

**TWENTY-NINTH JUDICIAL DISTRICT COURT**

**PARISH OF ST. CHARLES**

**STATE OF LOUISIANA**

**THE CENTER FOR  
CONSTITUTIONAL RIGHTS**

Civil Action No. \_\_\_\_\_

Plaintiff

v.

Division \_\_\_\_\_

**ST. CHARLES PARISH  
SHERIFF'S OFFICE and  
GREG CHAMPAGNE**, in his official  
capacity as Sheriff of St. Charles Parish  
and Custodian of Records,

Defendants.

Filed: \_\_\_\_\_

Deputy Clerk \_\_\_\_\_

**AMENDED PETITION FOR WRIT OF MANDAMUS  
UNDER THE LOUISIANA PUBLIC RECORDS ACT**

**SUMMARY PROCEEDING**

NOW INTO COURT, through undersigned counsel, comes Plaintiff, the Center for Constitutional Rights, who respectfully requests, pursuant to Article XII, Section 3 of the Louisiana Constitution of 1974 and La. R.S. 44:35(A), and other applicable law cited herein, that this Court issue a Writ of Mandamus directing Greg Champagne, in his official capacity as Sheriff of St. Charles Parish, and custodian of records, to provide Plaintiff with all public records in the possession of the St. Charles Parish Sheriff's Office ("SCPSO") responsive to Plaintiff's public records request. Plaintiff respectfully requests an expedited hearing within ten days of service of this petition as required by La. C. C. P. art. 3782 as well as La. R.S. 44:35(C), which provides that any suit brought to enforce the provisions of the Public Records Act "shall be tried by preference and in a summary manner."<sup>1</sup>

In support of this petition, Plaintiff states the following:

**Introduction**

1. The public records requested in this matter relate to issues of immediate, pressing and significant public concern with local and national dimensions.

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<sup>1</sup> See also La. C. C. P. art. 2591, 2595.

2. In 2016, Sheriff Greg Champagne traveled to North Dakota to observe the law enforcement response to protests against the Dakota Access Pipeline (“DAPL”). At the time, he also served as President of the National Sheriffs’ Association. After his trip, Champagne publicly lauded law enforcement and cast the pipeline protestors as violent and “militant.”<sup>2</sup>

3. As revealed in one of the records produced in what Plaintiff reasonably believes is an inadequate agency response, Champagne deployed SCPSO employees to travel to North Dakota under the Emergency Compact Assistance Act. In one instance, the deployment – to the tune of nearly \$36,000 -- was not to assist with countering allegedly violent and militant protestors, but with producing a pro-law enforcement “Know the Truth” video series SCPSO employees apparently created, or helped to create. *See* Email from C. Fong, January 4, 2017, annexed hereto as Exhibit A; Emergency Management Assistance Compact Reimbursement Form, annexed hereto as Exhibit B.

4. Energy Transfer Partners, the company constructing the DAPL, is also pursuing a related pipeline project in Louisiana known as the Bayou Bridge Pipeline, which would span 162 miles between Lake Charles and St. James, through 11 parishes, developed, agricultural and pasture land, swamp land and bottomland hardwood forests, and 700 bodies of water. Bayou Bridge Pipeline, LLC, is a joint venture of Energy Transfer Partners and Phillips 66 Partners.<sup>3</sup>

5. The National Sheriffs Association has endorsed the Bayou Bridge Pipeline<sup>4</sup> and has advocated before state agencies in Louisiana considering the project.<sup>5</sup>

6. The National Sheriffs’ Association also lists TigerSwan, LLC, a private security company hired by Energy Transfer Partners to provide security services for its projects, as a “Silver Partner” on the association’s website, indicating TigerSwan has made financial contributions to the association.<sup>6</sup> TigerSwan has been the subject of in-depth reporting and public criticism as a result its controversial tactics, including deploying a highly militarized response to civilian protests, with one former military official denouncing such tactics as “extreme by all measures.”<sup>7</sup>

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<sup>2</sup> See <https://www.facebook.com/sheriff.gregchampagne/posts/1337399006279642>.

