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September 22, 2022

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Bossier City Municipal Fire and Police Civil Service Board

ATTN: Ms. Karen Maxwell, Board Secretary

P.O. Box 5337

Bossier City, LA 71111

RE: Chief Chris Estess - Request for Hearing

Dear Board:

This letter is to advise that I represent Chief Chris Estess regarding the improper removal of him from his position as Chief. Apparently, the Bossier City Municipal Fire and Police Civil Service Board ("Board") held a special called meeting on Friday, September 16, 2022 to discuss Chief Estess at the request of Mayor Chandler without providing any notice to Chief Estess. Not only did the Board not provide notice to Chief Estess that it intended to entertain adverse action against Chief Estess, the City told Chief Estess that a hearing would be held by the Board on Tuesday, September 20, 2022.

Attached as Exhibit One to this Motion are the text messages between Mayor Chandler and Chief Estess beginning on Thursday, September 15, 2022. On Thursday, Chief Estess was summoned to the Mayor's office and when he arrived the Mayor and City Attorney Charles Jacob were present. Mr. Jacob then read a letter to Chief Estess advising him that the Mayor intended to seek the Board's approval to remove him from the position of Police Chief during a special called Board meeting that would be held on Tuesday. Contrary to standard practice in Civil Service matters, Mr. Jacob did not give the Chief a copy of the letter he read to him. The Mayor then sent Chief Estess a text message instructing him not to make any public comments about his status and that the order was effective until the Board Meeting.

After leaving the Mayor's office, Chief Estess contacted the undersigned and was advised that I had a court hearing in Bossier Parish on Tuesday. I advised Chief Estess to request the Mayor to reset the hearing to the Board's regular scheduled meeting. As you can see from Exhibit One, Chief Estess responded to the Mayor's text message that instructed him not to make public comments until after the Board's meeting and told the Mayor that his attorney had a conflict with Tuesday. Chief Estess requested that the meeting be reset to the Board's regular September meeting. As that meeting was scheduled for Wednesday, there would have been no hardship to the Mayor or the City by granting his request for a one day delay and it would have been more convenient for the Board as you would not have had to hold a special meeting.

As you can see by the messages in Exhibit Two, the Mayor never responded to Chief

Estess' request to reschedule the Tuesday hearing. Instead, the Mayor texted him and told him to return to City Hall. At that time, the Mayor advised him that they would be taking his weapon and forced him to wait around for an extended period of time for that to happen. However, at no time did the Mayor ever advise Chief Estess that the hearing that was scheduled for Tuesday had been rescheduled for Friday.

The new hearing date scheduled without notice to Chief Estess appears to have been deliberate in order to prevent Chief Estess from having the opportunity to present evidence to the Board in violation of his Due Process and Civil Service Law rights. Mayor Chandler and City Attorney Jacobs were both aware that Chief Estess had planned to be in Baton Rouge on Friday as the Mayor previously approved him to be off. Plus, they waited until after he was scheduled to be out of town to even halfway respond to Chief Estess' request.

It was not until after 12 o'clock on Friday that the Mayor texted Chief Estess stating that "Charles" was asking the name of his attorney. As Chief Estess had already began his trip to Baton Rouge and he had been told that the hearing was going to be on Tuesday, he did not immediately respond. Approximately 3 1/2 hours later, the Mayor texted Chief Estess addressing him as Chief Estess, but instructing him again to not make any public statements regarding his status until the order is rescinded by the Mayor.

Despite knowing that the only notice they ever provided Chief Estess stated that the Board's meeting to discuss this issue would be on Tuesday, the City went forward with its request to this Board on Friday. It is my understanding the City Attorney erroneously told this Board that Chief Estess had notice of the meeting and he did not know where he was at.

As you know, Louisiana Civil Service Law regarding Working Test periods provides as follows:

(a) Any probational employee in a position of a **competitive class of the classified police service**, except an entry level police officer, and an entry level radio, police alarm, or signal system operator, who has served less than six months of his working test for any given position **may be removed therefrom only with the prior approval of the board**. Any probational employee in a position of a promotional class of the classified police service, who has served less than three months of his working test for any given position may be removed therefrom only with the prior approval of the board. **Any such probational employee may be removed only upon one of the following grounds:**

(i) **He is unable or unwilling to perform satisfactorily the duties of the position to which he has been appointed.**

(ii) **His habits and dependability do not merit his continuance therein.**

(b) **Any such probational employee in the classified police service may appear before the board and present his case before he is removed.**

La. R.S. 33:2495(B)(3) (emphasis added). As Chief Estess was not provided notice by this Board of the hearing date to discuss his possible removal and the City misrepresented to him

the date of the hearing, he was denied his right to present his case before he was removed. Therefore, his removal was a clear violation of Civil Service Law. It also violated the Due Process clause of the Louisiana and U.S. Constitutions as it removed him from his position as Chief without the opportunity to be heard.

