

LOUISIANA STATE POLICE: COMPARISON WITH LAW
ENFORCEMENT AGENCIES IN SOUTHERN STATES



PERFORMANCE AUDIT SERVICES
INFORMATIONAL REPORT
ISSUED SEPTEMBER 12, 2022

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LOUISIANA LEGISLATIVE AUDITOR
MICHAEL J. "MIKE" WAGUESPACK, CPA

September 12, 2022

The Honorable Patrick Page Cortez,
President of the Senate
The Honorable Clay Schexnayder,
Speaker of the House of Representatives

Dear Senator Cortez and Representative Schexnayder:

This informational report contains a comparison of selected aspects of Louisiana State Police (LSP) to those of law enforcement agencies in nine other southern states. This report is intended to provide more timely information than standards-based performance audits related to an area of interest to the legislature or based on a legislative request. I hope this report will benefit you in your legislative decision-making process.

We would like to express our appreciation to LSP for its assistance during this work.

Respectfully submitted,

A handwritten signature in blue ink, appearing to be "Mike Waguespack", written over a circular stamp or mark.

Michael J. "Mike" Waguespack, CPA
Legislative Auditor

MJW/aa

LSP

Louisiana Legislative Auditor

Michael J. “Mike” Waguespack, CPA



Louisiana State Police: Comparison with Law Enforcement Agencies in Southern States

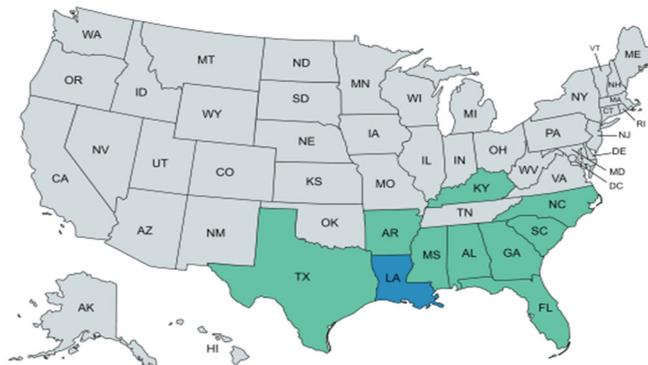
September 2022

Audit Control # 40210026

Introduction

The Louisiana State Police (LSP) is a constitutionally-mandated, statewide law enforcement agency charged with ensuring the safety, order, and security of the people in the state through enforcement, regulation, education, and provision of other essential public safety services. Recent events related to the alleged use of excessive force by LSP officers and the agency’s handling of the resulting internal investigations resulted in legislators requesting information on LSP and law enforcement agencies in other states. Pursuant to this legislative request, we researched LSP and law enforcement agencies in nine southern states, as shown in Exhibit 1, as well as relevant best practices for law enforcement agencies.

Exhibit 1
States Compared with LSP



Source: Created by legislative auditor’s staff using mapchart.net.

Specifically, we compared LSP to nine other southern states in the following areas:

1. Organizational placement
2. Functions, staffing, and budget
3. Qualifications and appointment processes for agency heads
4. Investigations of complaints of officer misconduct
5. Records retention requirements
6. Retirement benefits

The objective of this report was:

To compare selected aspects of Louisiana State Police with law enforcement agencies in southern states.

Our results are summarized on the next page and discussed in detail throughout the remainder of the report. Appendix A contains statutory references/hyperlinks for the organization, size, and budgets of law enforcement agencies; and Appendix B contains the statutory references for the criteria for agency head qualifications and selection process. Appendix C summarizes the oversight authority of external oversight commissions or boards, and Appendix D summarizes the processes for internal investigation of complaints and disciplinary action in the 10 states. In addition, Appendix E lists the hyperlinks for each state's public records retention schedule or requirements, and Appendix F summarizes the retirement benefits for employees of each law enforcement agency.

Informational reports are intended to provide more timely information than standards-based performance audits. While these informational reports do not follow *Governmental Auditing Standards*, we conduct quality assurance activities to ensure the information presented is accurate. We met with LSP and incorporated its feedback throughout this informational report.

Objective: To compare selected aspects of Louisiana State Police with law enforcement agencies in southern states.

Overall, we found the following:

- **LSP, like the nine other state law enforcement agencies we reviewed, is located within the Department of Public Safety or an equivalent agency.**
- **The functions, staffing, and budgets of LSP and law enforcement agencies in the other states reviewed are all different; for example, LSP is the only agency among those we reviewed whose functions include gaming enforcement. In fiscal year 2022, LSP had the second-largest budget of approximately \$330.7 million.**
- **LSP's Superintendent and law enforcement agency heads in other states have extensive law enforcement backgrounds, whether explicitly required by state law or not. In addition, most agency heads are appointed by either the Governor or the Secretary of the Department of Public Safety, and only three states involve the participation of the commission or board.**
- **Florida, Georgia, and South Carolina have external commissions or boards that have the authority to investigate and sanction licensed law enforcement officers for misconduct or violations. In addition, LSP and law enforcement agencies in other states have internal affairs units that investigate complaints and discipline officers for misconduct. According to LSP data, LSP investigated 167 complaints that contained 366 allegations during calendar years 2019 through 2021.**
- **LSP and law enforcement agencies in other states have different record retention periods depending on the type of record. There are no standards or best practices that recommend minimum or standard record retention periods for state law enforcement agency records and most states' policies do not clearly address the retention of data on state issued or private cell phones.**
- **Six (60%) of the 10 states reviewed, including LSP, offer defined benefit pension plans to law enforcement agency employees, and the other four (40%) offer an option between or a combination of a defined benefit and defined contribution plan. LSP offers its employees a 3.33% benefit accrual rate, which is the highest among the states reviewed.**

This information is discussed in more detail on the pages that follow.

LSP, like the nine other state law enforcement agencies we reviewed, is located within the Department of Public Safety or an equivalent agency.

Organizationally, LSP is located within the Department of Public Safety and Corrections (DPSC), Public Safety Services.¹ Exhibit 2 shows the organizational placement of law enforcement agencies in Louisiana and the nine other states we reviewed.

Exhibit 2 Organizational Placement Law Enforcement Agencies in Southern States	
Agency	Organizational Placement
Louisiana State Police	Department of Public Safety and Corrections
Alabama Highway Patrol	Department of Public Safety ²
Arkansas State Police	Department of Public Safety
Florida Highway Patrol	Department of Highway Safety and Motor Vehicles
Georgia State Patrol	Department of Public Safety
Kentucky State Police	Justice and Public Safety Cabinet
Mississippi Highway Safety Patrol	Department of Public Safety
North Carolina State Highway Patrol	Department of Public Safety
South Carolina State Highway Patrol	Department of Public Safety
Texas Highway Patrol	Department of Public Safety
Source: Prepared by legislative auditor's staff using information from state government websites and Westlaw. See Appendix A for statutory references/hyperlinks for each state.	

The functions, staffing, and budgets of LSP and law enforcement agencies in the other states³ reviewed are all different; for example, LSP is the only agency among those we reviewed whose functions include gaming enforcement. In fiscal year 2022, LSP had the second-largest budget of approximately \$330.7 million.

According to LSP's program descriptions, it performs four functions:⁴

- **Traffic enforcement** is dedicated to improving public safety through public education, training, and enforcement of statutes and regulations and ensures compliance with commercial and private motor vehicle laws and regulation;

¹ Public Safety Services includes the Office of State Police, the Office of Legal Affairs, the Office of Motor Vehicles, the Office of State Fire Marshal, code enforcement and building safety, and the Office of the Louisiana Oil Spill Coordinator. [Louisiana Revised Statute (LA R.S.) 36:401]

² Alabama's Department of Public Safety is located in the Alabama Law Enforcement Agency (Ala. Code §41-27-1)

³ We compared LSP with the law enforcement agency located in the Department of Public Safety or its equivalent agency in each of the other nine southern states.

⁴ https://www.doa.la.gov/media/tuvhulyu/08b_public_safety_services.pdf

- **Criminal investigation** provides Louisiana citizens a safer community through proactive, professional law enforcement services and cooperative efforts with allied enforcement entities;
- **Operational support** provides essential functions to support Public Safety Services, such as Crime Lab services, support for criminal investigations, and security for Capitol Park/Public Safety facilities; and
- **Gaming enforcement** provides proactive regulation and control of statutorily-authorized gaming entities in conjunction with the Gaming Control Board.

The Louisiana Constitution⁵ establishes LSP, which includes all regularly-commissioned full-time law enforcement officers employed by LSP who are graduates of the state police training academy and are vested with full state police powers, as provided by law.⁶ LSP is comprised of both classified and unclassified positions. In fiscal year 2022, LSP had approximately 1,767 classified and 12 unclassified authorized full-time equivalents (FTE). As of April 2022, LSP had 1,074 full-time and 34 part-time/temporary commissioned officers and 446 full time and 119 part time/temporary non-commissioned employees.⁷ Exhibit 3 shows LSP's fiscal year 2022 operating budget by expenditure categories as of October 2021.

Exhibit 3	
LSP Fiscal Year 2022 Operating Budget*	
Expenditure Category	Amount
Salaries	\$143,466,110
Other compensation	4,870,161
Related Benefits	82,682,943
Total Personal Services	\$231,019,214
Travel	1,364,536
Operating Services	8,541,392
Supplies	12,541,768
Total Operating Expenses	\$22,447,696
Professional Services	\$742,669
Other charges	33,225,869
Debt Service	0
Interagency Transfers	44,484,151
Total Other Charges	\$77,710,020
Acquisitions	4,177,659
Major Repairs	0
Total Acquisitions and Major Repairs	\$4,177,659
Total Expenditures	\$336,097,258
*As of October 1, 2021	
Source: Prepared by legislative auditor's staff using information from LSP's fiscal year 2023 budget request documents.	

⁵ Louisiana Constitution Article 10, §41 establishes the state police service which includes all regularly commissioned full-time law enforcement officers employed by DPSC, Office of State Police, who are graduates of the state police training academy course of instruction and are vested with full state police powers, as provided by law, and persons in training to become such officers.

⁶ LA R.S. 40:1379

⁷ The number of employees as of April 2022 (headcount) does not match the authorized FTE in the budget because the headcount includes part-time, temporary, and contract employees.

Exhibit 4 shows some of the common functions performed, number of employees, and fiscal year 2022 budgets for the law enforcement agencies in the Departments of Public Safety or its equivalent in nine neighboring southern states.