<sup>3</sup> See [http://energytransfer.com/ops\\_bayou\\_bridge.aspx](http://energytransfer.com/ops_bayou_bridge.aspx).

<sup>4</sup> See <https://bayoubridge.com/>.

<sup>5</sup> Steve Horn, *In Heat of Dakota Access Protests, National Sheriffs’ Association Lobbied for More Military Gear*, Desmog, April 27, 2017, <https://www.desmogblog.com/2017/04/27/dakota-access-sheriffs-lobbying-military-gear>.

<sup>6</sup> See <https://www.sheriffs.org/partners/corporate-partners>.

<sup>7</sup> *Private security firm that surveilled DAPL protests denied Louisiana license*, KATC.com, Jul. 20, 2017, available at <http://www.katc.com/story/35902508/private-security-firm-that-surveilled-dapl-protests-seekslouisiana-license>.

7. TigerSwan was denied a license to operate in North Dakota and subsequently sued by the North Dakota Private Investigative and Security Board (“NDPISB”) for operating there without a license.<sup>8</sup> TigerSwan was subsequently denied a license to operate in Louisiana, a decision it is now appealing.<sup>9</sup>

#### PARTIES

8. Plaintiff Center for Constitutional Rights is a non-profit public interest law firm based in New York, New York. Plaintiff’s representative, Ian Head, submitted the public records request detailed herein as an agent of the law firm.

9. Plaintiff is a “person” within the meaning of La. R.S. 44:31.<sup>10</sup>

10. Defendants are the St. Charles Parish Sheriff’s Office and Greg Champagne, St. Charles Parish Sheriff and custodian of records.

11. Defendant St. Charles Parish Sheriff’s Office is a “public body” as defined in La. R.S. §44:1(A)(1).

#### JURISDICTION AND VENUE

12. This Court has jurisdiction to issue a writ of mandamus ordering the production of documents improperly withheld and to award attorneys’ fees and costs, pursuant to La. R.S. 44:35.

13. Pursuant to La. R.S. 44:35(A), venue is proper in this Court as the Custodian’s principal office is located at 260 Judge Edward Defresne Parkway, Luling, LA 70070.

#### FACTS

14. On September 18, 2017, Plaintiff sent Defendant a written request for 9 categories of records, detailed as:

- 1) Sheriff Greg Champagne’s trip to North Dakota in October 2016 to observe the law enforcement response to the protests against the Dakota Access Pipeline Project as described .... and on his Facebook page....
- 2) Any travel by St. Charles Parish Sheriff’s Office (SCSO) employees to North Dakota in connection with the Dakota Access Pipeline and/or protests against it.

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<sup>8</sup> See also, Alleen Brown, Will Parrish, Alice Speri, *Part 5: TigerSwan Faces Lawsuit Over Unlicensed Security Operations in North Dakota*, The Intercept, June 28, 2017, <https://theintercept.com/2017/06/28/tigerswanfaces-lawsuit-over-unlicensed-security-operations-in-north-dakota/>.

<sup>9</sup> See *supra*, n. 7.

<sup>10</sup> See *Indep. Weekly, LLC v. Pope*, 201 So. 3d 951, 953 (La. App. 3 Cir. 2016) (holding that “person” includes a body of persons, whether incorporated or not and that courts must presume that the reference to ‘person’ in La. R.S. 44:1 *et seq* “refers to not only natural persons, but to corporations or companies”).

