

By letter dated April 2nd, 2018 (but received April 5th, 2018), Salamoni's employment with the Baton Rouge Police Department was terminated effective immediately. The termination letter is attached hereto and made a part hereof as Exhibit

A.

3.

Salamoni avers that the decision to terminate his employment was not made in good faith and for cause.

4.

Salamoni avers that his suspension is procedurally defective and should be summarily dismissed. Specifically, appellant shows that the investigation did not comply with the time limitation provided for in La. R.S. 40:2531.

5.

Salamoni denies the allegations in the termination letter.

6.

Salamoni claims the following specific rights afforded to him by the laws of the State of Louisiana more specifically Louisiana Revised Statute 33:2471 esq. including but not limited to the following:

A. The right to a public hearing;

- B. The right to have at least three (3) votes to decide any issues before the Fire and Police Civil Service Board;
- C. The right to be provided with a copy of the Board's Rules;
- D. The right to be advised at least ten (10) days in advance of the date, time and place of the hearing;
- E. The right to be advised at least ten (10) days in advance of the actual procedures that will be followed at the hearing;
- F. The right to be advised in advance of the detailed reasons of the letter of termination;
- G. The right to have the City prove its position by preponderance of the evidence;
- H. The right to a fair and unbiased hearing;
- I. The right to have the hearing held within thirty (30) days of the receipt of this request for hearing;
- J. The right to a transcript of the hearing and to have that transcript declared the official record of the proceedings;
- K. The right to have oaths administered to all persons giving testimony;
- L. The right to cross examine witnesses;
- M. The right to subpoena witnesses on his own behalf;
- N. The right to subpoena documents.

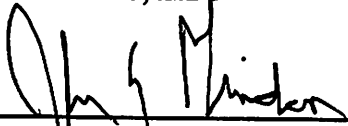
WHEREFORE Appellant Blane Salamoni, prays that this Petition of Appeal be deemed good and sufficient and after due proceedings are had that he be afforded a hearing and investigation of events and circumstances surrounding the termination and in due course that the letter of termination dated April 2nd, 2018 be rescinded and that his personnel records be expunged of any and all references to this action. Alternatively, Salamoni prays that there be a finding that the disciplinary action was excessive and that same should be reduced.

Further, Appellant prays that the Board shall order the immediate reinstatement to the officer's place, position or employment from which he was removed suspended, demoted or discharged.

Appellant further prays that the reinstatement be retroactive and entitle him to his regular pay from the time of removal, suspension, demotion, discharge or other disciplinary action.

**RESPECTFULLY SUBMITTED
BY ATTORNEYS:**

**WALTERS PAPILLION THOMAS
CULLENS, LLC**



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**POLICE DEPARTMENT
CITY OF BATON ROUGE**

INTERDEPARTMENTAL CORRESPONDENCE

DATE: 4/2/18
TO: Officer Blane Salamoni
FROM: Chief Murphy J. Paul
SUBJECT: Termination
(IA file #: IA file #: 044-16)

This letter is to advise you that your employment with the Baton Rouge Police Department is terminated effective immediately for the reasons set forth in my pre-disciplinary hearing letter dated October 26, 2016, and as found in the Internal Affairs Reports referenced above.

The reasons, as summarized are as follows:

On July 5, 2016, you were dispatched to the Triple S Food Mart at 2112 N. Foster Drive in Baton Rouge. You and Officer Howie Lake received information from dispatch that a black male wearing a red shirt was standing outside of the Triple S Food Mart with a handgun. You were further advised that the individual pulled a gun on the complainant and threatened his life. You and Officer Lake responded immediately, but you arrived a few moments after Officer Lake. When you arrived at the scene, you activated your body camera. As you walked up to the scene, you encountered a non-compliant Alton Sterling, who was failing to follow Officer Lake's commands. You believed there was a high probability that Sterling was armed. You immediately unholstered your weapon, pointed it at Sterling and stated "I'll shoot your fucking ass bitch." You then placed the weapon against Mr. Sterling's head, and shouted "Don't you fucking move. I'm going to shoot you in your fucking head. You hear me? Don't you fucking move!" Rather than calm the situation, this escalated the encounter.

Because Sterling was non-compliant and resistant, you and Officer Lake began tussling with Sterling in an attempt to gain control of him and search for his weapon. You were at Sterling's right side while Officer Lake was on his left. After a brief and unsuccessful struggle with Sterling, who continued to disobey your commands, Officer Lake decided to deploy his Taser.

When tased, Sterling fell to his knees and turned to his side. The Taser however did not have the desired effect of subduing Sterling and he attempted to get up. You shouted at Officer Lake, "Pop him again Howie!" Since the first Taser deployment was unsuccessful, Lake deployed his Taser again. The second Taser deployment was unsuccessful as well. During the Taser deployments, with your weapon already unholstered, you continued to maintain lethal coverage on Sterling.