Exhibit 4							
Summary of Common Functions Performed, Staffing, and FY22 Budget							
Law Enforcement Agencies in Southern States							
Agency	Functions Performed					Number of Employees	FY2022 Budget**
	Highway Safety and Patrol	Investigations	Driver's License Issuance	Protective Services	Regulatory Functions*		
Louisiana State Police	x	x		x	x	1,779	\$330,689,099
Alabama Highway Patrol***	x	x				-	\$82,463,385
Arkansas State Police	x	x		x	x	1,041	\$133,284,095
Florida Highway Patrol	x	x			x	2,504	\$303,988,587
Georgia State Patrol***	x	x				-	\$151,356,304
Kentucky State Police	x	x		x	x	1,876	\$296,197,800
Mississippi Highway Safety Patrol	x		x			949	\$104,264,234
North Carolina State Highway Patrol	x	x				2,114	\$277,217,662
South Carolina State Highway Patrol	x				x	1,138	\$89,052,527
Texas Highway Patrol	x				x	3,878****	\$409,033,527

*Fire Marshal, Weights and Standards, etc. LSP is the only agency we reviewed with gaming enforcement duties therefore this function is not included in the exhibit.
**Enacted or approved
***Employee counts for Alabama Highway Patrol and Georgia State Patrol were unavailable.
****Employee counts for Texas are from September 2020.
Source: Prepared by legislative auditor's staff using information from state government websites and Westlaw. See Appendix A for statutory references/hyperlinks for each state.

LSP’s Superintendent and law enforcement agency heads in other states have extensive law enforcement backgrounds, whether explicitly required by state law or not. In addition, most agency heads are appointed by either the Governor or the Secretary of the Department of Public Safety, and only three states involve the participation of the commission or board.

In accordance with state law,⁸ the Secretary of DPSC appoints the Deputy Secretary of Public Safety Services, who is also the Superintendent of LSP. LSP is under the immediate supervision and direction of the Superintendent. The Superintendent is selected from the ranks of sworn, commissioned state police officers who have graduated from the state police training academy. The Superintendent can employ, appoint, remove, assign, and promote personnel for the efficient administration of and for the performance of the functions and responsibilities of Public Safety Services, including LSP. Exhibit 5 summarizes the qualifications and appointment processes for the agency heads at LSP and other southern state law enforcement agencies.

Exhibit 5 Qualifications and Appointment Processes for Agency Heads Law Enforcement Agencies in Southern States		
Agency	Qualifications	Selection Process
Louisiana State Police	Superintendent must be from the ranks of sworn, commissioned state police officers who have graduated from the state police training academy.	Appointed by the Secretary of DPSC
Alabama Highway Patrol	Chief of Patrol’s qualifications are not defined in state law; however, the current appointee has an extensive law enforcement background.	Appointed by the Director of Public Safety
Arkansas State Police	The Director shall be of good moral character and a resident and a qualified elector of the State of Arkansas. In addition, at the time of appointment the Director shall either: <ul style="list-style-type: none"> • Be a college graduate with at least a bachelor's degree in criminology, business administration, or related field; • Have graduated from a standard high school or a vocational school and have 8 years previous experience in law enforcement or a related field with considerable supervisory and administrative experience; or • Have at least 10 years’ experience in law enforcement. 	Appointed by the Governor after conferring with members of the Arkansas State Police Commission
Florida Highway Patrol	Director/Commander qualifications are not defined in state law; however, the current appointee has an extensive law enforcement background.	Appointed by the Executive Director of the Florida Department of Highway Safety and Motor Vehicles; however this is not specifically defined in state law.
Georgia State Patrol	Commissioner may be a member of the Uniform Division of the department.	Appointed by the Board of Public Safety with approval of the Governor

⁸ LA R.S. 36:405

Agency	Qualifications	Selection Process
Kentucky State Police	Commissioner shall be more than 28 years of age; shall be a citizen of the United States; shall be selected on the basis of training, experience and qualifications; and preferably shall have at least five years' experience in public or police administration.	Appointed by the Secretary of the Justice and Public Safety Cabinet with the approval of the Governor
Mississippi Highway Safety Patrol	Chief of Patrol shall be a citizen of the U.S. and Mississippi, of good moral character, shall not be less than 21 years of age, and shall have a high school diploma or High School Equivalency Diploma. Chief of Patrol shall be selected after an examination as to physical and mental fitness, knowledge of traffic laws, rules and regulations of the state, the laws of the state pertaining to arrest, and the rules and regulations of the Department of Public Safety and Public Service Commission.	Appointed by the Executive Director of the Department of Public Safety
North Carolina State Highway Patrol	Commander qualifications are not defined in state law; however, the current appointee has an extensive law enforcement background.	Appointed by the Governor
South Carolina State Highway Patrol	Commander qualifications are not defined in state law; however, the current appointee has an extensive law enforcement background.	Appointed by the Director of the Department of Public Safety
Texas Highway Patrol	Highway Patrol Chief qualifications are not defined in state law; however, the current appointee has an extensive law enforcement background.	Appointed by Director of the Department of Public Safety with the advice and consent of the Texas Public Safety Commission
Source: Prepared by legislative auditor's staff using information from state government websites and Westlaw. See Appendix B for statutory references for each state.		

Florida, Georgia, and South Carolina have external commissions or boards that have the authority to investigate and sanction licensed law enforcement officers for misconduct or violations. In addition, LSP and law enforcement agencies in other states have internal affairs units that investigate complaints and discipline officers for misconduct.

According to the Congressional Research Service,⁹ the regulation of state and municipal law enforcement is generally entrusted to the states; however, federal remedies for constitutional violations by state and local law enforcement include civil and criminal enforcement by the U.S. Department of Justice (DOJ) and private suits by individuals deprived of their rights by someone

⁹ The Congressional Research Service is a federal legislative branch agency located within the Library of Congress. It works exclusively for Congress, providing timely and objective research and analysis to committees and members of both the House and Senate, regardless of political party affiliation.

acting “under color of”¹⁰ state law.¹¹ In addition, the federal government encourages states to enact certain policies related to law enforcement by placing conditions on federal funding and federal agencies independently investigate and gather data on law enforcement activities. Apart from these federal remedies, according to the DOJ,¹² law enforcement agencies in the U.S. typically follow one of three general accountability models: external controls (i.e., independent police commissions, independent monitors, or civilian review boards); internal controls (i.e., internal affairs units); or some combination of external and internal controls.

External Disciplinary Controls

The Louisiana Constitution¹³ established the State Police Commission (SPC) in 1991 to provide an independent civil service system for all regularly-commissioned full-time law enforcement officers employed by LSP. Six of the seven SPC members are appointed by the Governor; the seventh is an employee representative elected by the classified members of the State Police Service. Each member serves a six-year term. When choosing an appointed member, the Governor must select from a list of three people nominated by the president of one of the state's major private universities. The commission serves as an impartial review board that enacts and adjudicates SPC rules to regulate state police personnel activities, such as establishing uniform pay and classification plans and promulgating rules for prohibited political activities and the disciplinary process for LSP officers.¹⁴ The SPC also hears appeals from commissioned full-time law enforcement officers. However, the commission does not conduct investigations of complaints against LSP employees; these are conducted internally by the Internal Affairs section of LSP. In addition, disciplinary actions against an LSP employee can only be taken by the Superintendent or his designee.¹⁵

External commissions or boards in Alabama, Florida, Georgia, and South Carolina are statutorily authorized to collect and report data or to investigate and sanction licensed law enforcement officers for misconduct or violations.

- **Alabama** state law¹⁶ requires that, as of January 1, 2018, the Alabama Criminal Justice Information System collect data regarding any and all allegations of excessive force by state, county, and municipal law enforcement officers, including data on the race of the officer and victim(s), facts relating to the incident, and whether the incident was subject to court action and final disposition of the court action. Using the data collected, the Alabama Criminal Justice

¹⁰ Under “color of law” means that the person doing the act is using power given to him or her by a governmental agency (local, State, or Federal). A law enforcement officer acts “under color of law” even if he or she is exceeding his or her rightful power. (<https://www.justice.gov/crt/addressing-police-misconduct-laws-enforced-department-justice>)

¹¹ <https://crsreports.congress.gov/product/pdf/LSB/LSB10486>

¹² <https://cops.usdoj.gov/RIC/Publications/cops-w0875-pub.pdf>

¹³ Louisiana Constitution Art. 10, §43

¹⁴ Per Louisiana Constitution Article 10, §48, the commission has the power to adopt rules for regulating employment, promotion, demotion, suspension, reduction in pay, removal, certification, qualifications, political activities, employment conditions, compensation and disbursement to employees, and other personnel matters and transactions.

¹⁵ LA R.S. 36:405 and SPC Rule 12.1

¹⁶ Ala. Code §41-27-12

Information System compiles an annual report that is presented to the House Public Safety and Homeland Security and Senate Judiciary Committees.

- The **Florida** Criminal Justice Standards and Training Commission's powers, duties, and functions include certifying and revoking the certification of officers, enforcing compliance with provisions through injunctive relief and civil fines, and adopting rules for the discipline of officers who engage in those specialized areas found to present a high risk of harm to the officer or the public at large and which would in turn increase the potential liability of an employing agency.¹⁷

State law¹⁸ requires those employed as law enforcement officers to have good moral character as determined by a background investigation under procedures established by the commission. According to the commission, moral character violations include non-criminal acts or conduct such as use of excessive force and discriminatory conduct.¹⁹ The commission has also developed penalty guidelines that list each violation and the recommended penalty for each violation, up to revocation of certification.

- The **Georgia** Peace Officer Standards and Training Council has the authority²⁰ to refuse to grant a certificate to an applicant or to discipline a certified officer. Circumstances include if the applicant or officer committed a crime involving moral turpitude without regard to conviction; engaged in any unprofessional, unethical, deceptive, or deleterious conduct or practice harmful to the public; violated or attempted to violated any law, rule, or regulation that relates to or regulates the practice of an officer; or committed any act or omission which is indicative of bad moral character or untrustworthiness.
- The **South Carolina** Law Enforcement Training Council has the authority²¹ to withdraw and/or deny certification to an officer if the officer has committed misconduct, including repeated use of excessive force in dealing with the public; dangerous or unsafe practices involving firearms, weapons, or vehicles; or the physical or psychological abuse of members of the public.

Appendix C lists the oversight powers and duties of the commissions or boards over the state law enforcement agencies under the Department of Public Safety or its equivalent in each of the southern states.

Internal Disciplinary Controls

According to the DOJ, the most common accountability model is the use of internal control mechanisms in the form of an internal affairs unit.²² While the process differs in

¹⁷ Fla. Stat. Ann. §943.12

¹⁸ Fla. Stat. Ann. §943.13; §943.1395(7)

¹⁹ <http://www.fdle.state.fl.us/CJSTC/Professional-Compliance/PC-Violations-and-Penalties.aspx>

²⁰ Ga. Code Ann. §35-8-7.1

²¹ S.C. Code Ann. §23-23-80, §23-23-150

²² <https://cops.usdoj.gov/RIC/Publications/cops-w0875-pub.pdf>

each of the southern states we reviewed, each has a dedicated unit/section responsible for investigating complaints against officers. While there is no identified best method for investigating and adjudicating these complaints, the DOJ provides five guiding principles that the internal affairs/complaint and disciplinary processes should follow in all law enforcement agencies:

- Formalize the disciplinary process and hold managers and supervisors accountable for discussing expectations with their subordinates.
- Adopt procedural justice internally throughout the agency.
- Be transparent with the complaint intake process and accept all complaints.
- Implement formal policies and procedures for complaint intake and investigation that outline specific steps to ensure consistency, timeliness, and comprehensiveness.
- Outline management responsibilities for reviewing investigations and their outcomes.

