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February 2, 2018

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Shreveport, LA 71101

**Via Fax: 318-673- 6914 and
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Shreveport Police Department
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Shreveport, LA 71101

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Mr. Michael Corbin
Shreveport City Council, District D

RE: Shreveport Police Officers Association

Dear Ladies and Gentlemen:

This letter is to advise that I have been contacted on behalf the Shreveport Police Officer Association (“SPOA”) by its President, Michael Carter, Ph.D regarding the improper actions of the current Administration of the Shreveport Department (“SPD”) against SPOA and its members. SPD supervisors and high ranking members have begun violating Louisiana law in an open and apparent effort to prevent new police officers from joining SPOA and encourage others to resign from SPOA. In the last part of 2017, high ranking officials within SPD began erroneously telling officers, recruits, and citizens that SPOA was not a union and had no rights to represent police officers. Dr. Carter and other SPOA officers and members attempted to correct this misinformation on numerous occasions.

In December, 2017, Sgt. Briana Rivera who serves as an instructor at SPD Academy stood in front of the ongoing class, a captive audience, and erroneously told these cadets that they should not accept the lunch from SPOA because it would put them in a position of owing SPOA. She also told the cadets that SPOA would feed them and then expect them to sign a union card. She also erroneously told the cadets that SPOA was not a recognized union –which she knew was incorrect as SPOA helped her numerous times in her career.

When Dr. Carter was advised of these comments to the cadets and how uncomfortable it made many of them feel, he contacted Lt. Tedris Smith at the academy. Lt. Smith advised Dr. Carter that “this is coming from above me.” Dr. Carter also spoke to Capt. Brian Strange who told him that SPOA he would not be allowed to speak to the Police Academy cadets as SPD no longer considered SPOA to be a union.

As a result, Dr. Carter contacted Deputy Chief Bill Goodin to discuss this matter. Initially, Dep. Chief Goodin told Dr. Carter that there had been a lot of debate as to whether SPOA was truly a union and SPD was not going to permit SPOA to speak to the cadets. Eventually, Dep. Chief Goodin agreed to allow SPOA to go forward with the luncheon and meeting with the cadets for that class as it had in the past. Dr. Carter thanked Dep. Chief Goodin for allowing the meeting to go forward but advised him not to treat SPOA like a credit union or other vendor. Dr. Carter reminded him that SPOA is the union and labor representative of SPD officers, police communication officers, and jailers.

There is currently an academy class going on and Dr. Carter has been waiting for the schedule for SPOA’s regular one hour meeting with the cadets. On Tuesday, Sgt. Rivera sent Dr. Carter an email notifying him:

of a change in the method of contact/presentation with the cadets in the upcoming Police Academy class. Instead of visiting at the end of the academy session, the administration requests that you come present your material on Friday, February 16, 2018. Please arrive at the academy at 1130 to meet with the Human Resources staff. They will instruct you on the procedures for the presentation times and such.

In her email, Sgt. Riveria refused to acknowledge SPOA by name and failed to recognize SPOA as a union. It appears that Capt. Strange and Sgt. Rivera are continuing to act on behalf of the City of Shreveport under the erroneous concept that SPOA is somehow not a union. Capt. Strange and his staff are attempting to downgrade SPOA to the level of credit unions, uniform and supply vendors, and other vendors with regards access to the cadets. This new founded misconception cannot be permitted to continue.

In the past, former leaders of SPD have always recognized SPOA as a union and labor organization representing its members. Unfortunately, Dr. Carter and SPOA have not been able to get anyone in the current SPD Administration to understand the law and rights of SPOA and its members. Therefore, I have been retained to attempt to clarify this issue in order to avoid litigation which will waste a lot of taxpayers’ money. It is clear and beyond dispute that SPOA is a labor organization under Louisiana law such that SPOA and its members have rights.

SPOA was created in 1964 – 12 years before the International Union of Police Association (“IUPA”) was created and 20 years before the Louisiana Union Police Association (“LUPA”) was created. Although SPOA affiliated itself with the state and international unions for a time, neither the affiliation nor the withdrawal from either of those organizations impacted SPOA’s existence or its status.