- 3) Communications between Sheriff Greg Champagne and/or other employees or agents of the SCSO and officials, employees, or agents of Energy Transfer Partners (ETP).
- 4) Communications between Sheriff Greg Champagne and/or other employees or agents of the SCSO and officials, employees, or agents of Dakota Access, LLC.
- 5) Communications between Sheriff Greg Champagne and/or other employees or agents of the SCSO and officials, employees or agents of TigerSwan, LLC, including but not limited to communications with James Reese, TigerSwan founder and chairman, and James “Spider” Marks, chair of the TigerSwan advisory board.
- 6) All communications between Sheriff Greg Champagne and/or other employees or agents of SCSO, concerning the Dakota Access Pipeline and/or the proposed Bayou Bridge Pipeline, including but not limited to communications with federal, state, county, parish, city or town officials and/or individuals in the private sector.
- 7) All communications, notes, memoranda and other documents associated with the presentation of the National Sheriffs Association at a hearing on the proposed Bayou Bridge Pipeline convened by the Louisiana Department of Environmental Quality in February 2017.
- 8) All records and communications relating to the SCSO’s implementation of the Emergency Management Assistance Compact (EMAC) signed by Governor John Bel Edwards on June 19, 2016 and activities undertaken by the SCSO in pursuant to the EMAC.
- 9) Any and all communications concerning the Phillips 66 pipeline explosion in Paradis, Louisiana, in February 2017.

See Plaintiff’s Public Records Request to Sheriff Greg Champagne, annexed hereto as Exhibit C.

15. Plaintiff’s request also included a request for a fee waiver on the basis that the “requested information is in the public interest” and that the information was being sought for “news gathering purposes” and not for “commercial purposes.” *Id.*

16. On September 19, 2017, Captain Maurice Bostick, Director of Business and Legal Affairs at the SCPSO, responded to Plaintiff’s, acknowledging receipt of the public records request and advised that a “wide-ranging analysis must be conducted to determine the availability of records/documents you seek; whether the records constitute public records; and, whether any exceptions to the Public Records Act apply to the records” and that the office would notify Plaintiff “in a reasonable amount of time.” See Letter from Capt. Maurice Bostick to Ian Head, annexed hereto as Exhibit D.

17. On October 21, 2017, Plaintiff received a letter from Capt. Bostick which accompanied what he indicated were “certified copies of the records responsive to your request.” See Capt. Bostick Letter to Ian Head, annexed hereto as Exhibit E.

18. The records consisted of 60 pages of documents relating to Category 2, i.e. “[a]ny travel

by St. Charles Parish Sheriff's Office (SCSO) employees to North Dakota in connection with the Dakota Access Pipeline and/or protests against it," which also some had some relevance to Category 8, and three pages of documents consisting of facebook posts related to Category 9, "[a]ny and all communications concerning the Phillips 66 pipeline explosion in Paradis, Louisiana, in February 2017."

19. The response was silent as to records relating to Categories 1, 3, 4, 5, 6, and 7 and did not indicate whether or not records existed or were being withheld, pursuant to a statutory exemption.

20. On October 27, 2017, Plaintiff sent a letter to Capt. Bostick setting out their concerns about the records, in particular noting that the office did not indicate whether any records had been withheld, and if so, on what basis. *See* Letter from Ian Head to Capt. Bostick, annexed hereto as Exhibit F.

21. With respect to the particular categories of records sought, Plaintiff identified why it believed more records may exist and asked for confirmation as to whether searches had been or would be conducted, and whether any records had been withheld, as follows:

a) Category 1)

"1. Sheriff Greg Champagne's trip to North Dakota in October 2016 to observe the law enforcement response to the protests against the Dakota Access Pipeline Project as described here (See Attachment 1) and on his Facebook page here (See Attachment 2)."

We note there were no records provided relating to this category. It does not seem reasonable that there would be *no* public records relating to Sheriff Champagne's October 2016 trip to North Dakota. Even if that trip was undertaken in a different capacity or funded by a different entity, there would likely be responsive and relevant Sheriff's Office records relating to that trip, such as, for example, emails or text messages with staff concerning his time away, internal reports, photos, and/or communications concerning the trip and/or related to deployment of other employees to North Dakota. Please advise if a search was conducted for records responsive to this request and, if so, what that process entailed, including what was searched and how. If a search was not conducted for these records, please advise whether you will undertake a search and an estimate as to timing of a response.

b) Category 2)

"2. Any travel by St. Charles Parish Sheriff's Office (SCSO) employees to North Dakota in connection with the Dakota Access Pipeline and/or protests against it."