According to LSP policy,²³ LSP investigates complaints against employees in order to instill public trust and confidence in the LSP and to ensure all members of the LSP abide by all state and federal laws as well as all established policies. Troop/section commanders investigate policy or procedure violations and the Internal Affairs section investigates use of force complaints that result in the complainant receiving medical treatment, bias-based/racial profiling complaints, and all other complaints as directed by the Superintendent.²⁴ The investigating commander ensures that the report is finalized and properly routed, including to the Disciplinary Review Committee members for final review and recommendation to the Superintendent for disposition. If the Superintendent determines that disciplinary action is warranted, a letter is prepared and sent to notify the employee of the department's intention to proceed with disciplinary action. The employee can appeal disciplinary action with the Louisiana State Police Commission.

According to LSP data, LSP investigated 167 complaints containing 366 potential policy violations or allegations during calendar years 2019 through 2021.²⁵ LSP investigates complaints from the public and other law enforcement agencies, and those initiated internally by other officers or Internal Affairs, on all employees of DPSC, Public Safety Services. The majority of these complaints (157 or 94.0%) were investigated internally by LSP, while the remaining 10 (6.0%) were investigated by external law enforcement agencies.²⁶ We categorized the 366 allegations investigated during this time and found that the most common allegations

²³ P.O. 209 Complaints and Administrative Investigations

(<https://public.powerdms.com/LADPSC/tree/documents/298589>)

²⁴ According to LSP Policy P.O. 209, if an investigation reveals facts that indicate a potential violation of criminal law, the investigation is suspended and the Superintendent is immediately notified to decide whether a criminal investigation is warranted. According to LSP Policy P.O. 502, the Criminal Investigations Division conducts investigations mandated by procedural order (e.g. officer-involved shootings).

²⁵ According to LSP, complaints that it received but did not investigate are not included.

²⁶ External investigations were conducted by local law enforcement agencies, out-of-state law enforcement agencies, and the Louisiana Attorney General's office.

regarded unbecoming conduct (58 or 15.9%), use of force (44 or 12.0%), and unsatisfactory performance (34 or 9.3%), as shown in Exhibit 6.

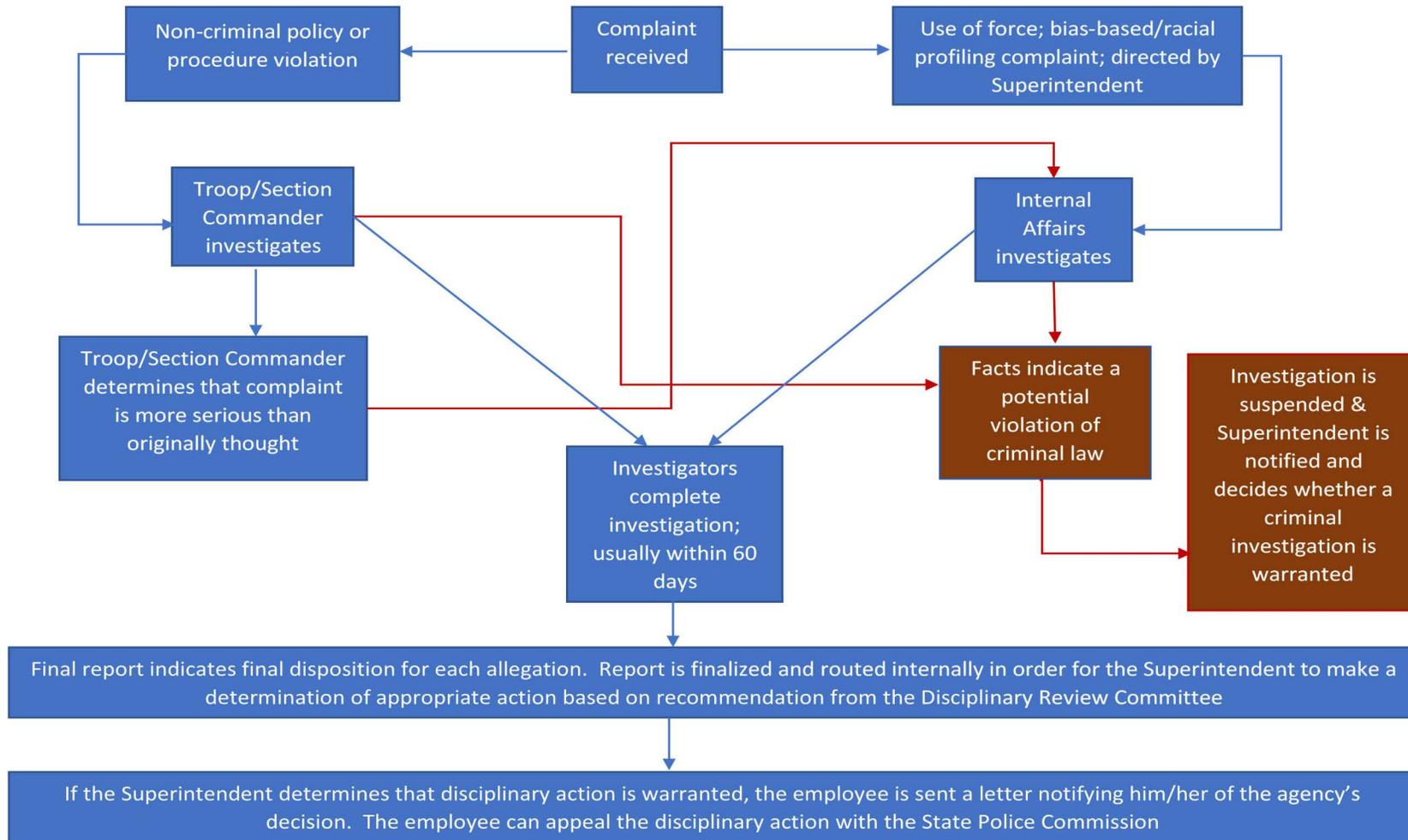
Exhibit 6					
Allegations in Complaints Investigated by LSP on DPSC, Public Safety Services Employees					
By Type					
Calendar Years 2019 through 2021					
Allegations	2019	2020	2021	Total	% of Total
Unbecoming Conduct	16	12	30	58	15.9%
Use of Force	5	17	22	44	12.0%
Unsatisfactory Performance	13	10	11	34	9.3%
Conformance to Law	10	10	12	32	8.8%
Body/In-car Camera	8	8	12	28	7.7%
Firearms	6	7	5	18	4.9%
False Statements	4	5	7	16	4.4%
Courtesy	1	4	8	13	3.6%
Cheating on Examinations	8			8	2.2%
Performance of Duty		1	6	7	1.9%
Use of Drugs/Intoxicants/Tobacco	1	1	4	6	1.6%
Violence in the Workplace	3	1	2	6	1.6%
Treatment of Prisoners in Custody	2	1	2	5	1.4%
Vehicle Use	2	1	1	4	1.1%
Interference			3	3	0.8%
Prohibited Activity	2		1	3	0.8%
Arrest	1	1		2	0.5%
Bias-based Profiling		2		2	0.5%
Interaction with Offenders		1	1	2	0.5%
Neglect of Duty		1	1	2	0.5%
Reporting for Duty		1	1	2	0.5%
Use of Taser		2		2	0.5%
Discrimination and Harassment		1		1	0.3%
Police Action While Off Duty			1	1	0.3%
Other*	15	5	47	67	18.3%
Total	97	92	177	366**	100.0%
*Other includes allegations related to department records, dissemination of information, public statements, etc.					
** Some complaints contained multiple allegations.					
Source: Prepared by legislative auditor's staff using information provided by LSP.					

Exhibit 7 summarizes information provided by LSP on the disposition of the 366 allegations investigated during calendar years 2019 through 2021.

Exhibit 7			
Disposition of Investigated Allegations			
Calendar Years 2019 through 2021			
Allegation	Definition	Number	% of Total
Sustained	Allegation supported by sufficient evidence	247	67.5%
Unfounded	Allegation false, not factual	34	9.3%
Exonerated	Incident did occur, but was lawful, proper, or otherwise justified under existing conditions	31	8.4%
Not Sustained	Insufficient evidence to prove or disprove the allegation	30	8.2%
Other	Employee resigned/retired prior to investigation conclusion, supervisor provided counseling, case administratively closed, etc.	24	6.6%
Total		366	100.0%
Source: Prepared by legislative auditor's staff using information provided by LSP			

Exhibit 8 illustrates LSP's complaint investigation process.

Exhibit 8 LSP Complaint Investigation Process*



*According to LSP, it is revising the current complaint investigation process so that Internal Affairs will investigate all complaints, rather than the Troop/Section Commander investigating non-criminal policy or procedure violations.

Source: Prepared by legislative auditor's staff using information from LSP policies.

Appendix D provides information on the internal process for investigating complaints and determining disciplinary actions against law enforcement officers in state law enforcement agencies in southern states.

LSP and law enforcement agencies in other states have different record retention periods depending on the type of record. There are no standards or best practices that recommend minimum or standard record retention periods for state law enforcement agency records and most states' policies do not clearly address the retention of data on state issued or private cell phones.

Records retention is important, especially for law enforcement agencies, because accurate and reliable records provide crucial internal information about case management and investigations. In addition, proper retention enables law enforcement agencies to effectively communicate information across states and even internationally.²⁷

According to state law,²⁸ a public record is any documentary material, regardless of physical form or characteristics, including information contained in electronic data processing equipment, having been used, being in use, or prepared, possessed, or retained for use by a public entity in connection with agency business. All persons and public bodies having custody or control of any public record²⁹ shall exercise diligence and care in preserving public records for the period or periods of time specified for such public records in formal records retention schedules. These schedules are developed and approved by the State Archivist and Director of the Division of Archives, Records Management, and History of the Department of State.

Records retention polices cover the protection and maintenance of law enforcement agency records such as incident reports; body camera footage; radio, phone and email communications; internal affairs investigations; etc. Each state has its own requirements that vary based on whether the law specifies a particular time period for which the record must be kept as well as the nature of the record and its value to the day-to-day operation of the agency or to the preservation of the institutional memory of the agency.

In Louisiana, in instances where the law does not specify a retention period, public records must be preserved for a minimum of three years from the date of creation, except when an agency has an approved retention schedule. LSP has an approved record retention schedule³⁰ that specifies the retention period for different types of records based on the nature and value of the record. For instance, LSP's schedule requires that body worn/in-car camera recordings of crash investigations must be maintained for one to five fiscal years after the fiscal year they were

²⁷ <https://www.fbi.gov/file-repository/law-enforcement-records-management-system.pdf>

²⁸ LA R.S. 44:1, 44:36

²⁹ Other than conveyance, probate, mortgage, or other permanent records required by existing law to be kept for all time.

³⁰ Approved by Secretary of State, State Archives and Records Services on August 27, 2018 and March 3, 2020.

created or once all appeals are exhausted,³¹ and radio logs for five fiscal years after. Law enforcement agencies in other southern states also use approved retention schedules that determine how long certain records are to be maintained.