Louisiana law has a very clear definition of a labor organization and very stiff penalties for interference with the organization and unionizing activities of a labor organization. In particular,

in 1976, the Louisiana Legislature defined labor organization.

The term “**labor organization**” means **any organization of any kind**, or agency or employee representation committee, which **exists for the purpose**, in whole or in part, of **dealing with employers concerning wages, rates of pay, hours of work or other conditions of employment**.

La. R.S. 23:982 (emphasis added).

SPOA has over 500 members. It files an annual tax return as a labor organization. It has been recognized as a labor organization by Governor John Bel Edwards, members of the Louisiana Legislature, the Fraternal Order of Police, numerous referral agencies, the media, and all of the former Mayors of the City of Shreveport. As you can see from a simple review of the statute, Louisiana law does not require any particular organizational form or any state or national affiliation or accreditation. This is likely why all of these state representatives and former City officials have recognized SPOA’s existence and rights as a labor organization.

Since 1977, SPOA was given one hour during the academy to meet with cadets to discuss issues about being a police officer and the option of becoming a member of SPOA. This one hour has historically been from 11 a.m. to noon. As the cadets have lunch from noon to 1 p.m., SPOA decided about 14 years ago to hold their one hour meeting at a near by restaurant and host a lunch after the presentation about SPOA. This has been the standard procedure for SPOA 14 years without interference from SPD Administration.

The statements by Sgt. Riveria and Capt. Strange in December and continuing into this year clearly reflect an organized effort by SPD (and therefore the City of Shreveport) to interfere with the rights of SPOA and its members to represent members and unionize additional members. This is a clear violation of Louisiana law. In 1934, the Louisiana Legislature enacted the Little Norris-LaGuardia Acts that prohibit such actions by employers and established the policy of protection for workers in Louisiana. This law enacted in 1934 and never amended provides:

The public policy of this state is declared as follows:

Negotiation of terms and conditions of labor should result from voluntary agreement between employer and employee. Governmental authority has permitted and encouraged employers to organize in the corporate and other forms of capital control. In dealing with such employers the individual unorganized worker is helpless to exercise actual liberty of contract and to protect his freedom of labor, and thereby to obtain acceptable terms and conditions of employment. Therefore, **it is necessary that the individual workman have full freedom of association, self-organization, and designation of representatives of his own choosing, to negotiate the terms and conditions of his employment, and that he shall be free from the interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection.**

La. R.S. 23:822 (emphasis added).

Every undertaking or promise made, whether written or *oral, express or implied*, constituting or *contained in any arrangement or proposed arrangement of hiring or employment*, whether for a definite term or terminable at the will of either of the

parties thereto, whereby:

...

*Either party thereto undertakes or **promises not to join or not to remain a member of some specific labor organization** or any labor organization or organizations, or of some specific employer organization or any employer organization or organizations;*

...

is declared to be contrary to public policy and shall not afford any basis for the granting of legal or equitable relief by any court against a party to such undertaking or promise, or against any other person who may advise, urge, or induce, without fraud, violence, or threat thereof, either party thereto to act in disregard of such undertaking or promise.

La. R.S. § 23:823 (2) (emphasis added).

Any individual, or any officer, agent or employee of any firm, association, or corporation **who coerces, requires, demands, or influences any person to enter into any agreement, either written, verbal, or implied, not to join or become or remain a member of any labor organization or association**, as a condition of such person securing employment or continuing in the employment of such individual, firm, association or corporation, shall be fined not less than fifty dollars or imprisoned for not less than thirty days.

La. R.S. 23:824 (emphasis added).

In 1976, the Louisiana Legislature confirmed the state public policy permitting labor organizations and its members the right to participate in labor organizations and activities when it enacted the Right to work Statute.

It is hereby **declared to be the public policy of Louisiana that all persons shall have, and shall be protected in the exercise of the right, freely and without fear of penalty or reprisal, to form, join and assist labor organizations** or to refrain from any such activities.

La. R.S. 23:981 (emphasis added).

