

STATE OF LOUISIANA

OFFICE OF STATE INSPECTOR GENERAL



Grand Isle Port Commission Grand Isle Harbor Police Department

Date Released:

January 19,2010

File No. CID-09-002

STATE OF LOUISIANA
OFFICE OF
STATE INSPECTOR GENERAL



Grand Isle Port Commission
Grand Isle Harbor Police Department

Stephen B. Street, Jr.
State Inspector General

 **Endorsed by:**
Governor Bobby Jindal

January 15, 2010

File No. CID-09-002

Table of Contents

Letter to the Governor	
Executive Summary.....	1
Background.....	2
Scope and Methodology.....	2
Improper Creation of a Police Department.....	3
Insufficient Screening of Reserve Officers.....	5
Insufficient Training of Reserve Officers.....	6
Inadequate Insurance Coverage.....	6
Grand Isle Harbor Police Badges.....	9
Recommendations.....	11
Appendix A – Response	
Appendix B – Additional IG Comments	



BOBBY JINDAL
GOVERNOR

STEPHEN B. STREET, JR.
STATE INSPECTOR GENERAL

State of Louisiana
Office of the Governor
Office of State Inspector General

January 15, 2010

Honorable Bobby Jindal
Governor of the State of Louisiana
P.O. Box 94004
Baton Rouge, LA 70804-9004

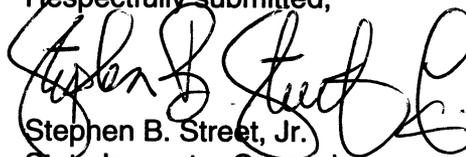
Re: Case No. CID-09-002

Dear Governor Jindal:

This report addresses concerns raised about the Grand Isle Port Commission having improperly created a Harbor Police Department without clear legislative authority; issues concerning the hiring and commissioning of reserve officers without conducting proper background checks; conducting law enforcement activities without proper training, procedures or necessary liability insurance policies in place; and the duplication of public safety services already provided by the Louisiana State Police, the Louisiana Department of Wildlife and Fisheries, the United States Coast Guard, the Grand Isle Police Department and Grand Isle Fire Department. An additional concern was the issuance of police badges that were very similar to the badge worn by the Louisiana State Police, in violation of Louisiana law. The report includes eight recommendations that, if implemented, would ensure compliance with existing Louisiana law, and protect the State of Louisiana from significant liability.

We provided a draft of the report to the president and executive director of the commission, an additional board member and the commission's legal counsel. The commission response is included as Appendix A.

Respectfully submitted,


Stephen B. Street, Jr.
State Inspector General

SBS/cse/kn

Enclosure

Executive Summary

The Louisiana Office of Inspector General (OIG) received credible information that the Grand Isle Port Commission (the Commission) may have improperly created a police department and was operating that department without the proper legislative authority. The information indicated that the Commission designated its Executive Director, Mr. Wayne Keller, as police chief. Mr. Keller issued badges to numerous individuals, many of them untrained as police, and proclaimed them reserve harbor police officers. These individuals were observed in public openly carrying firearms and displaying “harbor police” badges.

It was alleged that these individuals were conducting maritime law enforcement operations under the color of law, including boarding private recreational vessels while using a Grand Isle Fire Department (Fire Department) boat. That vessel was a surplus Louisiana Department of Wildlife and Fisheries (LDWF) enforcement boat, still bearing the green vertical stripe of LDWF enforcement vessels and LDWF hull numbers. The boat was not properly registered after its purchase as surplus property from the State of Louisiana in 2007.

In addition to carrying firearms and badges, individuals acting on behalf of the Commission have operated a police car equipped with emergency lights, siren, and external markings of the “Grand Isle Harbor Police”. LSA RS 14:112.1, False Personation of a Peace Officer, prohibits the impersonation of any peace officer or the assuming, without authority, of any uniform or badge by which a peace officer is lawfully distinguished. The Commission is also duplicating services and maritime enforcement activities that are currently being provided by the Louisiana State Police, LDWF, the United States Coast Guard, the Jefferson Parish Sheriff’s Office and the Grand Isle Police Department.