The bulk of documents provided in response to this request consisted of bookkeeping records detailing expenses for trips to North Dakota by Sheriff's Office employees and reimbursement invoices through the Emergency Management Assistance Compact process. It does not seem reasonable that there would be no other responsive records relating to this category of records sought, such as emails, text messages, reports, photos, videos, receipts, etc.

In particular, we note that an email dated January 4, 2017, from Cecily Fong, attached hereto, indicates that Sheriff's Office employees Capt. Patrick Yoes and Robert Riddick were requested to return to North Dakota to "assist with training so we are able to continue the 'Know the Truth' video series they created." It seems highly likely there would be additional records relating to this request category, such as, but not limited to, training materials, emails, text messages, or other forms of correspondence with counterparts in North Dakota. Likewise, if St. Charles Parish Sheriff's Office employees recorded video or audio, raw or edited, or took photographs, or obtained copies of such while deployed in North Dakota or as part of the assistance they provided to enable local law enforcement to continue the video series, those would constitute public records for purposes of this request as well. Please advise whether you will undertake a search for additional records related to this category of records and, if so, an estimate as to timing of a response.

c) Categories 3 through 5

"3. Communications between Sheriff Greg Champagne and/or other employees or agents of the SCSO and officials, employees, or agents of Energy Transfer Partners (ETP).

"4. Communications between Sheriff Greg Champagne and/or other employees or agents of the SCSO and officials, employees, or agents of Dakota Access, LLC."

"5. Communications between Sheriff Greg Champagne and/or other employees or agents of the SCSO and officials, employees or agents of TigerSwan, LLC, including but not limited to communications with James Reese, TigerSwan founder and chairman, and James "Spider" Marks, chair of the TigerSwan advisory board."

Please advise whether searches were conducted for records responsive to each of the above categories and, if so, what that process entailed. If searches were not conducted with respect to these requests, please advise whether you intend to do so and, if yes, provide an estimate as to timing of a response.

d) Category 6

"6. All communications between Sheriff Greg Champagne and/or other employees or agents of SCSO, concerning the Dakota Access Pipeline and/or the proposed Bayou Bridge Pipeline, including but not limited to communications with federal, state, county, parish, city or town officials and/or individuals in the private sector."

Considering that Sheriff Champagne went to North Dakota in October 2016 to observe the law enforcement response to protestors of the Dakota Access Pipeline, that a number of St. Charles Parish Sheriff's Office employees were subsequently deployed to North Dakota in November 2016 and February 2017 to assist local law enforcement there (including by producing a video series), and that the National Sheriffs Association, for which Champagne served as president from 2016-2017, has gone on record as supporting the Bayou Bridge Pipeline, it seems highly unlikely that there would be *no* relevant, responsive records of any kind (aside from bookkeeping records concerning travel) relating to communications between either Sheriff Champagne and/or other employees or agents of the St. Charles Parish Sheriff's Office concerning either of these pipelines. Please advise whether you conducted a search for all records responsive to this category and, if so, what that process entailed. If not, please advise whether you intend to do so and provide an estimate of timing for a response.

e) Category 7

“7. All communications, notes, memoranda and other documents associated with the presentation of the National Sheriffs Association at a hearing on the proposed Bayou Bridge Pipeline convened by the Louisiana Department of Environmental Quality in February 2017.”

Please advise whether searches were conducted for records responsive to this category of records and, if so, what that process entailed. If not, please advise whether you intend to do so and provide an estimate of timing for a response.

f) Category 8

“8. All records and communications relating to the SCSO’s implementation of the Emergency Management Assistance Compact (EMAC) signed by Governor John Bel Edwards on June 19, 2016 and activities undertaken by the SCSO in pursuant to the EMAC.”

