

KIMBERLY HUNT	*	NO. 2026-CA-0261
VERSUS	*	COURT OF APPEAL
NEW ORLEANS POLICE	*	FOURTH CIRCUIT
DEPARTMENT	*	STATE OF LOUISIANA
	*	
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RML **LEDET, J., DISSENTS IN PART WITH REASONS**

Contrary to the majority, I would affirm the Commission’s entire decision. I agree with the Commission’s finding that the Appointing Authority failed to carry its burden of proof when disciplining Sgt. Hunt for violating the retaliation policy. The Commission’s finding is supported both legally and factually.

Legally, the NOPD’s policy regarding retaliation is primarily intended to address workplace issues, and not an officer’s interactions with members of the public. As stated in the hearing examiner’s report:

The purpose of the retaliation rule is primarily to protect police officers from reprisal for reporting misconduct by fellow officers or for providing information against them during internal investigations. The rule’s emphasis on the seriousness of the violation and the severity of the presumptive penalty reflects that narrow and specific concern.

Factually, Sgt. Hunt, at the time of the recorded interview, was unaware of any past complaints by Dr. Gallagher against her of payroll violations. In reversing the Commission’s decision, the majority allows the NOPD to use the same exact questioning to punish Sgt. Hunt twice—once for verbal intimidation and professionalism violations, and then for retaliation. Again, as stated in the report:

The record does not establish that the Appellant sought to punish, penalize, or otherwise take adverse action against the Complainant because he filed a complaint. While the Appellant’s conduct was unprofessional and verbally intimidating, reflecting poor judgment, reprisal necessarily implies an attempt to impose some form of detriment or consequence. Verbal intimidation, standing alone, does

not constitute a reprisal; it involves inappropriate or aggressive speech, not the taking of adverse action.

Accordingly, I find neither the Commission's factual findings were clearly wrong nor was the Commission's decision arbitrary or capricious. Therefore, I respectfully dissent.