The Commission did not obtain general liability insurance to cover enforcement activities of the persons commissioned as officers and to protect the State of Louisiana, the Commission, and the taxpayers of Ward 11 from liability that may result from their actions. The investigation also indicated that none of the normally required procedures for hiring and vetting of officers were being used.

The Commission may be operating the marked police car and a marked patrol boat without proper registration and/or insurance. The general liability policy for the boat only covers Fire Department personnel who are performing Fire Department duties. While in the boat and police car, persons acting on behalf of the Commission may be conducting enforcement, rescue, and recovery operations without proper training and insurance policies in place.

Finally, the Commission issued badges to the persons it designated as officers. The badges are similar to those used by the Louisiana State Police, which are made in the shape of the State of Louisiana. Louisiana Revised Statute 40:1376 provides for the use of such badges by only a few, specifically enumerated agencies. The Commission is not one of those agencies.

Background

The Louisiana Legislature created the Grand Isle Port Commission in 1982 to regulate commerce and traffic in the port area and to operate public docking facilities and related infrastructure. The laws creating the Commission are listed in LSA RS 34:3251 through LSA RS 34:3256. The Commission is composed of five members appointed by the Governor.

The Commission has two paid employees, an Executive Director and a secretary.

Scope and Methodology

We conducted our investigation in accordance with Principles and Standards for Offices of Inspector General as promulgated by the Association of Inspectors General.

We began our investigation after receiving credible information that the Commission created a police department without the enabling legislation in place to do so. The scope of the investigation was limited to the creation and operation of the Commission's Harbor Police, but also included examination of records related to equipment used by the officers for Commission enforcement activities.

Our investigation included reviewing:

- Louisiana Peace Officers Standards and Training (POST) Council training records
- Grand Isle Port Commission Harbor Police Department Personnel Files
- Insurance records provided by Commission staff and attorney
- Training Records provided by Commission staff
- Applicable state law
- Records of legitimate law enforcement authorities with jurisdiction in Grand Isle

We also conducted interviews with Commission employees and management, and other individuals as necessary.

Improper Creation of a Police Department

On March 17, 2007, the Grand Isle Port Commission declared and adopted an ordinance that created the "Grand Isle Port Commission Harbor Police." The ordinance was voted on by three of the five members of the Grand Isle Port Commission. The document shown below indicates that the Commission took the action based "under rights and powers granted to this commission under Louisiana Revised Statute 34:3253 and elsewhere".



Ordinance # 2007.01

An ordinance authorizing the creation of the
Grand Isle Port Harbor Police Department

NOW, THEREFORE, BE IT ORDAINED, by the Grand Isle Port Commission, Jefferson Parish, Louisiana, that:

Grand Isle Port Commission, board of commissioners under the rights and powers granted to this commission under Louisiana Revised Statute 34:3253, and elsewhere does hereby create the "Grand Isle Port Commission Harbor Police".

The board of commissioners may, in its discretion, appoint, fix salaries of, and pay port and harbor police; said police to consist of such number of persons of good character and citizens of the state, not under 21 years of age. The port and harbor police shall have, under the direction and control of the board of commissioners, the power to enforce the rules and regulations of this commission and all state and local laws as provided for by law. The board of commissioners shall make rules and regulations for the conduct, management and control of the port and harbor police, and shall, from time to time, enlarge, modify or change such rules and regulations in its discretion.

This ordinance was offered by Commissioner Andy Galliano and seconded by Commissioner Josephine Ceramic.

Vote thereon as follows:

YEAS: Andy Galliano, Arthur Bellanger and Josephine Ceramic

NAYS: 0

ABSENT: Irvin Richoux, Sr. and Dudley Gaspard Jr.