In light of the records produced that are responsive to this category of request, please advise what that search process entailed.

g) Category 9

“9. Any and all communications concerning the Phillips 66 pipeline explosion in Paradis, Louisiana, in February 2017.”

With respect to this category, we note that the production included three pages of Facebook notices related to this event. Given that the event entailed a serious explosion and fire that raged for days, one worker was killed, and another seriously injured, that the St. Charles Parish Sheriff’s Office was reportedly assisting the company at the scene, and that Sheriff Champagne was quoted in local media about the incident, it seems highly unlikely there would not be additional records related to this category of request. Please advise whether you intend conduct another search and provide an estimate of timing for a response.

*Id.*

23. Plaintiff indicated in the letter that, through the questions posed, it was attempting to narrow the issues in the request in order to “avoid the expense and inconvenience of litigating... .” *Id.*

24. To date, nearly six weeks after requesting an update as to the status of the request, Plaintiff has not received any response to its attempt to clarify and narrow issues – no response to indicate if searches were or would be conducted with respect to the unanswered categories, and whether records were withheld and on what basis. Plaintiff now files this action to enforce its rights and the right of the public to these records and respectfully request that an expedited hearing be scheduled within ten days of the filing of this Petition.

**MEMORANDUM OF LAW**  
**IN SUPPORT OF PETITION FOR WRIT OF MANDAMUS**

25. Article 12 section 3 of the Louisiana Constitution provides that “[n]o person shall be denied the right to observe the deliberations of public bodies and examine public documents,

except in cases established by law.”

26. The Louisiana Supreme Court has repeatedly applied and instructed a broad reading of Article 12 section 3:

Th[is] provision of the constitution must be construed liberally in favor of free and unrestricted access to the records, *and that access can be denied only when a law, specifically and unequivocally, provides otherwise*. Whenever there is doubt as to whether the public has the right of access to certain records, the doubt must be resolved in favor of the public's right to see. To allow otherwise would be an improper and arbitrary restriction on the public's constitutional rights.

*In Re Matter Under Investigation*, 15 So.3d 972, 989 (La. 2009) (emphasis in original) (internal citations omitted) citing *Capital City Press v. East Baton Rouge Parish Metropolitan Council*, 696 So.2d 562, 564 (La. 1997). *See also*, *New Orleans Bulldog Soc'y v. La. SPCA*, 222 So.3d 679, 684 (La. 2017); *Title Research Corporation v. Rausch*, 450 So.2d 933, 937 (La. 1984).

27. The Public Records Act, La. R.S. 44:1 *et seq*, implements this constitutional right and creates an enforcement mechanism to ensure the right is respected, protected, and fulfilled – not one that was intended to qualify or limit the constitutional right of access. *See Shane v. The Parish of Jefferson*, 209 So.3d 726, 734 (La. 2015) citing *Landis v. Moreau*, 779 So.2d 691, 694-95 (La. 2001); *see also Treadway v. Jones*, 583 So.2d 119, 121 (La. App. 4 Cir. 1990) (“The Public Records Law must be liberally interpreted to enlarge rather than restrict the public's access to public records.”) Indeed, “[t]he legislature, by the public records statutes, sought to guarantee, in the most expansive and unrestricted way possible, the right of the public to inspect and reproduce those records which the laws deem to be public.” *Landis v. Moreau*, 779 So.2d at 694 (quoting *Title Research Corp. v. Rausch*, 450 So.2d at 695). All doubts regarding public records under the statute “must be resolved in favor of the right of access.” *Id.*

28. Pursuant to La. R.S. 44:35(A), after five days, a person who has been denied the right to inspect or copy records, either by the agency’s final determination or by the passage of time, may institute expedited proceedings for the issuance of a writ of mandamus and attorney’s fees and costs.