Although record retention schedules and policies in neighboring states did not directly address the management or retention of cell phone records, the Florida Highway Patrol has established a policy³² regarding the use of wireless voice/data communications devices that are either Department or personally owned. The policy sets guidelines for the use of cell phones while acting in an official capacity as a law enforcement officer and highlights that the use of personal equipment may subject that equipment to both subpoena and public record review. Exhibit 9 shows examples of retention periods for some common law enforcement agency records in Louisiana and neighboring states and Appendix E provides hyperlinks to general and agency specific record retention schedules or requirements in southern states.

³¹ According to LSP's approved retention schedule, if recordings made during an arrest or investigation have evidentiary value and a report has been generated, they are maintained for five years.

³² <https://www.flhsmv.gov/pdf/fhp/policies/0710.pdf>

Exhibit 9 Retention Periods for Common Law Enforcement Records							
State	Use of force/incident reports	Telephone/radio logs or data	Daily/monthly activity logs	Complaint files	Disciplinary actions/Personnel records	Video/audio recordings-Body/dash cameras	Internal investigations/Grievance records
Louisiana	5 fiscal years after end of the fiscal year in which created	5 fiscal years after end of the fiscal year in which created	1-5 fiscal years after end of the fiscal year in which created	3 fiscal years after the end of the fiscal year in which created or all appeals are exhausted	1 fiscal year after the end of the fiscal year in which the employee separates from Agency	1-5 fiscal years after the end of the fiscal year in which the record was created, or 5 years from the end of the fiscal year in which the case is adjudicated and all appeals are exhausted	3 fiscal years after the end of the fiscal year in which created or all appeals are exhausted
Alabama	5 years	3 years after end of the fiscal year in which created	1-2 years	6 years after separation of employee from agency	6 years after separation of employee from agency	N/A	25 years or 6 years after separation of employee
Arkansas	N/A	N/A	N/A	3 years until after the final disposition of the complaint	5 years from date of separation or until closure of unresolved personnel issues, whichever is greater	N/A	3 years after closure
Florida	2 anniversary years after last entry or 4 years after complaint/incident closed	Retain until obsolete, superseded, or administrative value is lost	1 anniversary year	1 anniversary year after resolved/closed	5 anniversary years after final action	90 days for body Cameras; 30 days for Dash-cameras	1-5 year after final disposition; retain as long as the personnel file
Georgia	7 Years	7 Years	3 years	2 years	10 Years	7 years	50 years

State	Use of force/incident reports	Telephone/radio logs or data	Daily/monthly activity logs	Complaint files	Disciplinary actions/Personnel records	Video/audio recordings-Body/dash cameras	Internal investigations/Grievance records
Kentucky	5 years after termination of employment	2 years	1 year	Purge and destroy Class B and C actions after five years. Destroy remainder of file ten years after separation or termination of employment.	Purge disciplinary documentation, except for actions classified as Class A, after five years. Destroy remainder of file ten years after employee is separated from the agency	Destroy by order of the District Court after fourteen months if there is no appeal of any criminal or traffic case or if the videotape did not record the actual happening of an accident involving a motor vehicle, or fourteen months after a decision not to prosecute a case after an arrest has made or citation issued, or twenty-six months if there is no appeal of any criminal or traffic case if there is a recording of an accident involving a motor vehicle, and/or after all appeals have been exhausted, or at conclusion of civil case filed as result of recording or at conclusion of exhaustion of all appeals arising from any law enforcement agency administrative proceedings.	Purge and destroy Class B and C actions after five years; destroy remainder of file ten years after separation or termination of employment

State	Use of force/incident reports	Telephone/radio logs or data	Daily/monthly activity logs	Complaint files	Disciplinary actions/Personnel records	Video/audio recordings-Body/dash cameras	Internal investigations/Grievance records
Mississippi	N/A	3 years	2-3 years	N/A	Hold original or authenticated reproduction until employee is separated; then transfer personnel files. Active personnel files may be routinely purged of certain records, such as leave and attendance records, 3 years after receipt	N/A	N/A
North Carolina	Retain until complete plus 30 days. Records that become part of a case file should be handled according to those disposition instructions.	Retain until complete plus 30 days	Retain until superseded/obsolete	Retain until resolution plus 3 years No destruction of records may take place if audits or litigation are pending or reasonably anticipated.	Transfer to Personnel File Records documenting disciplinary actions should be retained in accordance with the public information provision delineated in G.S. § 126-23.	Retain until complete; plus 30 days. Records that become part of a case file should be handled according to those disposition instructions	Retain until complete; then transfer to official personnel record.
South Carolina*	N/A	3 years and until reconciliation of telephone billing.	2 years or until summarized or superseded	N/A	15 years after termination of employment	N/A	N/A

State	Use of force/incident reports	Telephone/radio logs or data	Daily/monthly activity logs	Complaint files	Disciplinary actions/Personnel records	Video/audio recordings-Body/dash cameras	Internal investigations/Grievance records
Texas	5 years	13 months – 3 years	1 year	10 years upon termination of employee	5 years after termination of employment	90 days for non-arrest/2 years after case is adjudicated and/or closed when there is an arrest	10 years upon termination of employment (retirement, resignation or termination); permanent for racial profiling allegations

*According to the South Carolina Department of Public Safety, the agency does not have an official agency-specific record retention schedule. The exhibit shows the retention periods based on the state’s general schedules for administrative and personnel records.
Source: Prepared by legislative auditor's staff using information from state government websites.

Six (60%) of the 10 states reviewed, including LSP, offer defined benefit pension plans to law enforcement agency employees, and the other four (40%) offer an option between or a combination of a defined benefit and defined contribution plan. LSP offers its employees a 3.33% benefit accrual rate, which is the highest among the states reviewed.

The Louisiana State Police Retirement System (LSPRS) provides retirement benefits to all sworn, commissioned law enforcement officers of the LSP who have completed the State Police Training Academy Course of Instruction. These benefits are funded through member contributions, employer contributions, earnings on investments, and insurance premium fund allocations. The employee contribution rate for members of LSPRS is 8.5% for employees hired before January 1, 2011, and 9.5% for employees hired on or after January 1, 2011.³³ To be eligible for regular retirement, employees must have:³⁴

- 10 years of service at age 50;
- 20 years of service regardless of age if hired before September 8, 1978; or
- 25 years of service regardless of age if hired after September 8, 1978.

LSPRS' retirement formula states that employees:

- hired prior to September 8, 1978, are eligible to retire if they have at least 20 years of service, regardless of age. They will be paid a monthly benefit equal to the sum of 3 1/3% multiplied by the number of years of service (percentage rate of retirement), and further multiplied by their final average compensation (FAC). The total annual benefit shall not exceed 100% of their current FAC.
- hired after September 8, 1978, are eligible to retire if they have at least 25 years or service, regardless of age. They will be paid a monthly benefit equal to the sum of 3 1/3% multiplied by the number of years of service (percentage rate of retirement), and further multiplied by their FAC. The total annual benefit shall not exceed 100% of their current FAC.

Appendix F shows the retirement benefits offered to employees of state law enforcement agencies in neighboring southern states.

³³ LA R.S. 11:62 (10)

³⁴ LA R.S. 11:1307

APPENDIX A: REFERENCES FOR AGENCY ORGANIZATION, SIZE, AND BUDGET

Agency	Organizational Placement	Statutory Reference for Organizational Location	Reference for Number of Employees	Reference for FY2022 Budget
Louisiana State Police	Department of Public Safety and Corrections	LA R.S. 36:401	Executive Budget Supporting Documents FY2022-2023	Executive Budget Supporting Documents FY2022-2023
Alabama Highway Patrol	Department of Public Safety	Ala. Code §41-27-1	N/A	Governor's Executive Budget FY2023
Arkansas State Police	Department of Public Safety	Ark. Code Ann. §25-43-1402	Summary Budget Information FY2022-2023	Summary Budget Information FY2022-2023
Florida Highway Patrol	Department of Highway Safety and Motor Vehicles	Fla. Stat. Ann. §20.24	Primary Budget FY2022-2023	Primary Budget FY2022-2023
Georgia State Patrol	Department of Public Safety	Ga. Code Ann. §35-2-30	N/A	Governor's Amended FY22 & FY2023 Budget Report
Kentucky State Police	Justice and Public Safety Cabinet	Ky. Rev. Stat. Ann. §15A.020	Executive Branch Budget Documents FY2022 - Appendix E Authorized Personnel Positions	Budget Period 2020-2022 - Operating Budget - Volume I (Pt. B)
Mississippi Highway Safety Patrol	Department of Public Safety	Miss. Code. Ann. §45-1-2	Legislative Budget Report for FY2022	Legislative Budget Report for FY2022
North Carolina State Highway Patrol	Department of Public Safety	N.C. Gen. Stat. Ann. §20-184	Current Operations Appropriation for FY2021-23	Current Operations Appropriation for FY2021-23
South Carolina State Highway Patrol	Department of Public Safety	S.C. Code Ann. §23-6-20	Governor's FY2022-23 Executive Budget - Appropriations Bill - Part IA	Governor's FY2022-23 Executive Budget - Appropriations Bill - Part IA
Texas Highway Patrol	Department of Public Safety	TX GOVT §411.002	Texas Department of Public Safety - Legislative Appropriations Request for FY2022 and FY2023	Texas Department of Public Safety - FY2022 Operating Budget

Source: Prepared by legislative auditor's staff using information from state government websites and Westlaw.

APPENDIX B: REFERENCES CRITERIA FOR AGENCY HEAD QUALIFICATIONS AND SELECTION PROCESS

Agency	Agency Head Qualifications	Agency Head Selection Process
Louisiana State Police	LA R.S. 36:405	
Alabama Highway Patrol	N/A	Ala. Code §41-27-6
Arkansas State Police	Ark. Code Ann. §12-8-104	
Florida Highway Patrol	N/A	N/A
Georgia State Patrol	Ga. Code Ann. §35-2-4	Ga. Code Ann. §35-2-3
Kentucky State Police	Ky. Rev. Stat. Ann. §16.030	Ky. Rev. Stat. Ann. §15A.020
Mississippi Highway Safety Patrol	Miss. Code. Ann. §45-3-9	Miss. Code. Ann. §45-3-5
North Carolina State Highway Patrol	N/A	N.C. Gen. Stat. Ann. §20-185
South Carolina State Highway Patrol	N/A	S.C. Code Ann. §23-6-40
Texas Highway Patrol	N/A	TX GOVT §411.006
Source: Prepared by legislative auditor's staff using information from Westlaw.		