This ordinance was declared adopted this 13th of March, 2007.


Arthur Bellanger, Vice President
Grand Isle Port Commission

Attested:


Andy Galliano, Secretary/Treasurer
Grand Isle Port Commission

P.O. Box 500 Grand Isle, LA 70358

(985) 787-2229

www.grandisleport.com

LSA RS 34:3253(C)¹, referenced by the Commission in the passing of its ordinance, states that the Grand Isle Port Commission "shall be empowered

to...provide light, water, police protection and other services for its facilities as it may deem advisable.”

This statute is very limited when compared to the enabling legislation passed in 1972 for the Greater Lafourche Port Commission, LSA RS 34:1652.1(A)², which provides authority to create a harbor police department and to commission police officers. That law provides for the appointment and payment of port and harbor police, sets age requirements, bond requirements, arrest powers, jurisdiction, and provides details on how to handle arrested persons. The statute also specifically grants the Greater Lafourche Port and Harbor Police all the same powers as sheriffs as peace officers in all places under the jurisdiction of the Commission.

The Commission’s internal “ordinance” appears to improperly supplant the legislation required for creating a police department. Upon passage of the Commission ordinance in March 2007, Mr. Wayne Keller was designated as “chief”. He ordered badges, which were issued to at least 13 individuals, including himself.

Multiple records requests made to the Commission yielded no oaths of office, commissions, reserve officer applications, evidence of background investigations, drug screens, criminal history checks, or other measures normally found in place during the process of properly commissioning peace officers. Eight of the individuals who were issued badges are commissioned through the Grand Isle Police Department. However, no documentation was provided to confirm that the remaining five individuals are commissioned by any legitimate law enforcement agency. LSA RS 14:112.1(A), False Personation of a Peace Officer³, a felony under Louisiana law, prohibits the impersonation of any peace officer or the assuming, without authority, of any uniform or badge by which a peace officer is lawfully distinguished.

In an effort to determine what hiring procedures, vetting of officers, training procedures and qualifications were in place, personnel files and other records were requested through a subpoena issued by the Nineteenth Judicial District Court. Commission records provided by Mr. Keller include:

- Very limited training records for only 5 of the 13 persons acting as Commission officers
- A hold harmless letter dated June 6, 2007 to “any local, state or federal agency” releasing them from liability for providing training or certification to the Commission’s officers and members
- Grand Isle Port Commission Harbor Police Standard Operating Procedures dated June 15, 2007, which consisted of 4 pages
- A letter from Mr. Keller to the Lafourche Parish Sheriff’s Office (LPSO) requesting assistance from the LPSO in authorizing, training, and certifying volunteer officers.

Other items requested by subpoena but never provided include:

- Signed oaths for the individuals acting on behalf of the Commission

- Photocopies of each person's commission
- Mr. Keller's personnel file
- Standard personnel files on any people commissioned and issued badges.

The Louisiana State Police, the Jefferson Parish Sheriff's Office and the Grand Isle Police Department provide law enforcement services to Grand Isle, Louisiana. The LDWF provides maritime law enforcement for the waters surrounding Grand Isle and the Grand Isle Fire Department, the United States Coast Guard, and the LDWF provide rescue and recovery services to boaters operating in the waters surrounding Grand Isle. The Commission's creation of a Harbor Police Department duplicates the services provided by these agencies.

Insufficient Screening of Reserve Officers

Andy Galliano, the Commission president, appointed Mr. Keller as police chief. No information was provided to indicate that any background investigation was ever conducted on Mr. Keller prior to his being named chief. No written applications were provided for the individuals to whom Mr. Keller issued badges either. Additionally, nothing was provided to indicate that background checks or drug screens were performed on those individuals or that any organized application process was followed prior to Mr. Keller's issuance of the badges.