29. Moreover, not “just any answer” to a records request will be sufficient to avoid civil penalties if the response is inadequate and the failure to respond adequately is unreasonable and arbitrary. *Indep. Weekly, LLC v. Pope*, 201 So. 3d 951, 959-961 (La. App. 3 Cir. 2016).

29. Pursuant to La. R.S. 44:35(C), any lawsuit instituted to enforce the right to access

public records must be “tried by preference and in a summary manner.”<sup>11</sup>

30. The SCPSO has failed to adequately respond to Plaintiff’s public records request as they have not responded at all to several categories of Plaintiff’s requests – either by indicating that no records exist or that records are being withheld. They have not even indicated if searches were or would be conducted, despite Plaintiff’s assertion of a good faith and reasonable basis for belief that additional records do exist.

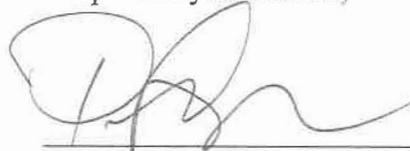
31. Plaintiff endeavored to narrow the issues so as to avoid litigating the request but have received no response well beyond the timeframe prescribed by the statute.

32. In light of the foregoing, Plaintiff respectfully requests that an expedited hearing be scheduled within ten days of the filing of this Petition.

**WHEREFORE**, Plaintiff prays:

1. That a writ of mandamus be issued directing Defendant to disclose the records requested, or show cause why he should not be ordered to do so;
2. For an award of attorney’s fees, costs, damages, and civil penalties, as provided by law.

Respectfully submitted,



PAMELA C. SPEES  
La. Bar Roll No. 29679  
Center for Constitutional Rights  
666 Broadway, 7<sup>th</sup> Floor  
New York, NY 10012  
Tel. (212) 614-6431  
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[pspees@ccrjustice.org](mailto:pspees@ccrjustice.org)

William P. Quigley  
La. Bar Roll No. 7769  
Professor of Law  
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New Orleans, LA 70118  
Tel. (504) 710-3074  
Fax (504) 861-5440  
[quigley77@gmail.com](mailto:quigley77@gmail.com)

*Attorneys for the Plaintiff*

**Sheriff please serve:**  
Greg Champagne, Sheriff  
St. Charles Parish Sheriff’s Office  
260 Judge Edward Defresne Parkway  
Luling, LA 70070

<sup>11</sup> This proceeding, therefore, must be “conducted with rapidity,” and “by preference over ordinary proceedings.” La. C.C. P. art. 2591, 2595.

TWENTYNINTH JUDICIAL DISTRICT COURT

PARISH OF ST. CHARLES

STATE OF LOUISIANA

THE CENTER FOR  
CONSTITUTIONAL RIGHTS

Civil Action No. \_\_\_\_\_

Plaintiff

v.

Division \_\_\_\_

ST. CHARLES PARISH  
SHERIFF'S OFFICE and  
GREG CHAMPAGNE, in his official  
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Defendants.

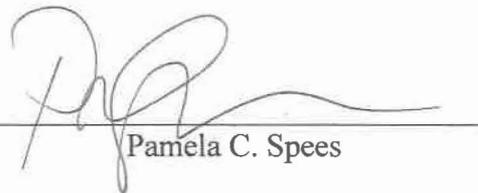
Filed: \_\_\_\_\_

Deputy Clerk \_\_\_\_\_

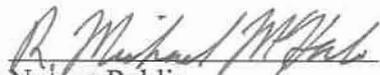
Before me, the undersigned Notary Public, personally came and appeared:

**Pamela C. Spees,**

who, after being duly sworn, did depose and say that she is counsel on behalf of the Plaintiff in the above captioned civil action, that she has read the foregoing Petition for Writ of Mandamus, and that all of the allegations contained therein are true and correct to the best of her knowledge and belief.

  
\_\_\_\_\_  
Pamela C. Spees

Sworn to and subscribed before me, the undersigned Notary Public, on the 15~~th~~ day of December, 2017.

