



Office of Human Resource Management

Investigation Review-FINAL

Investigation Interviewers:

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Complainant: Multiple Complainants, internal & external to the PD

Investigation Conclusion Date: June 25, 2020

Date(s) of Allegation: Multiple accounts as outlined below

Allegation and Applicable Law and LSUHSC-NO Policy:**CM-49**

LSU Health Sciences Center in New Orleans (LSUHSC-NO) is committed to providing a professional work environment that maintains equality, dignity, and respect for all members of its community. In keeping with this commitment, LSUHSC-NO prohibits discriminatory practices, including sexual harassment. Any sexual harassment, whether verbal, physical or environmental, is unacceptable and will not be tolerated.

Sexual harassment is illegal under federal, state and local laws. It is defined as any unwelcome sexual advance, request for sexual favors, or other verbal or physical conduct of a sexual nature when:

1. Submission to the conduct is made either explicitly or implicitly a term or condition of an individual's employment;
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual; or
3. The conduct has the purpose or effect of unreasonably interfering with the individual's performance, or of creating an intimidating, hostile or offensive working environment.

Types of behavior that constitute sexual harassment may include, but are not limited to

- Unwelcome sexual flirtations, advances or propositions;
- Derogatory, vulgar, or graphic written or oral statements regarding one's sexuality, gender or sexual experience;
- Unnecessary touching, patting, pinching or attention to an individual's body;
- Physical assault;
- Unwanted sexual compliments, innuendo, suggestions or jokes;
- The display of sexually suggestive pictures or objects.

Chancellor's Memorandum CM-12 – Nepotism Policy

To: Vice Chancellors, Deans, Administrative Staff, Department Heads, and Students.

From: LSU Health Sciences Center New Orleans Chancellor

July 12, 1979

It shall be contrary to general University policy for persons related to each other in the first degree by blood or marriage to be placed in a supervisor-employee relationship. This restriction will apply to all forms of employment: regular full-time employment, regular part-time employment, temporary full-time employment, temporary part-time employment, etc., and will apply to all employees including student workers. This restriction shall also apply when the supervisor employee relationship develops after employment. Exceptions to this restriction can be made only in unique circumstances and with justification. Approval must be requested by petition from the department or area concerned through channels to the Office of the President. In cases in which the University System has approved a supervisor employee relationship for employees related by blood or marriage, the supervisor will pass the responsibility to his or her immediate supervisor for making decisions involving direct benefit to the employee to whom he or she is related.

Policy 2100.5

SCOPE: All Louisiana State University (LSU) System health care facilities and providers including, but not limited to hospitals, physician practices, clinics, schools, etc. on the LSU Health Sciences Center New Orleans Academic Campus.

Nota Bene: All LSU System health care facilities and providers including, but not limited to hospitals, physician clinics, schools, etc. on the LSU Health Sciences Center New Orleans Academic Campus, are referred to in this policy as LSUHSC-NO.

PURPOSE: To provide guidance to LSUHSC-NO health care facilities regarding the reporting of unlawful or unethical conduct and ensuring non-retaliation against workforce members.

POLICY: The LSUHSC-NO facility holds its workforce members responsible for reporting any activities to authorities appropriate when, in good faith, they believe that the LSUHSC-NO facility has engaged in conduct that violates criminal or civil law, professional or clinical standards, or internal policies and procedures, including Permanent Memoranda and Chancellors' Memoranda.

The LSUHSC-NO facility will take all necessary steps to refrain from intimidating, threatening, coercing, discriminating against, or taking any other retaliatory action against any employee, individual, or other for the exercise of any right under or for participation in any process established applicable laws or regulations.

PROCEDURE:

1.0 It is the responsibility of all LSUHSC-NO facility employees to report perceived misconduct, including actual or potential violations of state and federal laws and regulations, internal policies and procedures, Permanent Memoranda of the LSU System, and Chancellors' Memoranda.

2.0 The LSUHSC-NO facility will maintain an "open-door policy" at all levels of management to encourage employees to report problems and concerns.

3.0 The LSUHSC-NO facility will follow all necessary procedures to protect against any retaliation toward any employee, faculty, staff, or other individual, including a patient of its

facilities, for exercising their rights or participating in any process pursuant to internal policies, applicable law, or regulation.

4.0 Any employee who commits or condones any form of retaliation will be subject to the LSUHSCNO facility Human Resources' policies on discipline up to, and including, termination.

5.0 The LSUHSC-NO facility will not retaliate against workforce members, individuals, or others for:

- Exercising any right under, or participating in any process established by federal, state, or local, law, regulations, or policy;
- Filing a complaint with LSUHSC-NO facility or the agencies of the Department of Health and Human Services or any other regulatory agency or legal authority;
- Testifying, assisting, or participating in an investigation, compliance review, proceeding, or hearing; or
- Opposing in good faith any act or practice made unlawful by federal, state, or local law, regulation, or policy, provided that the manner of the opposition is reasonable and does not itself violate law.

6.0 The LSUHSC-NO facility Compliance Officer will investigate all allegations of non-compliance with LSUHSC-NO practices.