We conducted background checks on the 13 individuals issued Commission badges, finding that at least 2 have criminal histories. After a car crash in Columbiana, Ohio in September 1992, Mr. Keller was arrested for pulling a machete from his vehicle and displaying it in a "threatening manner, causing a victim in the case to fear for his safety". Mr. Keller was charged with Menacing and a traffic violation.

Joel Bradberry, an individual allowed to act as a reserve officer for the Commission, was arrested by the Baton Rouge Police Department during an August 2004 investigation into the distribution of illegal steroids. He was charged as a principle to possession with intent to distribute steroids. Also documented in the affidavit in support of the warrant for Mr. Bradberry's arrest is a statement indicating that two other people issued Commission badges were also involved in the scheme to obtain illegal steroids but were never arrested.

Insufficient Training of Reserve Officers

Mr. Bob Wertz, Criminal Justice Planner at the Louisiana Commission on Law Enforcement and Administration of Criminal Justice (LCLE), searched LCLE and POST records and found no evidence of the formation or existence of a Grand Isle Port Commission Police Department. He checked the names of several of the Commission's officers and found that twelve of them had qualified with their firearms and submitted their scores under the name of the "Grand Isle P.D." Mr. Wertz had no record of firearms qualification scores for Mr. Keller.

Louisiana POST Council records indicate that only four of the persons issued Commission badges ever attained certification as POST peace officers. Three of those persons are full time officers with the Town of Grand Isle Police Department.

Inadequate Insurance Coverage

The Commission insures its marked police vehicle through Progressive Insurance Company. When our investigation began, the vehicle was insured with a non-commercial insurance policy. That policy has since been modified to a commercial policy. The Progressive Commercial Auto Coverage Summary for the Commission shows only five persons as rated drivers of the vehicle. Included among those five are Mr. Keller and Mr. Galliano. Mr. Keller is the only person issued a Commission badge listed as an insured driver of the police car. Progressive Insurance Company will only cover the listed, rated drivers on a commercial policy in the event of a claim. If any of the twelve persons issued badges operate the police car, other than Mr. Keller, there is no coverage in place.

Records provided by Mr. Keller and the Commission's attorney reflect that there is no liability insurance protecting the State of Louisiana, the Commission, or the taxpayers of Ward 11 from liability incurred during enforcement related activities or incidents involving death or injury to anyone representing the Commission in the conduct of any enforcement activity.

Grand Isle Police Chief, Euris Dubois, indicated that his department, through the Louisiana Municipal Association, provides liability insurance on only eight of the Commission's twelve officers. Chief Dubois stated that his office only insures those eight officers while they are actually conducting work for the Grand Isle Police Department, and that they are not covered by this insurance while doing work for the Commission.

Vehicles used for enforcement activity:



1999 Crown Victoria



The boat pictured below was purchased from the Louisiana Property Assistance Agency on January 31, 2007 by David Camardelle, the Mayor of the Town of Grand Isle. It bears markings for both the Grand Isle Port Commission Harbor Patrol and the Grand Isle Volunteer Fire Department. The Louisiana Department of Wildlife and Fisheries indicated that the boat's hull numbers, LA-45-PU, were assigned to it while it was in the use and possession of the LDWF. The boat's registration is currently expired because it was never properly transferred into the name of the Town of Grand Isle. The Vehicle Identification Number on the hull of the boat does not appear in the records of the Louisiana Department of Motor Vehicles.

According to the Grand Isle Fire Chief, Aubrey Chaisson, this vessel is insured by a general liability policy that covers only Fire Department personnel who are performing Fire Department duties.



Trailer had no plate at time of these photos (6-2-2009)



Expired Motorboat Registration

Boat still bearing numbers indicating that it is registered to LDWF.

Grand Isle Harbor Police Badges

The Commission's officers were issued gold badges made in the same shape and design as those worn by the Louisiana State Police. Louisiana Revised Statute 40:1376(F) restricts the use of such badges by law enforcement agencies to employees of the Department of Public Safety and Corrections, the Department of Justice, the Department of Wildlife and Fisheries, and state commissioned law enforcement officers within the Department of Agriculture, the Department of Environmental Quality, and the Louisiana Legislature.