  
Notary Public  
LA BAR NO. 23529

TWENTY NINTH JUDICIAL DISTRICT COURT

PARISH OF ST. CHARLES

STATE OF LOUISIANA

THE CENTER FOR  
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Civil Action No. \_\_\_\_\_

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ST. CHARLES PARISH  
SHERIFF'S OFFICE and  
GREG CHAMPAGNE, in his official  
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Defendants.

INDEX OF EXHIBITS

- A. Email from C. Fong, January 4, 2017
- B. Emergency Management Assistance Compact Reimbursement Form
- C. Plaintiff's Public Records Request to Sheriff Greg Champagne September 18, 2017
- D. Letter from Capt. Maurice Bostick to Ian Head September 19, 2017
- E. Capt. Bostick Letter to Ian Head dated October 17, 2017
- F. Letter from Ian Head to Capt. Bostick dated October 27, 2017

# Exhibit A

*Megan Hamilton*

Bookkeeper - Finance

[mhamilton@stcharlessheriff.org](mailto:mhamilton@stcharlessheriff.org)

P.O. Box 426

Hahnville, LA 70057

P 985-783-6237 ext. 2098

F 985-783-1132

**From:** Victoria Carpenter [<mailto:Victoria.Carpenter@LA.GOV>]

**Sent:** Thursday, January 05, 2017 8:18 AM

**To:** Megan Hamilton

**Cc:** Christopher Guilbeaux

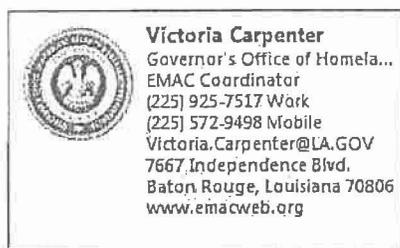
**Subject:** EMAC request

Megan,

As discussed please see below request from N. Dakota for Cap Patrick Yoes and Robert Riddick. Please confirm with them that they are willing to assist and if so the dates they would like to deploy.

Thank you,

Victoria



Visit the EMAC website! <<http://www.emacweb.org>>

**From:** Fong, Cecily S.

**Sent:** Wednesday, January 04, 2017 1:06 PM

**To:** Hoechst, Brandon H. <[bhoechst@nd.gov](mailto:bhoechst@nd.gov)>; Anderson, Geneva L. <[geanderson@nd.gov](mailto:geanderson@nd.gov)>

**Cc:** Wilz, Greg M. <[gwilz@nd.gov](mailto:gwilz@nd.gov)>

**Subject:** EMAC request

Hi folks,

We would like to put into process an EMAC request to St. Charles Parish to bring back Cap Patrick Yoes and Robert Riddick to assist with training so we are able to continue the "Know the Truth" video series they created. We anticipate needing them for around 5 days.

Let me know what else you need from me to facilitate this request.

Thanks.

**Cecily Fong**

Public Information Officer  
ND Department of Emergency Services  
Office: 701.328.8154  
Cell: 701.391.8158  
[cfong@nd.gov](mailto:cfong@nd.gov)

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**Follow us on Twitter** - [www.twitter.com/NDDDES](http://www.twitter.com/NDDDES)



# Exhibit B



**Emergency Management Assistance Compact (EMAC)  
Intrastate Reimbursement Form (R-2)**

Please complete all fields in gray. Fields in green are automatically calculated.