The LSUHSC-NO Code of Conduct states in pertinent part:

- “I will perform all my duties to the best of my ability to ensure the highest degree of excellence in everything I do. I shall look continuously for ways to improve the performance of my duties, and to ensure my work is always responsive to the conditions around me and needs of the people who depend on me.” The LSUHSC – NO Code of Conduct is attached as Exhibit 3.

Investigators' Conclusion:

After completion of a department wide investigation, it is the determination of the investigative committee that there is sufficient evidence to indicate a number of ethical concerns & policy violations concerning department structure, procedure, & leadership.

Chief William Joseph

- 1) Allegations of administrative competence concerns were expressed by numerous witnesses. (has trouble handling email, avoids officers working “detail” shifts because details require contractual navigation and he couldn't understand them, has Lt Taylor perform anything technical on the computer, one officer reported that Chief didn't understand how the budget worked, and commented that he had x amount one day, and now had x amount and wasn't sure where the \$40,000 went or why.)
- 2) Failure to provide leadership & guidance: Officers are not properly trained once out of required academy, do not maintain certifications. No departmental meetings. Hiring neglected: No timeliness in placing the ads, interviewing the candidates, and proper procedure is not used in interviews. HR offered to assist with interviews previously due to the poor quality of applicants, but was never utilized.

- 3) Favoritism: Sgt Allen is the only officer given any opportunities for training. Leave slips are held, sometimes until just a day or two prior to the requested date of leave –used as leverage, or denied to those who are not in good favor with leadership. One report was of a funeral that had been requested several days before where the officer received a call a day prior, denying him the leave. Several officers complained that leave was approved only for preferred officers.
- 4) Retaliation: Common knowledge that reporting issues did not result in favorable outcomes. Reports of misconduct or concerns regarding Sgt. Allen or Lt. Taylor were simply unreported due to lack of resolution and concern for retaliation. Reports to previous HR administration no longer with the University would often be known before an officer had returned to the PD.
- 5) When asked how effective leadership was on a scale of 1-10 with 1 being the lowest, the majority of responses were 3 or less. When asked what Chief does, the number one response was, “Sit & watch those cameras.”
- 6) Inappropriate comments/Harassment: More than one response indicated that Chief had made comments about someone’s “fat ass” watching people on camera, as well as asked questions, made comments in front of others regarding whether you could see through a woman’s shirt.
- 7) Failure to issue equipment. New radios sat for months prior to being issued to anyone other than leadership.
- 8) Failure to obtain & provide necessary safety technology/equipment. LSUHSC PD is the only PD I could find who did not have the multi-frequency radio capability to listen to the scanners for neighboring agencies. NOPD could have and often did have emergencies which occurred near or on campus which could have endangered students/employees. Numerous requests were made by various officers, but not responded to. One officer with prior agency experience noted that the radios now in use have the capability of adding frequencies. Regardless, this is something the officers should have for situational awareness.

Regarding Lieutenant Natasha Taylor & Sargent Devon Allen

- 1) It is common knowledge that Lieutenant Natasha Taylor & Sgt Devon Allen are involved in a romantic relationship. They have a child together and are now engaged. Those within the department, and outside the department are aware. Chief Joseph was made aware when they posted a baby announcement in 2018 which an officer printed out & turned in. No action was taken.
Once married, they fall within the university’s nepotism policy.
(**Note:** It should be noted that HR strongly recommends that the nepotism policy, constructed in 1979 should be reviewed & reconstructed to include non-marital relationships.)

- This relationship appears to be the primary reason for Allen's promotion to Sgt when numerous other more qualified applicants were being considered.
 - There are assertions from multiple witnesses that just prior to the interviews for this promotion, Taylor manipulated minor disciplinary action for other candidates so that they would have offenses in their "jacket" that would disqualify them, or reduce their candidacy. Write ups for being only a minute or two late, for leaving the station in disarray over a gum wrapper were said to have been initiated.
 - The relationship now means that anyone with complaints regarding Sgt Allen has no recourse, as the mother of his child is the next step in the chain of command. (Offenses by Allen which were mentioned in interviews included: documented sexual harassment in the form of text messages where he has invited prior employees on dates, favoritism in the application of discipline, retaliation for correction of Allen's procedure or technique from seasoned officers, as Allen has no previous law enforcement experience)
- 2) Lieutenant Taylor started with the PD as an administrative assistant. There is commonly held belief that Chief Joseph's lack of aptitude for literacy as well as technology were the impetus for her advancement into her position over time. It is common knowledge that she does read & respond to the Chief's email, and is asked to review any contractual agreements.
- 3) Despite her position as second level management, Lieutenant Taylor was said to have complete authoritarian control over all aspects of the PD. 88% of those interviewed agreed with this statement. Those who did not included Taylor, Allen & Chief Joseph. In an employment interview, Chief Joseph even stated "Lt. Taylor thinks she runs the department, and so I just let her".
- Due to this autonomous status:
- Taylor & Allen are noted by numerous witnesses to frequently trade shifts without notification or indication on the roster, so that no one knows who to expect for leadership for the shift.
 - Taylor & Allen are said to frequently come in late or leave early for shifts.
 - Taylor & Allen are both exempt from the mandatory overtime requirements
 - It is commonly held by all witnesses except for leadership, that whether Joseph says he has an open door or not, he will back up whatever Taylor presents, leaving no chain of authority to appeal or submit a grievance.
 - Fear of improper & discriminatory discipline and/or retaliation from Lt. Taylor is noted by the majority of the PD officers who will not go to leadership with concerns.
- 4) No one in the top 3 leadership has prior law enforcement experience, which is in itself concerning, but also causes lack of respect & confidence from anyone with credible experience. As a result, when conflict arises, and experienced officers disagree with leadership, they are moved to the Charlie Shift, which is universally recognized as the punitive assignment. It should be noted that the committee did interview numerous prior employees with extensive law enforcement background who seemed they would be