The use of badges by the Commission's officers that are so similar in appearance to those used by the Louisiana State Police and other specifically allowed agencies appears to be a violation of Louisiana Revised Statute 40:1376.



Badge type issued by Commission



Badge ordered by the Commission after June 2009.

Grand Isle Port Commission

The following individuals were issued badges by Mr. Keller and acted as officers on behalf of the GIPC. Also included in this chart are POST Certification status, location of primary employment, and status with other potential commissioning agencies for each individual.

Officer	Post Certified	Grand Isle Fire Dept	Grand Isle Police	Covered by GIPD Insurance	Jefferson Parish SO	LSP Special Officers Commission	Date of Last Firearms Qual.	Current on Quals
Wayne Keller	No	No	No	No	No	No	Never Qualified	No
Darrell Lafont	No	Yes	No	No	No	No	4/6/2009	Yes
Mark Scardino	No	Yes	No	No	No	No	4/6/2009	Yes
James Rockenschuh	No	No	Full Time	Yes	No	No	3/4/2009	Yes
Tyson Gravette	Yes	No	Full Time	Yes	No	No	5/19/2009	Yes
Kelly Besson	No	Yes	Reserve	Yes	No	No	4/6/2009	Yes
Bobby Bradberry	Yes	Yes	No	No	No	No	4/6/2009	Yes
Joel Bradberry	No	Yes	Reserve	Yes	No	No	4/6/2009	Yes
Aubrey Chaisson	No	Yes	Reserve	Yes	No	No	4/6/2009	Yes
Clement Santiny	No	Yes	Reserve	Yes	No	No	4/6/2009	Yes
Jonathan Santiny	No	Yes	No	No	No	No	4/6/2009	Yes
Elgene Gary	No	No	Part Time	Yes	No	No	5/7/2008	No
Stacey Eschete	Yes	No	Full Time	Yes	No	No	1/31/2008	No

Recommendations

1. The Grand Isle Port Commission may have improperly commissioned its own peace officers. This action may place 13 individuals, including the executive director, in violation of LRS 14:112 A(1), False personation of a peace officer. Absent proper, enabling legislation to support the existence of a police department, the Commission should seek judicial review or an Attorney General's opinion to determine whether LSA RS 34:3253(C) authorizes the commissioning of peace officers, and, pending resolution of these issues, cease all harbor police activities.
2. The Commission appointed a police chief and gave him the authority to commission reserve officers. This was done without a proper application and vetting process. Persons with past criminal histories were able to obtain Grand Isle Port Commission police badges due to the failure of the Commission to properly investigate persons given those badges. If the Commission receives legislative authority to properly create a police department, it should contact the Louisiana Commission on Law Enforcement for assistance and guidance in drafting a proper, formal application process that includes detailed background investigations and drug screenings.
3. The Commission is operating without liability insurance to protect the assets of the Grand Isle Port Commission, the taxpayers of Ward 11, and the State of Louisiana from tort claims based on actions of the persons named as the Commission's enforcement officers. The Commission is also operating without liability insurance to protect the interests of the officers in the event of injury or death while acting on behalf of the Commission. This poses significant risk to the State of Louisiana, the assets of the Commission, and the taxpayers of Ward 11. The Commission should not allow any rescue, recovery, or enforcement activities by any persons acting on behalf of the Commission unless and until proper liability insurance policies are in place. Those policies should include riders to provide coverage while working in a maritime environment.
4. The Commission purchased a 1999 Ford Crown Victoria that was later equipped and marked as a Grand Isle Harbor Police vehicle, although enabling legislation for that function does not exist. The operation of this marked, law enforcement vehicle on public roadways by untrained or undertrained personnel, poses a liability risk to the State of Louisiana, the Grand Isle Port Commission, and the taxpayers of Ward 11. The Commission should remove markings and equipment from the vehicle that designate it as a law enforcement vehicle until proper enabling legislation is in place. Once that legislative authority exists, only properly certified, trained, and armed officers should operate a marked police car.
5. When our investigation began, the Commission's police car was insured only by a regular liability insurance policy. A policy modification was made after our inquiry began, which insured the police car as a commercial vehicle. Upon review of the modified policy, it was found that Mr. Keller