APPENDIX C: OVERSIGHT AUTHORITY OF EXTERNAL OVERSIGHT COMMISSIONS OR BOARDS

State	Commission or Board	Oversight Authority
Louisiana	Louisiana State Police Commission	<p>The State Police Commission provides an independent civil service system for all regularly commissioned full-time law enforcement officers employed by LSP. The commission serves as an impartial review board that enacts and adjudicates SPC rules to regulate state police personnel activities, such as establishing uniform pay and classification plans and promulgating rules for prohibited political activities and the disciplinary process for LSP officers. The SPC also hears appeals from commissioned full-time law enforcement officers.</p> <p>The commission does not conduct investigations of complaints against LSP employees; these are conducted internally by the Internal Affairs section of LSP. In addition, disciplinary actions against an LSP employee can only be taken by the Superintendent or his designee.</p>
Alabama	Alabama Peace Officers Standards and Training Commission	<p>The Peace Officers Standards and Training Commission was created to ensure that law enforcement officers receive training in their vocation, thereby providing better service to the public. Ala. Code §36-21-45 establishes the functions and duties of the commission.</p> <p>Ala. Code §36-21-55.1(a)(1): By October 1, 2023, the Alabama Peace Officers’ Standards and Commission shall develop, implement, and maintain a centralized and electronic Law Enforcement Officer Employment Database. The database shall include, but shall not be limited to, all of the following reportable offenses:</p> <ul style="list-style-type: none"> • Dates of hire, appointment, and reportable separation as defined in Section 36-21-55 of law enforcement officers from any law enforcement agency through which the officer is or has been employed • Information relating to disciplinary action as defined in section 36-21-55 taken by a law enforcement agency against a law enforcement officer • Use of Force complaints as defined in Section 36-21-55 against law enforcement officers • Any instance of law enforcement officer’s reassignment for cause defined Section 36-21-55 • Status of compliance with continuing education requirements
	Alabama State Law Enforcement Agency - State Bureau of Investigations	<p>Ala. Code §41-27-12: Starting January 1, 2018, the AL Criminal Justice Information System collects data regarding any and all allegations of excessive force by state, county, and municipal law enforcement officers, including data on the race of the officer and victim(s), facts relating to the incident, and whether the incident was subject to court action and final disposition of the court action.</p> <p>Using the data collected, the AL Criminal Justice Information System compiles an annual report that is presented to the House Public Safety and Homeland Security and Senate Judiciary Committees.</p>

State	Commission or Board	Oversight Authority
Arkansas	Arkansas State Police Commission	<p>Ark. Code Ann. §12-8-103: The Arkansas State Police Commission shall approve or disapprove each demotion for non-disciplinary reasons and hear appeals of any disciplinary action taken against a commissioned officer by the director that results in the removal, suspension, discharge, demotion, or disciplinary transfer.</p> <p>The Commission may approve the disciplinary action taken by the Director or may enhance or diminish the action taken by the Director.</p>
Florida	Criminal Justice Standards and Training Commission	<p>Fla. Stat. Ann. §943.12 provides for the powers, duties and functions of the commission. These include:</p> <ul style="list-style-type: none"> • Certifying and revoking the certification of officers • Enforcing compliance with provisions of this chapter through injunctive relief and civil fines • Adopting rules for the discipline of officers who engage in those specialized areas found to present a high risk of harm to the officer or the public at large and which would in turn increase the potential liability of an employing agency. <p>Fla. Stat. Ann. §943.13 establishes the minimum qualifications for employment or appointment as a law enforcement officer. The criteria include:</p> <ul style="list-style-type: none"> • Not have been convicted of any felony or of a misdemeanor involving perjury or a false statement, or have received a dishonorable discharge from any of the Armed Forces of the U.S. • Having a good moral character as determined by a background investigation under procedures established by the Commission <p>The Commission’s definition of failure to maintain good moral character include:</p> <ul style="list-style-type: none"> • non-criminal acts or conducts such as use of excessive force, sexual harassment, or misuse of official position • discriminatory conduct by an officer based on race, color, religion, sex, national origin, sexual orientation, etc. <p>According to the Commission, its mission is to ensure that all citizens of Florida are served by criminal justice officers who are ethical, qualified, and well trained. Its responsibilities include:</p> <ul style="list-style-type: none"> • Reviewing and administering appropriate administrative sanctions in instances when an officer, a training school instructor, or a training school is found in violation of Florida Statutes and Commission standards. • Maintaining a central repository of records of all certified officers.

State	Commission or Board	Oversight Authority
Georgia	Georgia Peace Officer Standards and Training Council	<p>Ga. Code Ann. §35-8-7.1 states that the Council has the authority to refuse to grant a certificate to an applicant or to discipline a council certified officer upon a determination by the council that the applicant or officer has:</p> <ul style="list-style-type: none"> • Been convicted of a felony • Committed a crime involving moral turpitude, without regard to conviction. The conviction of a crime involving moral turpitude shall be conclusive of the commission of such crime. • Engaged in any unprofessional, unethical, deceptive, or deleterious conduct or practice harmful to the public; such conduct or practice need not have resulted in actual injury to any person. As used in this paragraph, the term "unprofessional conduct" shall include any departure from, or failure to conform to, the minimal standards of acceptable and prevailing practice of an officer • Violated or attempted to violate a law, rule, or regulation of this state, any other state, the council, the United States, or any other lawful authority without regard to whether the violation is criminally punishable, so long as such law, rule, or regulation relates to or in part regulates the practice of an officer • Committed any act or omission which is indicative of bad moral character or untrustworthiness <p>The Council has discretionary authority by law, to discipline officers. Disciplinary action is taken in the form of sanctions against an officer’s certification. Action is based on the preponderance of evidence that they were in violation of the P.O.S.T. Act (Ga. Code Ann. §35-8)</p>
Kentucky	Kentucky Law Enforcement Council	<p>The KY Law Enforcement Council’s functions and duties include prescribing standards for training academies and law enforcement instructors and certifying police officers. The council includes the Commissioner of the Kentucky State Police.</p>
Mississippi	Board on Law Enforcement Officer Standards and Training	<p>The objective of the Board is to ensure that law enforcement candidates are selected according to high standards of education, fitness and morals. Once selected, the Board insures that these candidates have the best preparation feasible to enable them to carry out their duties in a manner that protects the health, safety and welfare of all citizens of this state.</p> <p>Rule 4.2 establishes that the Board may reject certification or reprimand, suspend, cancel or recall any certificate when:</p> <ul style="list-style-type: none"> • The holder has committed an act of malfeasance or has been dismissed from his employing law enforcement agency • The holder has been convicted, pled guilty, pled nolo contendere, fined, ordered into probation or pre-trial diversion in relation to a felony or a crime involving moral turpitude • The Board determines that any condition, conduct or action that would breach the established minimum standards, violate the Law Enforcement Code of Ethics or would greatly diminish the public trust in the competence and reliability of a law enforcement officer would be actionable as due cause for reprimand, suspension (under conditions), recall or cancellation of a certificate.

State	Commission or Board	Oversight Authority
<p>North Carolina</p>	<p>Criminal Justice Education and Training Standards Commission</p>	<p>The Commission’s mission is to assure that all of the State’s criminal justice officers are both competent and ethical in the conduct of their duties.</p> <p>N.C. Gen. Stat. Ann. §17C-11: Any criminal justice officer who the Commission determines does not comply with this Article or any rules adopted under this Article shall not exercise the powers of a criminal justice officer and shall not exercise the power of arrest unless the Commission waives that certification or deficiency.</p> <p>12 NCAC 09A.0102 states that the purpose of the commission includes raising the level of competence within the criminal justice community by establishing minimum standards for employment and retention of criminal justice personnel.</p> <p>12 NCAC 09A.0204 states that the Commission may suspend, revoke, or deny the certification of a criminal justice officer when the Commission finds that the applicant/officer has, among other criteria, been discharged by a criminal justice agency for commission or conviction of any offence involving moral turpitude.</p>
		<p>N.C. Gen. Stat. Ann. §17C-14: The Commission shall develop and maintain a statewide database accessible to the public on its website that contains all revocations and suspensions of law enforcement officer certifications by the Commission.</p> <p>N.C. Gen. Stat. Ann. §17C-15: The Criminal Justice Standards Division shall develop and maintain a statewide database for use by law enforcement agencies that tracks all critical incident data of law enforcement officers in North Carolina.</p>
<p>South Carolina</p>	<p>Law Enforcement Training Council</p>	<p>The Training Act and corresponding regulations allow the Law Enforcement Training Council to withdraw and/or deny certification to an officer if the officer has committed misconduct as defined in SC. Code of Laws Section 23-23-150. These include:</p> <ul style="list-style-type: none"> • A conviction, plea of guilty, plea of no contest or admission of guilt to a felony, a crime punishable by a sentence of more than one year, or a crime of moral turpitude • The repeated use of excessive force in dealing with the public • Dangerous or unsafe practices involving firearms, weapons, or vehicles which indicate either a willful or wanton disregard for the safety of persons or property • The physical or psychological abuse of members of the public
		<p>S.C. Code Ann. §23-23-150 (B): The sheriff or the chief executive officer of a law enforcement agency or department within the State must report to the South Carolina Criminal Justice Academy the occurrence of any act or multiple acts of misconduct by a law enforcement officer which could result in the withdrawal of the certification of the law enforcement officer who is currently or was last employed by his agency. The report shall be made within fifteen days of the final agency or department action resulting from the internal investigation conducted by the agency or department. A willful failure to report information related to acts of misconduct shall subject the violator to a civil penalty as provided by the Council.</p>

State	Commission or Board	Oversight Authority
		<p>(G): No person who has a pending allegation of misconduct filed against him pursuant to Subsection (B) by a law enforcement agency with the Criminal Justice Academy may be employed as a law enforcement officer; have the authority of a law enforcement officer; perform any duties of a law enforcement officer, including those duties involving the control and direction of members of the public, detainees, or prisoners; or exercise the power of arrest until:</p> <ul style="list-style-type: none"> • the Council has issued a final agency decision that the person may be granted certification, be granted certification with probation, be granted certification with any additional requirements deemed just and proper by the Council, or be granted certification with a public reprimand; or • an appellate court issues a ruling that the Law Enforcement Training Council shall issue the person his law enforcement certification and the Law Enforcement Training Council or Criminal Justice Academy has not appealed the ruling <p>(K): For any allegation of misconduct of a law enforcement officer pursuant to this section, South Carolina Law Enforcement Division, the appropriate investigating agency, or the internal affairs division of the agency must complete their investigation within ninety days from the date of the request for the hearing by the officer unless they seek leave from the hearing officer to extend for a specified time.</p> <p>(L): In addition to the allegations of misconduct specified in this section, any finding by a law enforcement agency as to the use of excessive force by a law enforcement officer must be reported to the academy by the appropriate law enforcement agency within thirty days of the finding, the information of which must be maintained by the academy for investigative and personnel hiring purposes.</p>
Texas	Texas Commission on Law Enforcement	<p>The Commission may issue a license to an applicant who meets standards listed in 37 TAC § 217.1, which include that the applicant:</p> <ul style="list-style-type: none"> • has never been on court-ordered community supervision or probation for any criminal offense above the grade of Class B misdemeanor or a Class B misdemeanor within the last ten years from the date of the court order; • is not currently charged with any criminal offense for which conviction would be a bar to licensure; • has never been convicted of an offense above the grade of a Class B misdemeanor or a Class B misdemeanor within the last ten years; • has never been convicted or placed on community supervision in any court of an offense involving family violence as defined under Chapter 71, Texas Family Code <p>The Commission does not have direct authority to investigate complaints against law enforcement officers or agencies except in cases where violations of law or rules occur that relate to licensing, training, certification, appointment of a license holder, or the conviction or placement on court-ordered supervision or probation for a covered criminal offense (§1701.202).</p>