The exclusion appears to have been intentional on the part of the City because if Chief Estess had been permitted to present his case to this Board, the Mayor could not have met his burden to obtain the Board's approval for removal of Chief Estess from office. Although Chief Estess was not present for the meeting, it is our understanding from news reports that Mr. Jacobs erroneously told the Board that Chief Estess had failed to keep the Mayor informed of status and morale of the department, failed to include the Mayor in major decisions, failed to follow the Mayor's directions, failed to communicate with police personnel, lacked supervision, failed to follow civil service rules, missed 20 days of work, and he was somehow responsible for not stopping the alleged criminal activities of a police officer. These allegations simply are not true.

While he was the Substitute Chief and since his appointment as Chief in April, Chief Estess spoke with Mayor Chandler on almost a daily basis in person and on the phone. Attached as Exhibit Three is Chief Estess' calendar from April 2022 through August 2022 which show Chief Estess had at least 20 scheduled meetings with Mayor Chandler which does not include the many other impromptu meetings. Furthermore, since his appointment in April, Chief Estess has sent the Mayor more than 55 emails apprising him of the activities of the Police Department. The City attorney was copied on many of these emails to the Mayor. Additionally, Chief Estess sent numerous emails to the City Attorney and to Assistant City Attorney Richard Ray regarding Police Department business.

Attached as Exhibit Two is a small portion of the emails that were sent to the Mayor since Chief Estess his appointment to Chief in April. These emails show Chief Estess advised the Mayor in writing about all issues, including but not limited to, staffing issues, arrests and crime stats, budget issues, police officer training – internal and with other agencies, staff meetings, and his communications within the Police Department. In July, Chief Estess held his first "Chat with the Chief" which allowed officers to submit questions which he would answer. The Mayor was told in writing about this new process and was sent copies of the Bossier Police Department Newsletters which referenced this process and the outcome of same. Chief Estess also advised the Mayor in writing in detail regarding the results of his staff meetings with the Deputy Chiefs.

Mayor Chandler required Chief Estess to clear all decisions with his office or the City Attorney's office. This included disciplinary decisions, hiring employees, transfers, etc. The Mayor's micromanaging often delayed important decisions and caused problems within the Police Department. Yet, Chief Estess always complied with the Mayor's instructions.

As shown in the calendars in Exhibit Three, Chief Estess only took 11 vacation days between April and August, 2022. Pursuant to BCPD policy and procedure, Chief Estess has 240 hours (30 days) vacation/annual leave every year. *See* Exhibit Four - BCPD Leave Procedure 1002 at § 3.9(d) regarding vacation leave. This policy is in compliance with this Board's Rule XII, Section 1, ¶J regarding annual leave. This Board's rule specifically grants the Appointing Authority (the Mayor) the right to regulate annual leave. *Id.* The BCPD policy further requires police officers to take half of their leave by July 1st. *See* Exhibit Four

at p. 5 (subparagraph (b)) Thus, the fact that Chief Estess may have taken some of his vacation leave authorized by this Board's rules, the BCPD rules, and approved by the Mayor is certainly not evidence of a lack of dependability.

Shortly after Sgt. Sanford was arrested, the City Attorney told Chief Estess that he would take the fall for Sgt. Sanford's actions that embarrassed the City. However, Chief Estess was not responsible for the actions of one officer that took place away from the Police Department outside the eyesight of the Chief. Not one person had ever told Chief Estess that they suspected Sgt. Sanford of any wrongdoing.

In response to the arrest, Chief Estess prepared a public statement advising of the BCPD's cooperation with the FBI and reminding the public that it the BCPD are the guardians of the community and the actions of a single officer do not reflect what the department stands for. *See Proposed Statement* attached as Exhibit Five. As required by the Mayor, Chief Estess sent this proposed statement to the City Attorney's Office for review. As a result, a much more watered down generic statement was released on his behalf by the City Attorney's Office. Attached as Exhibit Six is the statement that Chief Estess prepared to present to the City Council if they inquired about the ongoing investigation. On the day Sgt. Sanford was arrested, Chief Estess and the Mayor met with officers at roll call and Chief Estess told the officers similar information. Chief Estess took these actions because he felt it was important to remind everyone of the Police Department's duties and obligations and get ahead of this issue. Despite his responsible actions to diffuse this situation and help the Police Department and City to move forward, the Chief is being used as a scapegoat for City Administration to blame when the sole fault lies with the officer who was arrested.

Therefore, on behalf of Chief Estess, we hereby request that the Board recall its approval of his removal as that action was taken in violation of Civil Service Law and the Due Process Clause. We understand that this requires action by the entire Board and therefore request that a hearing be scheduled as soon as possible to accomplish this. Your secretary can call my office to coordinate dates.

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

Sincerely yours,

Pamela N. Breedlove

Pamela N. Breedlove

enclosures

cc: Chief Estess (w/enc)