was the only individual with the potential to conduct enforcement activities properly listed as a rated driver under the policy. The other twelve individuals with Commission badges were not listed as rated drivers. As a result, if an accident were to occur with any other Commission "officer" operating the car, there would be no insurance coverage, posing significant risk to the State of Louisiana, the Grand Isle Port Commission and the taxpayers of Ward 11. The Commission should take necessary measures to ensure that any person with the opportunity to drive any Commission vehicles be properly listed on the insurance to ensure coverage in the event of an accident.

6. The vessel belonging to the Grand Isle Fire Department and used by the Commission for enforcement activities is illegally marked. It has hull numbers that show it is still registered to the Louisiana Department of Wildlife and Fisheries despite being purchased from state surplus in 2007. The registration sticker is also expired and there is no license plate on the trailer used to haul the vessel. This situation has the Commission, on behalf of the State of Louisiana, conducting enforcement activities from an improperly registered and marked vessel. The Commission should immediately discontinue using the illegally marked and registered boat.
7. The Grand Isle Fire Department maintains a general liability policy which provides coverage for the boat that it allows the Commission to use. The policy, however, only covers Grand Isle Firefighters during the performance of Fire Department duties. The Commission should conduct no official activities from or using this vessel unless and until proper commercial marine liability insurance is in place to protect Commission employees or representatives in the event of an accident.
8. The Commission issued badges in the shape of the State of Louisiana which are very similar in appearance to the badges issued by the Louisiana State Police. The Commission is not an agency authorized under Louisiana Revised Statute 40:1376 to use badges designed in such a manner. The Commission should recall the badges of this design and take the necessary action to ensure that they are not worn or displayed by Commission employees or representatives in violation of the law.

¹ (Grand Isle Port Commission Law) LSA RS 34:3253(C). ...The commission may regulate commerce and traffic within the port area in such manner as may, in its judgment, be for the best interest of the port area. It shall have charge of and administer public wharves, docks, sheds and landings and shall be empowered to construct or acquire and equip wharves and landings and other structures useful for the commerce of the port area and to provide mechanical facilities therefore; to erect sheds or other structures on such wharves and landings; to maintain proper depths of water at all such wharves and landings; to provide light, water, police protection and other services for its facilities as it may deem advisable;...

² (Port of Greater Lafourche Law) LSA RS 34:1652.1. Port and harbor police
A. The commission may, in its discretion, appoint, fix salaries of, and pay port and harbor police; said police to consist of any number of people of good character and citizens of the state, not under eighteen years of age.

B. Each of the port and harbor police so appointed shall furnish bond in a sum to be fixed by the commission at not less than one thousand dollars, conditioned on the faithful performance of his duties, and any person injured or damaged by any port or harbor police may sue upon said bond.

C. The port and harbor police shall have, under the direction and control of the commission, the same power to make arrests, in and upon the property within the jurisdiction of the commission and approaches thereto, and to execute and return all criminal warrants and processes, as sheriffs of this state have, and shall under the same direction and authority, have all the powers of sheriffs as peace officers in all places and on all premises under the jurisdiction and control of the commission, and the streets and approaches thereto.

D. Any persons arrested by officers of the commission and the return of all warrants or processes served by said officers shall be forthwith surrendered or delivered to the criminal sheriff of the parish of Lafourche; provided this shall in no way deprive the sheriff or deputy sheriff in the parish of Lafourche from making arrests or from serving warrants or process of court in any such place or on any such premises.