State	Commission or Board	Oversight Authority
		<p>If the matter involves an allegation of criminal misconduct, the complainant may direct their concerns to the office of the county or district attorney and/or the Department of Public Safety-Office of the Texas Rangers. If there are allegations of civil rights violations, the Federal Bureau of Investigation may conduct its own investigation.</p> <p>If an allegation related to the Commission's jurisdiction is investigated and sufficient evidence is developed to determine that a criminal offense has occurred, the Commission may proceed with criminal charges and/or disciplinary action on the subject's license as appropriate.</p> <p>TX Occupations Code 1701.164 specifies that the Commission shall collect incident based data, such as racial profiling incidents, from law enforcement agencies that routinely perform traffic stops or motor vehicle stops.</p>
<p>Source: Prepared by legislative auditor's staff using information from state government websites and Westlaw.</p>		

APPENDIX D: PROCESSES FOR INTERNAL INVESTIGATION OF COMPLAINTS AND DISCIPLINARY ACTION

Agency	Internal Investigations/Discipline
<p>Louisiana State Police</p>	<p>LSP receives and investigates complaints against employees.</p> <p>Administrative investigations are non-criminal investigations of a policy or procedure violation and usually conducted by Troop/Section commanders.</p> <p>Use of force complaints which result in the complainant receiving medical treatment, bias-based/racial profiling complaints and all other complaints as directed by the Superintendent are investigated by the Internal Affairs section.</p> <p>If an investigation reveals facts that indicate a potential violation of criminal law, the investigation is suspended and the Superintendent is notified to decide whether a criminal investigation is warranted. The Criminal Investigations Division conducts investigations mandated by procedural order (e.g. officer-involved shootings).</p> <p>Disciplinary actions against an LSP employee can only be taken by the Superintendent or his designee. An employee can appeal disciplinary action with the Louisiana State Police Commission.</p>
<p>Alabama Highway Patrol</p>	<p>The Office of the Secretary of the Alabama Law Enforcement Agency includes the Integrity Unit (i.e. the internal affairs section).</p> <p>The Administrative Bureau's Personnel Division is responsible for the management and coordination of the Agency's human resources operations. Primary responsibilities include but are not limited to:</p> <ul style="list-style-type: none"> • performance appraisal and progressive discipline guidance and oversight • investigating employee complaints • conducting due process hearings and conferences for employees facing severe levels of disciplinary action <p>Any person who believes he/she, or any special class of individuals, is subject to discrimination under Title VI may file a written complaint through a representative or directly with ALEA's Title VI Program Coordinator.</p> <p>The State Bureau of Investigation functions as the Agency's investigative, non-uniform arm. The Bureau conducts investigations and provides assistance to city, county, state, federal, and foreign law enforcement agencies in the following areas: criminal investigations; officer-involved shootings upon request; misuse of criminal justice information; agriculture, forestry, and rural crime investigation; alcohol, narcotics, and tobacco enforcement/investigation; crime-scene processing; searches for missing persons and escaped inmates; polygraph examination; technical surveillance; hostage negotiation; marijuana eradication; child and elder exploitation; in-custody death investigation; and outside agency-requested special inquiries.</p> <p>Administrative hearings and appeals of employee disciplinary actions are conducted by the State Personnel Board.</p>

Agency	Internal Investigations/Discipline
Arkansas State Police	<p>Ark. Code Ann. §12-8-204:</p> <p>(b) Should the Director of the Division of Arkansas State Police deem it necessary to remove, suspend, discharge, demote, or transfer for disciplinary reasons any division officer, the director shall do so by written notice.</p> <p>(c)(1) Any division officer so removed, suspended, discharged, demoted, or transferred shall have the right of appeal to the Arkansas State Police Commission, provided that notice of the appeal shall be lodged with the commission within 10 days after notice to the officer of his or her discharge, removal, suspension, demotion, or disciplinary transfer.</p> <p>(2) When so filed, the appeal shall be heard and determined by the commission within a reasonable time from the date the appeal is filed with the commission.</p> <p>(d)(1) Provided the appeal is perfected within 30 days from the date of the final order made by the commission, an appeal may be taken to the Pulaski County Circuit Court from any order of the commission discharging, removing, suspending, demoting, or transferring for disciplinary reasons any member of the division force.</p> <p>(2) The appeal shall be heard by the court without the introduction of any further testimony.</p> <p>Arkansas Department of Public Safety’s Office of Professional Standards serve as investigators for administrative investigations conducted on employees of the Arkansas State Police. This office conducts administrative investigations when a complaint is filed against a State Police employee. Investigators are responsible for investigating all complaints filed on employees, officer-involved shootings, racial profiling allegations involving troopers, and avoidable crashes that involve any State Police vehicle. The Office is also responsible for compiling data from pursuits and use of force incidents for the Division.</p>
Florida Highway Patrol	<p>Chapter 8 of Florida Highway Patrol’s manual covers complaints and discipline and states that all complaints involving employees will be thoroughly reviewed and investigated as appropriate.</p> <p>Policy 8.01 Complaint Resolution Process establishes a process for the detection and intake of all allegations of misconduct, assignment of responsibility for handling complaints, and execution of investigative responsibilities.</p> <p>Complaints received in the field will be immediately forwarded to the supervisor in charge of the Florida Highway Patrol facility where the incident occurred, except for those cases which are referred to the Office of Professional Compliance or which are minor in nature and can be immediately resolved by the supervisor who initially receives the complaint.</p> <p>For complaints alleging criminal misconduct, the Troop Commander and the Office of Professional Compliance will be notified as soon as possible to ensure proper investigatory assignment.</p> <p>Complaints of a serious nature, where if the allegation is sustained, the discipline would be a suspension or greater, are referred to the Office of Inspector General for investigation.</p> <p>Complaints of a minor nature and not referred to the Office of Inspector General will be returned to the troop. An on-duty supervisor shall contact the complainant and initiate a desk review as soon as possible.</p>

Agency	Internal Investigations/Discipline
	<p>Policy 8.02 Discipline establishes that the Florida Highway Patrol may impose disciplinary action for improper conduct or behavior that violates state laws or Department or Division policies. Disciplinary actions include written reprimand, suspension, dismissal, reduction in pay, involuntary transfer of more than 50 miles by highway or involuntary demotion.</p> <p>In the event the complaint is sustained and the recommended disciplinary action is a suspension or greater, the Troop Commander will draft the Notice of Proposed Action and schedule a Disciplinary Action Review Board. The Review Board will review the case and make any recommendations to the Troop Commander prior to serving the Notice of Proposed Action on the employee.</p> <p>The Notice of Proposed Action will contain notice of the right of the employee to have access to a predetermination conference to answer, orally or in writing, the allegations.</p> <p>If the employee does not affirmatively accept the scheduled predetermination conference, or if the employee does not present any factors to cause the Department to modify or change its proposed action, the Notice of Final Action shall be issued by the troop or General Headquarters as appropriate.</p> <p>The instructions for appealing or grieving the action shall be contained in the notification to the employee of the action to suspend or dismiss.</p> <p>Policy 10.01 Response to Resistance establishes policy, guidelines, and limitations concerning the response to resistance and the use of control, including deadly force, by members of the Florida Highway Patrol.</p> <p>The Office of Professional Compliance shall create and maintain a repository for all Use of Control reports and provide a method for analyzing Use of Control incidents.</p> <p>Highway Patrol members have a duty to report and a duty to intervene in another law enforcement officer's excessive use of force.</p> <p>Based on a Memorandum of Understanding between the Highway Patrol and the Florida Department of Law Enforcement, the Department assumes overall direction and responsibility for all criminal investigations of incidents of officer involved shootings, "use of control" that results in a death, the intentional discharge of a firearm that results in injury or death, and the death of an arrestee in custody or in the process of being arrested. The Office of Inspector General is responsible for any internal or administrative investigations for incidents listed above.</p> <p>All "use of control" incidents that do not result in the death of a person are investigated by Highway Patrol personnel. In the case of a firearms discharge, the Bureau Commander of the Bureau of Criminal Investigations and Intelligence shall be notified immediately and shall assign an investigator to investigate. The Bureaus will investigate in consultation with the Inspector General.</p> <p>In the event of a shooting incident resulting in injury or death where a member discharged the weapon, the member shall be immediately placed on administrative leave by the Director in concurrence with the Chief of Personnel Services.</p>

Agency	Internal Investigations/Discipline
<p>Georgia State Patrol</p>	<p>Policy 8.01 Discipline The purpose of this policy is to establish guidelines for managing employees who do not meet established standards of performance, conduct and conditions of employment.</p> <p>Adverse actions such as suspension without pay, disciplinary salary reduction, demotion and termination or dismissal may be imposed only by the Appointing Authority. Limited Appointing Authorities may propose an adverse action against an employee holding permanent status in the Classified Service.</p> <p>Any employee subject to an adverse action may have the action reviewed by a reviewing official. Either of the Lt. Colonels or the Chief of Staff shall be the reviewing official for adverse actions proposed by appointing authorities who report to him or her, unless the Commissioner appoints a different reviewing official. The Commissioner will either conduct the review or appoint a reviewing official for actions proposed by appointing authorities who report directly to the Commissioner.</p> <p>The reviewing official has the authority to sustain, reverse, modify, or increase the proposed action. When a final adverse action is issued, there shall be no further review by the Department. Even though no employee may request any additional intra-departmental review of the Final Adverse Action, the Commissioner may, on his own initiative, set aside any final action or authorize an additional review.</p> <p>Policy 8.02 Complaints It is the policy of the Georgia Department of Public Safety to fairly, efficiently, thoroughly, and impartially investigate all complaints against department personnel. This policy establishes the procedures to be utilized to receive, process and investigate citizen complaints and/or internal department complaints.</p> <p>Administrative investigations of alleged misconduct such as minor policy violations, complaints of rudeness or unprofessional behavior, and allegations of insubordination shall be investigated by a section supervisor or designee.</p> <p>The Internal Affairs Unit of the Office of Professional Standards shall conduct internal affairs investigations of alleged misconduct such as discharge of firearm during the commission of a police action, complaints of excessive use of force, allegations of criminal violations, etc.</p> <p>Policy 19.02 Office of Professional Standards The Office of Professional Standards (OPS) investigates allegations of employee misconduct and ensure compliance with Department of Public Safety rules and regulations, state and federal law and the Constitutions of the United States and Georgia. This is to ensure investigative action when members conduct themselves improperly while also protecting members from unwarranted complaints pursuant to discharge of official duties.</p> <p>The internal affairs unit in the OPS investigates allegations of misconduct against members of the Department of Public Safety, including the Georgia State Patrol, Motor Carrier Compliance Division, and Capitol Police Division.</p>