After the Taser proved ineffective, you holstered your weapon and tackled Sterling in an effort to take him to the ground and get him on his stomach. Both you and Sterling fell to the ground. Mr. Sterling fell on his back and you fell on top of him. You felt Sterling's left arm around the back of your head, and you could not see exactly what was happening. Officer Lake pulled Sterling's left arm around your head. During the ensuing physical struggle, Officer Lake had pinned Sterling's left arm to the ground. You however could not gain control over Sterling's right arm and the struggle with Sterling continued. The left side of your body and the right side of Sterling were underneath a vehicle, making the situation more difficult to control.

As you looked down, you said you witnessed Sterling actively going for his pocket where you observed a gun. You stated aloud, "He's going in his pocket. He's got a gun. Gun!" At this point Officer Lake drew his weapon, pointed it at Sterling, and stated, "Hey bruh! You fucking move, I swear to God." You then believed you were in danger of being killed. You yelled, "He is going for the gun." You fired three shots at Sterling. When he was hit, Sterling rolled on the ground, but his body had your leg pinned underneath it.

You next observed Sterling try to get up from the ground. You saw him again reach for his right pocket and then you fired your weapon at Sterling again. Officer Lake called communications and reported the shooting. After Sterling was no longer a threat, Officer Lake removed the gun from Sterling's pocket and secured it in his police unit. You provided cover while Officer Lake searched Sterling to make sure there were no other weapons on his person. You repeatedly directed profanity at Sterling after the shooting, saying "Fuck it, just let him be," and "Stupid mother fucker," and "stupid ass mother fucker."

You attended a pre-disciplinary hearing on March 29, 2018. I had many questions regarding possible inconsistent statements that I hoped you could have brought some clarification, but at the advice of your counsel, you refused to answer questions. As a result, I relied on and was left to consider the information in the Internal Affairs file as well as the in car camera, body camera, and store camera video that was incorporated in and made a part of the internal affairs file. I also considered the witnesses and experts that testified at the hearing and the information on use of force training provided by the department before coming to my decision.

VIOLATIONS OF DEPARTMENT POLICY

Your actions described above are contrary to this Department's Policies and Procedures Manual Disciplinary Code, Section XII, "Disciplinary Articles," subsections 0:0, 2.2 and 3:20, which provide as follows:

0:0 Violators Subject to Disciplinary Action

All members of the Baton Rouge Police Department, regardless of rank or assignment, are subject to disciplinary action for any violation of the rules, procedures, or departmental policy contained herein or in other procedural Manuals issued by the Department. It is not necessary the violation be intentional, but may be by omission or failure.

2:2 Command of Temper

All members shall exercise emotional control while in the performance of their duties. No member, while on duty or while acting in an official capacity off-duty, shall use rude or derogatory language, racist terminology, or attempt to deride, offend, or insult anyone.

3:20 Use of Force

Every member of the Department shall use only the force necessary to effect an arrest or maintain custody of a suspect. All members shall abide by the provisions of the Departmental policy with respect to the use of **Non-Lethal Force** and the **Use of Deadly Force**.

STATE CIVIL SERVICE LAW

Your conduct also constitutes reason for which disciplinary action may be taken under the provisions of La. R.S. 33:2500(A) (1), (2) and (3) which provide as follows:

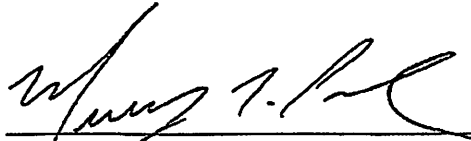
33:2500 Corrective and disciplinary action for maintaining standards of service.


A. The tenure of persons who have been regularly and permanently inducted into positions of the classified service shall be during good behavior. However, the appointing authority may remove an employee from service, or take such disciplinary action as the circumstances warrant in the manner provided below for any one of the following reasons:

- 1) Unwillingness or failure to perform the duties of his position in a satisfactory manner;
- 2) The deliberate omission of any act that was his duty to perform;
and
- 3) The commission of omission of any act to the prejudice of the departmental service contrary to the public's interest or policy.

My review of Internal Affairs File #044-16 reveals that your conduct falls below the standard of behavior expected of a Baton Rouge Police Officer. Your Use of Force and Command of Temper were not consistent with the policy, procedures or training of the Baton Rouge Police Department. For the reasons stated above, your employment with this Department is hereby terminated effective March 30, 2018. If you wish to appeal this termination, you may do so by notifying the Municipal Fire and Police Civil Service Board, in writing, within fifteen (15) days of the date of your receipt of this letter.

To establish your receipt of this letter, you are directed to sign and date it in the space below.


_____ 4/5/18
Murphy J. Paul, Date
Chief of Police


_____ 4/19/18
Ofc. Blane Salamoni Date

cc: Captain Timothy Browning
Legal Division
Internal Affairs
Kim L. Brooks
Accounting
Chief's office