Louisiana law provides for the granting of injunctive relief after a hearing to prevent actions that interfere with the rights to organize and unionize. La. R.S. 23:841, *et. seq.* The “provision shows a clear legislative intent to protect all employees in the exercise of their right to engage in concerted activities.” *Davis v. Henry*, 555 So. 2d 457, 460 (La. 1990). “The statute provides that all persons are entitled to engage in activities, such as peaceful picketing, refusing to perform work, becoming a member of a union, assembling peaceably to organize, communicating with others in regard to a labor dispute, and encouraging others to do these acts, without fear that they are in violation of the law.” *Id.* at 461.

“The established public policy in Louisiana regarding the ‘Right to Work Law’ and the ‘Little Norris-LaGuardia Act’ is that all persons shall be permitted to form, join, and assist labor organizations without fear of penalty or reprisal and free from the interference, restraint, or coercion of their employers, and/or their agents.” *Pineville Police Officers' Ass'n, Local 1990 v. City of Pineville*, 96-785 (La. App. 3 Cir. 04/22/98); 713 So. 2d 536, 539. These laws “prohibit an

employer from engaging in coercive and unlawful conduct designed to inhibit the unionization of its employees.” *Id.* At 540.

The actions of SPD in denying SPOA the right to speak to cadets as it has done since the first academy in 1977, the statements dismissing its existence as a union, discouraging cadets in a captive audience setting from even meeting with or listening to SPOA, and the recent statements and apparent intent that SPD intends to control the procedure, method, and information provided to the cadets are clear efforts to prevent SPOA and its members from getting the cadets to join SPOA. The City’s initially denying Dr. Carter’s elected appointment to the Shreveport Municipal Fire and Police Civil Service Board (“Board”) and only moving forward after he threatened to sue; the City’s unsuccessful suit to restrain Dr. Carter from acting as a member of the Board; the City’s refusal to comply with the Board’s order to reimburse Dr. Carter his attorney’s fees and the continued appeal of that judgment; the City’s efforts to have Dr. Carter removed as Chairman of the Board; and SPD’s filing numerous Internal Affairs Complaints against him that were either not sustained or reversed by the Board show a concerted effort by SPD, high ranking members of SPD, and therefore the City of Shreveport to retaliate against Dr. Carter and curtail his labor organization actions as president of SPOA.

These activities clearly violate Louisiana law. Prior to filing suit for interference with unionizing efforts, SPOA and Dr. Carter are asking the City to stop these anti-union actions. SPOA requests that it continue to be granted one hour of time with the cadets of the current and all future academy classes as has been historically done since the SPD began its academy. SPOA and its president further request that all academy instructors, Capt. Strange, and all other members of SPD Administration be advised to stop interfering with SPOA’s organization and unionizing activities. SPOA requests that these individuals be instructed to stop telling cadets, officers, and members of the public that SPOA has no status as a union or labor organization.

As required by La. R.S. 23:895, this letter and the requested relief is an effort to resolve this dispute by negotiation. As such, SPOA requests that the City confirm that the it will insist that SPD and its training officers and administration will comply with the law as detailed above. This can be accomplished through a letter and/or a sit down meeting with Dr. Carter. SPOA and Dr. Carter would prefer to work together with the City for the betterment of the police department, its officers, and the City as a whole. This can only be accomplished if the individuals in charge are willing to work together and understand the limits of their authority.

If you have any questions or need additional information, please contact me at the above address or numbers. Any of you may also contact Dr. Carter directly and I encourage you to do so as he has more first hand knowledge of the problems. I have been instructed to advise the City Attorneys that they may speak to Dr. Carter and SPOA representatives about these issues without me present. Therefore, my schedule and the Rules of Professional Conduct for lawyers should not interfere with resolving this matter in a timely manner.

However, if the City fails and refuses to acknowledge and comply with the law recognizing SPOA and its members rights to organize and/or refuses to meet with Dr. Carter and SPOA to resolve this matter, then SPOA will have no choice but to file suit against the City and all individuals who continue to violate the law for injunctive relief. Unless substantial progress is made in resolving this matter, suit will be filed the first week of March. This provides the City and SPOA 30 days to work this out which should be sufficient time for reasonable and prudent people to resolve this.

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With kindest regards, I am

Sincerely yours,
Pamela N. Breedlove
Pamela N. Breedlove

cc: SPOA
Dr. Michael Carter
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