E. The commission shall make rules and regulations for the conduct, management, and control of the port and harbor police, and shall, from time to time, enlarge, modify, or change such rules and regulations in its discretion.

³ LSA RS 14:112.1 (A) False personation of a peace officer

A. False personation of a peace officer is the performance of any one or more of the following acts with the intent to injure or defraud or to obtain or secure any special privilege or advantage:

(1) Impersonating any peace officer or assuming, without authority, any uniform or badge by which a peace officer is lawfully distinguished.

(2) Performing any act purporting to be official in such assumed character.

(3) Making, altering, possession, or use of a false document or document containing false statements which purports to be a training program certificate or in-service training certificate or other documentation issued by the Council on Peace Officer Standards and Training, pursuant to R.S. 40:2405, which certifies the peace officer has successfully completed the requirements necessary to exercise his authority as a peace officer.

B. Whoever commits the crime of false personation of a peace officer shall be fined not more than one thousand dollars or imprisoned with or without hard labor for not more than two years, or both.

This page was left blank intentionally

Appendix A

WILLIAM S. WATKINS
ATTORNEY AT LAW
P.O. BOX 948
108 SMITH LANE
GRAND ISLE, LA. 70358
985-852-5671

December 28, 2009

Stephen B. Street, Jr.
State Inspector General
P.O. Box 94095
Baton Rouge, La. 70804-9095

Re: Your Case No. CID-09-002
Grand Isle Port Commission
Harbor Police Force

Dear Inspector General Street

Please find the Grand Isle Port Commission's response to your draft investigative report enclosed. If you have any questions or problems please contact me, or Wayne Keller, Executive Director.

Your investigator's professional manner of handling the matter is appreciated. They represented your office well.

Sincerely,



William S. Watkins, esq.

RECEIVED
2009 DEC 29 AM 8:39
OFFICE OF GENERAL
STATE INSPECTOR



Grand Isle Port Commission

Bobby Jindal - Governor

**Commissioners: Andy Galliano-President, Irvin Richoux, Sr.,-Vice President,
Arthur Bellanger - Secretary/Treasurer, Terry Pizani, and Bob Sevin**

Wayne Keller-Executive Director

Stephen B. Street, Jr.
State Inspector General
P.O. Box 94095
Baton Rouge, La. 70804-9095

Re: Case No. CID-09-002
Grand Isle Port Commission-Harbor Police

Dear Inspector General

As requested this is the Grand Port Commission's response to the draft investigative report of December 14, 2009.

We respectfully concur in part, and disagree in part with the report as follows.

Corrective action taken is the complete suspension of the operation of the Harbor Police as of December 14, 2009.

The Port Commission disagrees that it created and operated a police department without proper legislative authority. LSA-R.S. 34:3253(C) authorized the department created, and the legislative grant was broad and not restricted as you suggest. However, in an abundance of caution, and in respect of your suggestions the Department has been suspended, and an opinion has been requested from the Attorney General's office by letter to Mr. Caldwell's office on October 15, 2009. No response has been received to date.

Your report indicates that Harbor Police boarded private recreational vessels. We are not aware of any private boardings by the department, except in conjunction with training sessions that involved either the Louisiana Dept. of Wildlife Fisheries personnel, or the United States Coast Guard.

It should be noted that the majority of Harbor Police personnel, were either trained Grand Isle Fire Department Firemen, or trained members of the Grand Isle Police Department. Although there were some members without the extensive training of firemen, or policemen, these individuals would primarily have been active during natural disaster emergencies or peak seasonal population increases.

The report suggests that the Harbor Police department was duplicative of the services provided by the Sheriff's office, the Police Department, the LDWF, the Fire Department, and the USCG. It was specifically created because of the lack of sufficient personnel and resources of the above agencies during peak seasonal population increases, and during natural disaster emergencies. Additionally, the above agencies do not have the resources to provide traditional harbor

protection and enforcement activities. The suspension of the Harbor Police will leave a gap in needed services and will leave the local and tourist population at risk.