valuable assets, but who could not tolerate the “toxic environment.” There is universal agreement that prior experience is frowned upon.

- 5) There is favoritism exhibited in almost all decision making—from the application of mandatory overtime, the designation of shift assignments, shift change requests, leave requests. Officers, even those who have not been adversely effected, do universally recognize these discriminatory practices. Two officers reported that their commissions were held by leadership for months after being received.
- 6) While University leadership HR with low compensation as the reason for turnover & lack of manpower, the responses in this investigation point to the environment created by the relationship between Taylor & Allen, and the lack of leadership above them, for the reason why employees cannot be retained.

This is a department that has systematic deterioration due to lack of appropriate leadership for an extended period of time. There are multiple instances of failures & issues that, in and of themselves, would be concerning & would rise to the level of an offense deemed to be terminable. The following is a list of issues which were mentioned frequently in interviews held. (All current officers & several prior officers were interviewed in this investigation.):

- Lack of confidentiality
- Bullying mentality
- Nepotism
- Favoritism—One officer claimed to be disliked and said he is forced to work weekends more than others. It was verified by time cards that he has been forced to work 4 consecutive weekends on 3 separate occasions since January 21 of 2020.
- Inappropriate relationships/personal involvement in management—Specifically Allen & Taylor, but also text messages establishing that Sgt. Allen has asked female officers of inferior rank out on dates, ignoring the obvious power differential that is relegated.
- Retaliation when complaints are made, or decisions are questioned
- Holding officer’s commission once received (two officers had their commissions held for months instead of presented to them).
- Department managed by Lieutenant Taylor and Sgt. Allen and not Chief Joseph
- Forced overtime (resulting in a serious safety concerns with officers often working for 16 hours without advanced notice)
- Staff shortage—no diligent attempts to fill ranks; resistance to filling leadership roles
- Inability to do work details typically allowed at similar institutions to provide additional income opportunities.
- Inappropriate and/or illegal recruiting and selection practices
- Poor leadership
- Lack of actual policing. (Officers sit in designated post without proper response. Was a report of a pedestrian reported to an officer who responded that they were not allowed to get involved, and did not even call 911 or check on the pedestrian)
- Lack of appropriate chain of command

- Need for organizational development & diversification –to give more levels of management
- No reprieve for officers—linked to lack of manpower & mandatory overtime.
- No career development opportunity
- Vacant management positions (captain, sergeant, lieutenant, & PO-3s) not filled
- Inconsistent management practices (what is enforced one day is not enforced the following day leaving ambiguity of expectations)
- Very poor morale & culture
- Micromanagement of some
- Lack of training, creating an unsafe environment
- Communication between all management level
- Lack of department wide meetings or any meetings short of staff role call
- Inappropriate equipment –radios specifically, vests—and new officers sent to academy are not sent with appropriate gear like other agencies
- Lack of connection with other law enforcement (State & NOPD)
- Officers in rank to make their own shift schedules
- Better assignment of duties (to be more visible on campus)
- Accountability –in particular, supervisors arriving late & leaving early
- Lack of proper reporting/note taken of all incidents that happens on campus - big or small

Due to the pervasive dysfunction within this department, it is the recommendation of the Employee Relations team to present retirement in lieu of termination to Chief William Joseph. Additionally, it is felt that the best decision for the department is to offer resignation in place of pursuance of discipline leading to termination for Lt. Natasha Taylor, and Sgt. Devon Allen. A search committee should then be initiated to find qualified leadership for this department *external* to the current staff. Prospective leaders should be examined in light of qualifications, specifically prior law enforcement experience, and leadership capacity.

Alternatively, if this does not find favor with University leadership, it is the opinion of the team that demotions should be considered for Taylor & Allen, who should be kept in distinct chains of command from one another, on separate shifts with new leadership with considerable qualifications still being sought from outside sources.

Employee Relations also suggests a general literary proficiency test be considered as a component of the application process for all officers in the future, as the majority of reports which were reviewed as a part of this investigation were difficult to read and comprehend. This becomes a particular liability if any litigation arises from reported incidents.

It is the recommendation of the team that the presentation of options to retire/resign be presented in a very timely manner, as it is felt that the current status of the police department presents a safety concern to students & is a critical liability to the university.

Cori L. Higginson, HR Asst Director, Employee Relations

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