Agency	Internal Investigations/Discipline
<p>Kentucky State Police</p>	<p>Ky. Rev. Stat. Ann. §16.140: The Office of Internal Affairs is designated by the commissioner as the recipient of charges against any officer and is administratively responsible for the maintenance of good order within the department through the collection and investigation of charges and the retention of their dispositions.</p> <p>The commissioner, whenever probable cause appears, shall prefer charges against any officer whom he believes to have been guilty of conduct justifying his removal or punishment, in the interest of public order.</p> <p>If the officer admits the truthfulness of the charges, the commissioner shall remove, suspend, reduce in rank or pay the officer so offending, in proportion to the seriousness of the charges.</p> <p>If the charges are denied and the officer demands a hearing within the time specified, he shall make his demand known to the commissioner in writing. After demand for hearing has been made, the commissioner within 20 days from the date thereof shall arrange for a public hearing before a trial board to be constituted in the manner provided in this section.</p> <p>Ky. Rev. Stat. Ann. §16.150: Any officer of the department who shall be found guilty by the trial board of any charge as provided in KRS 16.140 shall have the right, within 10 days from the date of judgment of the trial board, to appeal to the Franklin Circuit Court, provided the punishment be a suspension of more than 20 days or his pay be reduced more than 10%, or if he is reduced in grade, if his classification so warrants, or is removed or dismissed from the department; provided, however, the enforcement of the judgment of the trial board upon said charges shall not be suspended during said appeal.</p>
<p>Mississippi Highway Safety Patrol</p>	<p>Miss. Code. Ann. §45-3-17: After 12 months' service, no member of the patrol shall be subject to dismissal or otherwise have his salary adversely affected except for cause, and any such action against an officer of the Mississippi Highway Safety Patrol shall be subject to and proceed under the laws, rules and regulations of the state personnel system.</p> <p>Ch. 7 of the MS State Personnel Board for State Employees Handbook: A State Service employee may be dismissed or otherwise adversely affected as to compensation or employment status only after being given written notice and hearing, complying with due process of law.</p> <p>The hearing is an informal conference between the employee and the appointing authority or designated representative. The employee must be provided the notice at least five working days prior to the hearing. The purpose of the hearing is to give the employee a meaningful opportunity to respond to the allegation(s) in the notice and for the employer to determine if inefficiency or other good cause exists, warranting disciplinary action.</p> <p>A determination and recommendation from the designated representative to the appointing authority should include both a summary of the employee's response and the basis for the decision and recommendation. The appointing authority should carefully consider the designated representative's determination and recommendation but may choose to accept or disregard the recommended personnel action.</p> <p>Miss. Code. Ann. § 25-9-127 provides that any State Service employee who appeals to the Mississippi State Personnel Board his or her dismissal or action adversely affecting compensation or employment status shall be required to furnish evidence that the reasons stated by the employer are not true or are not sufficient grounds for the action taken.</p>

Agency	Internal Investigations/Discipline
	<p>Internal Affairs is a fact-finding unit that reports directly to the Director of Highway Patrol. The primary function of Internal Affairs is to conduct internal investigations of allegations of misconduct or other complaints filed against Department of Public Safety employees.</p>
<p>North Carolina State Highway Patrol</p>	<p>The Office of Special Investigations, in the Office of the Secretary of the Department of Public Safety, serves as the platform that provides consistency in the handling of internal complaints involving any Department of Public Safety employee, volunteer, or contractor on allegations of serious misconduct. Office of Special Investigations consolidates the various internal affairs entities within the North Carolina Department of Public Safety, to improve the efficiency and efficacy of internal investigations processes throughout the agency.</p> <p>The Office of Special Investigations is also tasked with ensuring that the integrity of Department of Public Safety is maintained through an internal system in which independence, fairness, and justice are guaranteed by an impartial investigation and independent review of allegations of violations of laws, rules, or policies made against any Department of Public Safety employee, volunteer, or contractor that could significantly impact that ability of the department to accomplish its mission.</p> <p>External complaints: Citizens of North Carolina can file complaints against patrol personnel or Highway Patrol procedures by letter, telephone or in person. There is also an online form to "<i>Comment on a Trooper</i>" on the Department of Public Safety website (https://www.ncdps.gov/comment-trooper).</p> <p>Once a complaint is received, the review/investigation process begins. In keeping with professional standards, a person designated by Highway Patrol policy will perform this function. If the concern is of an operational nature, it will generally be handled at the local level. If, however it is a complaint, it may or may not be handled locally depending on the scope of the investigation needed to resolve the matter.</p> <p>A complaint investigation will usually include a review of all applicable reports, policies and procedures, examination of any evidence or medical records, and interviews with all parties and witnesses involved. This may take several months to investigate/review, where as a simple inquiry may only take a day to complete.</p> <p>If an employee is found to have acted improperly:</p> <ul style="list-style-type: none"> • Some instances require disciplinary action such as reprimand, suspension, or even termination. • Sometimes training is appropriate. • If a crime has been alleged, the Attorney General's Office will determine if criminal charges should be filed.
<p>South Carolina State Highway Patrol</p>	<p>According to a 2017 report by the South Carolina Office of the Inspector General, the Department of Public Safety's Office of Professional Responsibility (OPR) is the agency's program manager for all internal investigations conducted by the agency. The full cycle of a department internal investigation encompasses the complaint, investigation, and grievance of disciplinary findings, if any.</p> <p>The Department's internal investigative process has a direct impact on three principal parties which have a vested interest in the proper application of the agency's investigative resources: (1) the complainant (external or internal); (2) the SCDPS employee who is the subject of the complaint; and (3) SCDPS as the impacted state agency with reputational risk to the public and to its employees.</p> <p>Once a decision has been made to initiate an internal investigation, the OPR chief determines whether to designate the investigation as a Division Investigation (DI), which is conducted by a specific SCDPS Division; or as a Professional Responsibility (PR) investigation, which is conducted by an OPR investigator. In general, cases involving conduct which may result in an adverse personnel action, such as a termination, suspension, or demotion are assigned as a PR. Those matters which would result in something less than an adverse personnel action are designated as a DI.</p>

Agency	Internal Investigations/Discipline
	<p>Following an OPR decision to initiate an internal investigation, the investigative cycle follows a 3 phase process: Phase I: investigation and complaint outcome (sustained, not sustained, unfounded, and exonerated); Phase II: review to determine discipline, if any; and Phase III: post-discipline case closure.</p>
<p>Texas Highway Patrol</p>	<p>TX GOVT §411.0195 requires the Texas Department of Public Safety to maintain a system to promptly and efficiently act on complaints filed with the department. The department shall maintain information about parties to the complaint, the subject matter of the complaint, a summary of the results of the review or investigation of the complaint, and its disposition.</p> <p>(b) The department must make information available describing its procedures for complaint investigation and resolution.</p> <p>(c) The department must periodically notify the complaint parties of the status of the complaint until final disposition.</p> <p>During the 81st Legislative Session, the Department’s Office of Inspector General (OIG) was created to conduct independent investigations into allegations of misconduct by department employees. The Inspector General reports directly to the department’s governing body, the Texas Public Safety Commission.</p> <p>The OIG is responsible for overseeing the complaints and investigations of the items listed below from initiation through final disposition:</p> <ul style="list-style-type: none"> • Criminal activity by department employees; • Allegations of wrongdoing by department employees; • Crimes committed on department property; and • Serious breaches of department policy <p>The Texas Rangers are responsible for special criminal investigations, the Public Corruption Unit, the Public Integrity Unit, and employee criminal investigations.</p> <ul style="list-style-type: none"> • The Public Corruption Unit investigates allegations of law enforcements participation in organized crime • The Public Integrity Unit investigates and pursues prosecution of crimes committed by state officers in connection with their duties, including ethics offenses. For example, a DPS Trooper accused of using excessive force after Dec 2015 results in a Public Integrity Unit investigation. • The Texas Rangers are also responsible for conducting employee criminal investigations when criminal misconduct by Department employees is alleged.
<p>Source: Prepared by legislative auditor’s staff using information from state government websites and Westlaw.</p>	

APPENDIX E: HYPERLINKS FOR PUBLIC RECORD RETENTION SCHEDULES/REQUIREMENTS

Agency	Hyperlink
Louisiana State Police	https://www.sos.la.gov/HistoricalResources/ManagingRecords/DevelopRetentionSchedules/Pages/default.aspx
Alabama Highway Patrol	https://archives.alabama.gov/FindRDA.aspx?at=s
Arkansas State Police	https://www.dfa.arkansas.gov/images/uploads/intergovernmentalServicesOffice/rec_retention_schedule.pdf
Florida Highway Patrol	General Records: https://files.floridados.gov/media/703328/gsl-sl-2020.pdf Public Safety: https://fldoswebumbracoprod.blob.core.windows.net/media/703921/gsl-2021-final.pdf
Georgia State Patrol	General Records: https://www.georgiaarchives.org/records/state_government/ Public Safety: https://www.georgiaarchives.org/records/agencyprint/125
Kentucky State Police	https://kdla.ky.gov/records/retentionschedules/Documents/State%20Records%20Schedules/kystatepolice.PDF
Mississippi Highway Safety Patrol	General Records: http://records.mdah.state.ms.us/genschedules.php Public Safety: http://records.mdah.state.ms.us/appschedules3.php?agency_name=Public+Safety%2C+Department+of&sortby=schedule_number
North Carolina State Highway Patrol	General Records: https://archives.ncdcr.gov/government/state-government-agencies/functional-schedule Law Enforcement: https://archives.ncdcr.gov/media/872/download?attachment
South Carolina State Highway Patrol	https://scdah.sc.gov/records-management/schedules
Texas Highway Patrol	General Records: https://www.tsl.texas.gov/slr/rrs Public Safety: https://www.tsl.texas.gov/sites/default/files/public/tslac/slr/state/schedules/405.PDF
Source: Prepared by legislative auditor's staff using information from state government websites.	

APPENDIX F: RETIREMENT BENEFITS FOR EMPLOYEES OF LAW ENFORCEMENT AGENCIES

State	FY2022 Employer Contribution Rate	Employee Contribution Rate	Benefit Accrual Rate
Louisiana	<p>FY2022 employer contribution cost as % of payroll: 58.8%</p> <p>Normal cost rate: 21.19%</p> <p>Unfunded accrued liability cost rate: 39.7%</p>	<p>Employees hired before January 1, 2011 contribute 8.5% as of October 1, 2009; prior to this date the employee contribution rate was 8%</p> <p>Employees hired on or after January 1, 2011 contribute 9.5%</p>	<p>Louisiana State Police Retirement System’s retirement formula states that:</p> <ul style="list-style-type: none"> • Employees hired prior to September 8, 1978 are eligible to retire if they have at least 20 years of service, regardless of age. They will be paid a monthly benefit equal to the sum of 3 1/3% multiplied by the number of years of service (percentage rate of retirement), and further multiplied by their final average compensation (FAC). The total annual benefit shall not exceed 100% of their current FAC. • Employees hired after September 8, 1978 are eligible to retire if they have at least 25 years or service, regardless of age. They will be paid a monthly benefit equal to the sum of 3 1/3% multiplied by the number of years of service (percentage rate of retirement), and further multiplied by their FAC. The total annual benefit shall not exceed 100% of their current FAC.