The Grand Isle Harbor Police car was never operated as police vehicle, although it was appropriately marked and equipped. It was donated by the Gretna Police department because they saw the need for such a vehicle particularly during emergencies. However, in conjunction with the suspension of activities, it has been appropriately modified by removal of signage, lights, etc.

The report mentions the boat utilized jointly by the Fire Department and the Harbor Police. Registration and title documentation of the vessel is not expired, and was believed to have been corrected prior to the issuance of your report. However, in conjunction with the suspension of operations of the Harbor Police the vessel has been modified to remove Harbor Patrol insignia.

Regarding the Harbor Police badges, they were replaced in response to initial questions from your office.

Finally, the report mentions certain alleged criminal histories of two Harbor Police Department personnel. These histories are purportedly only arrests and not convictions. In light of the status of the histories being only arrests, and the corrective action of the suspension of the department, it is requested that this information be removed from the report as being irrelevant.

Grand Isle Port Commission


Executive Director

Appendix B

Inspector General Comments

The Commission appears to have taken several corrective actions to address the findings and recommendations of our report, including completely suspending operation of the Harbor Police pending a legal determination of its authority – or lack thereof – the modification of the vehicle and boat to remove law enforcement insignia and lights, and the replacement of badges of the same design as those used by the Louisiana State Police.

However, the Grand Isle Port Commission's response, submitted under the signature of Wayne Keller, does not address the lack of proper insurance for the operation of a police department, nor did his response define any plans to obtain proper insurance. The Commission's creation of a police department and commissioning of armed law enforcement officers carried with it considerable liability. The Commission is an entity of the State of Louisiana and proper comprehensive liability insurance should be in place to protect the State.

The Commission claims the Harbor Police department "was specifically created because of the lack of sufficient personnel and resources" of existing public safety agencies during peak seasonal population increases and natural disasters. The Inspector General's investigation found that the Harbor Police department was staffed entirely by Grand Isle Firemen and Grand Isle Police Officers, therefore adding no additional manpower or capabilities.

The Commission's response included a request to have the criminal histories of two Harbor Police Department personnel removed as irrelevant. The criminal histories are relevant in light of Mr. Keller's refusal or inability to provide records to the Inspector General reflecting the existence of any proper hiring or vetting process for its commissioned officers. Inspector General investigators made verbal, written, and subpoenaed requests for these documents to no avail. Mr. Keller and the Commission exposed the State of Louisiana and the taxpayers of Ward 11 to considerable liability by commissioning officers and allowing them to carry firearms without conducting and documenting thorough background investigations on those individuals.

Twenty-four copies of this public document were published in this first printing at a cost of \$108.81. The total cost of all printings of this document, including reprints is \$108.81. This document was published by the Office of State Inspector General, State of Louisiana, Post Office Box 94095, 150 Third Street, Third Floor, Baton Rouge, LA 70804-9095 to report its findings under authority of LSA-R.S. 39:7-8. This material was printed in accordance with the standards for printing by state agencies established pursuant to LSA - R.S. 43:31.

A copy of this report has been made available for public inspection at the Office of State Inspector General and is posted on the Office of State Inspector General's website at <http://oig.louisiana.gov/>. Reference should be made to Case No. [CID-09-002](#). If you need any assistance relative to this report, please contact Greg Lindsey, State Audit Director at (225) 342-4262.

REPORT FRAUD, WASTE, AND ABUSE

To report alleged fraud, waste, abuse, or mismanagement relative to state programs or operations, use one of the following methods:

- Complete complaint form on web site at www.doa.Louisiana.gov/oig/inspector.htm
- Write to Office of State Inspector General, P. O. Box 94095, Baton Rouge, LA 70804-9095
- Call the Office of State Inspector General at (225) 342-4262