State	FY2022 Employer Contribution Rate	Employee Contribution Rate	Benefit Accrual Rate
Alabama	FY2022 employer contribution as % of payroll: <ul style="list-style-type: none"> • Tier 1: 52.22% Normal cost rate: 10.36% Unfunded accrued liability cost rate: 41.49% • Tier 2: 42.86% Normal cost rate: 1.0% Unfunded accrued liability cost rate: 41.49% 	Employees contribute 10% of earnable compensation	The Employees' Retirement System of Alabama State Police is a defined benefit plan. <ul style="list-style-type: none"> • Tier 1 members (employees hired before January 2013): 2.875% benefit accrual rate • Tier 2 members (employees hired on or after January 2013): 2.375% benefit accrual rate
Arkansas*	FY2021 employer contribution cost rate as % of payroll: <ul style="list-style-type: none"> • Tier 1: 138.86% Normal cost rate: 22.51% Unfunded accrued liability cost rate: 116.35% • Tier 2: 26.99% Normal cost rate: 22.58% Unfunded accrued liability cost rate: 4.41% 	Members of the Arkansas State Police Retirement System are non-contributory. Members with service prior to January 1, 1978 were required to contribute 9.25% of their salary to the system.	The Arkansas State Police Retirement System is a defined benefit plan. Contributory members: Members with service prior to January 1, 1978 were required to contribute 6% of their salary to the system. Benefit accrual rate for contributory members with less than 20 years of credited service: 2.949% <ul style="list-style-type: none"> • + 2.359% for credited service in excess of 20 years but less than 25 years • + 1.18% for credited service in excess of 25 years but less than 30 years Non Contributory members: <ul style="list-style-type: none"> • Tier 1 (members before April 3, 1997): Upon retirement, member receives straight life pension equal to 1.66% of his final average compensation multiplied by the number of years and any fraction of his credited service. • Tier 2 (members hired on or after April 3, 1997): Upon retirement, member shall receive a straight life pension equal to 2.65% of the member's final average compensation multiplied by the number of years and any fraction of a year of his or her service.

State	FY2022 Employer Contribution Rate	Employee Contribution Rate	Benefit Accrual Rate
<p>Florida</p>	<p>FY2022 employer contribution rate as % of payroll:</p> <ul style="list-style-type: none"> • Florida Retirement System (FRS) Pension Plan for Special Risk class members: 26.02% Normal cost rate: 15.57% Unfunded accrued liability cost rate: 10.45% • FRS Investment Plan for Special Risk class members: 13.54% Normal cost rate: 13.54% Unfunded accrued liability cost rate: 0.0% • Blended Uniform Contribution Rate: 24.17% Normal cost rate: 15.27% Unfunded accrued liability cost rate: 8.9% 	<p>For both retirement plans, employees contribute 3% of their gross salary.</p>	<p>FRS allows employees to choose between 2 retirement options within the first 8 months of their employment:</p> <ul style="list-style-type: none"> • The system pension plan provides a monthly benefit when employees retire with a benefit accrual rate of: <ul style="list-style-type: none"> ○ Service from December 1, 1970 – September 30, 1974: 2% ○ Service on or after October 1, 1974: 3% • The system investment plan lets the employee choose how their money is invested and how they want to receive payments. <p><i>If an employee does not make an active election by the end of the election period, employees in the Special Risk Class (e.g. law enforcement officers) default to the system pension plan.</i></p>

State	FY2022 Employer Contribution Rate	Employee Contribution Rate	Benefit Accrual Rate
<p>Georgia</p>	<p>FY2022 employer contributions as % of payroll:</p> <ul style="list-style-type: none"> • Old Plan: 19.88% of compensation Normal cost rate: 1.48% Unfunded accrued liability cost rate: 18.4% • New Plan: 24.63% of compensation Normal cost rate: 6.23% Unfunded accrued liability cost rate: 18.4% • Georgia State Employees' Pension and Savings Plan (GSEPS) plan: 21.57% of compensation Normal cost rate: 3.17% Unfunded accrued liability cost rate: 18.4% 	<p>Old or new plan members contribute 1.5% of earnable compensation.</p> <p>Members of the State Employees' Pension and Savings Plan contribute 1.25% of earnable compensation.</p>	<p>Employees' Retirement System of Georgia provides three primary retirement plans:</p> <ul style="list-style-type: none"> • Old Plan (employees hired before July 1, 1982): 2% benefit accrual rate for between 10-28 years of service. After the 28th year of service, the rate increases incrementally each year, eventually maxing out at 2.2% at the 35th year of service. • New Plan (employees hired on or after July 1, 1982 and before January 1, 2009): 2% benefit accrual rate for every year of service. • GSEPS combination defined benefit/401(k) plan (employees hired on or after January 1, 2009): <ul style="list-style-type: none"> ○ Defined benefit plan: 1% benefit accrual rate for every year of service. ○ 401(k) plan: Member contributes 1% of compensation and receives 1% salary match from State (100% match on the first 1% of compensation contributed). For each additional percent contributed by member (up to 4%), the State will match 50% of that amount (up to 2% of compensation). The 401(k) employer contribution is subject to a 5-year vesting schedule, vesting 20% for each completed year of service in a Georgia State Employees' Pension and Savings Plan-eligible position.

State	FY2022 Employer Contribution Rate	Employee Contribution Rate	Benefit Accrual Rate
Kentucky	FY2022 actuarially determined employer contribution as % of payroll: 127.99% Normal cost rate: 19.04% Unfunded accrued liability cost rate: 108.95%	Employees with hazardous duties (e.g. active law enforcement officers) who began participation prior to September 1, 2008 contribute 8% of their creditable compensation. Employees with hazardous duties who began participation on or after September 1, 2008 contribute 9% of their creditable compensation. 8% of this contribution is deposited to the individual employee's account; the other 1% is deposited into the retirement system Insurance Fund (health insurance contribution).	Kentucky Retirement Systems consist of three separate retirement systems, including the State Police Retirement System. <ul style="list-style-type: none"> • Tier 1: Benefit accrual rate for defined benefit plan for employee participation before September 1, 2008: 2.5% • Tier 2: Benefit accrual rate for defined benefit plan for employee participation between September 1, 2008 – December 31, 2013: <ul style="list-style-type: none"> ○ less than or equal to 10 years: 1.30% ○ more than 10 years and less than 20 years: 1.50% ○ more than 20 years and less than 25 years: 2.25% ○ more than 25 years: 2.50% • Tier 3: Cash Balance Plan for employees whose participation begins on or after January 1, 2014: No benefit factor. A life annuity can be calculated in accordance with actuarial assumptions and methods adopted by the board based on a member's accumulated account balance.
Mississippi	FY2022 employer contribution rate as % of compensation: 49.08% Normal cost rate: 15.44% Unfunded accrued liability cost rate: 33.39%	Sworn officers of the Highway Patrol contribute 7.25% of earned compensation effective July 1, 2008	Sworn officers of the Mississippi Highway Safety Patrol are provided retirement benefits through the Mississippi Highway Safety Patrol Retirement System, which is a governmental defined benefit plan. Benefit accrual rate of 2.5% ; however, the rate is reduced by an actuarially determined percentage or factor for each year of service below 25 or for each year in age below 55, whichever is less.

State	FY2022 Employer Contribution Rate	Employee Contribution Rate	Benefit Accrual Rate
<p>North Carolina</p>	<p>FY2022 employer contribution rate as % of payroll: 15.74% Normal cost rate: 5.16% Unfunded accrued liability cost rate: 10.58%.</p>	<p>Members of the defined benefit pension plan contribute 6% of their compensation. Employees may also elect to make additional contributions to the Supplemental Retirement Income Plan (NC 401(k) Plan).</p>	<p>The Teachers' and State Employees' Retirement Systems is a pension plan administered by the North Carolina Total Retirement Plans.</p> <ul style="list-style-type: none"> • Service retirement with unreduced benefits: benefit accrual rate of 1.82% • Early retirement benefits are calculated using the same formula as a service retirement benefit, multiplied by a reduction percentage based on age and/or service at early retirement. <p>In addition, law enforcement officers are automatically members of the Supplemental Retirement Income Plan (NC 401(k) Plan). The employer pays an amount equal to 5% of the employee's salary into their account in the plan.</p>
<p>South Carolina</p>	<p>FY2022 employer contribution rate as % of payroll: 19.24% Normal cost rate: 4.72% Unfunded accrued liability cost rate: 14.52%.</p>	<p>Members contribute 9.75% of their gross pay, tax-deferred</p>	<p>The South Carolina Police Officers Retirement System is a defined benefit retirement plan with two classes of membership:</p> <p>Class Two Membership (membership effective prior to July 1, 2012):</p> <ul style="list-style-type: none"> • Employee can retire after 25 years of service or at age 55 or older • Employee must have at least 5 years of earned service to receive a monthly retirement benefit <p>Class Three Membership (membership effective on or after July 1, 2012):</p> <ul style="list-style-type: none"> • Employee can retire after 27 years of service or of age 55 or older • Employee must have at least eight years <p>Benefit accrual rate for both classes: 2.14%</p>

State	FY2022 Employer Contribution Rate	Employee Contribution Rate	Benefit Accrual Rate
Texas	<p>FY2022 Employee Retirement System (ERS) employer contribution rate as % of payroll: 10%</p> <p>Normal cost rate: 4.62% Unfunded accrued liability cost rate: 5.38%.</p> <p>FY2022 Law Enforcement and Custodial Officer Supplemental Retirement Fund (LECOS) employer contribution rate as % of payroll: 1.97%</p> <p>Normal cost rate: 1.47% Unfunded accrued liability cost rate: 0.5%.</p>	<p>9.5% contribution to ERS plus additional 0.5% contribution to LECOS</p>	<p>Employees deposit a portion of their monthly salary into the ERS Retirement Fund. In addition, law enforcement officers are members of LECOS. Membership begins on the employee's hire date in a fund-contributing position.</p> <p>There are currently 3 retirement groups depending on when an employee was hired by the State of Texas:</p> <ul style="list-style-type: none"> • Group 1: Employees hired before September 1, 2009: monthly retirement payment calculated using the highest 36 months of salary multiplied by a benefit accrual rate of 2.3% • Group 2: Employees hired September 1, 2009 - August 31, 2013: monthly retirement payment calculated using the highest 48 months of salary multiplied by a benefit accrual rate of 2.3% • Group 3: Employees hired September 1, 2013 - August 31, 2022: monthly retirement payment calculated using the highest 60 months of salary multiplied by a benefit accrual rate of 2.3% • Employees hired on or after September 1, 2022 will be in Group 4. Information on Group 4 retirement eligibility and benefits will be available starting summer 2022. <p>20 or more years of Certified Peace Officers/Custodial Officers Service Credit qualifies employees for the higher benefit accrual rate of 2.8%</p>
<p>* This information is from the Arkansas State Police Retirement System's fiscal year 2020 actuarial valuation report. The actuarial valuation report for fiscal year 2021 is not yet publicly available. Source: Prepared by legislative auditor's staff using information from state government websites and Westlaw.</p>			