Event: **Dakota Access Pipeline (DAPL)**

Submitted to the Assisting State of: **North Dakota** Date:

From City/County/State Department of: **St. Charles Parish Sheriff** Vendor Number:

For Services Rendered under State Mission Number: **1102-RR-5378** EMAC Mission Number: **1116-046**

Copies of Receipts and Payment Vouchers for Each Claim Are Attached:  Yes  No

**Personnel Costs**

Regular Time **\$5,739.20**

Overtime **\$19,620.76**

Employer Share of Fringe Benefits **\$5,660.79**

**Total Personnel Costs \$31,020.75**

**Travel Costs**

Air Travel

Auto Rental/Gas/Mileage **\$1,503.77**

Lodging **\$721.23**

Government Vehicle Costs

Meals/Tips **\$2,544.00**

**Total Travel Costs \$4,769.00**

**Equipment Costs**

**Contractual Costs**

**Commodities**

**Other Costs (Explain in Remarks Section)**

**GRAND TOTAL \$35,789.75**



The authorized official of the Assisting State certifies that the totals for each category/claim are exact costs expended by the Assisting State to perform the services requested in the REQ-A. All additional supporting documentation not included with this claim will be maintained by the Assisting State for a period of three (3) years following the above date of submission and may be obtained for audit purposes by notifying the Assisting State authorized official named herein.

# Exhibit C

# center for constitutional rights

September 18, 2017

Custodian of Records  
St. Charles Parish Sheriff's Office  
P.O. Box 426  
Hahnville, LA 70057  
[recordsrequest@stcharlessheriff.org](mailto:recordsrequest@stcharlessheriff.org)

*Via Email and Federal Express*

**Re: Public Records Request**

To Whom It May Concern:

Under the Louisiana Public Records Act § 44:1 et seq., the undersigned are requesting copies of any and all public records, as defined below, relating to:

- 1) Sheriff Greg Champagne's trip to North Dakota in October 2016 to observe the law enforcement response to the protests against the Dakota Access Pipeline Project as described [here](#) (See Attachment 1) and on his Facebook page [here](#) (See Attachment 2).
- 2) Any travel by St. Charles Parish Sheriff's Office (SCSO) employees to North Dakota in connection with the Dakota Access Pipeline and/or protests against it.
- 3) Communications between Sheriff Greg Champagne and/or other employees or agents of the SCSO and officials, employees, or agents of Energy Transfer Partners (ETP).
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- 6) All communications between Sheriff Greg Champagne and/or other employees or agents of SCSO, concerning the Dakota Access Pipeline and/or the proposed Bayou Bridge Pipeline, including but not limited to communications with federal, state, county, parish, city or town officials and/or individuals in the private sector.

666 Broadway, 7 fl, New York, NY 10012  
t 212 614 6493 f 212 614 6493 [www.CCRjustice.org](http://www.CCRjustice.org)

- 7) All communications, notes, memoranda and other documents associated with the presentation of the National Sheriffs Association at a hearing on the proposed Bayou Bridge Pipeline convened by the Louisiana Department of Environmental Quality in February 2017.
- 8) All records and communications relating to the SCSO's implementation of the Emergency Management Assistance Compact (EMAC) signed by Governor John Bel Edwards on June 19, 2016 and activities undertaken by the SCSO in pursuant to the EMAC.
- 9) Any and all communications concerning the Phillips 66 pipeline explosion in Paradis, Louisiana, in February 2017.

"Record(s)" as used herein includes, but is not limited to, all Records or communications preserved in electronic, including metadata, or written form, such as correspondences, emails, text messages, messages through social media accounts including Facebook and Twitter, documents, data, videotapes, audio tapes, faxes, files, guidance, guidelines, evaluations, instructions, analyses, memoranda, agreements, notes, orders, policies, procedures, legal opinions, protocols, reports, rules, talking points, technical manuals, technical specifications, training manuals, studies, or any other Record of any kind. "Communication(s)" means the transmission of information, whether facts, ideas, inquiries or otherwise.

If there are any fees for searching or copying these records, please inform us if the cost will exceed \$500.00. However, we hereby request a waiver of all fees in that the disclosure of the requested information is in the public interest and will contribute significantly to the public's understanding of law enforcement response to the pipeline and opposition thereto. Moreover, as our organizations frequently publish material on issues of serious concern to the public, we qualify as representatives of the news media and this request is related to news gathering purposes. This information is not being sought for commercial purposes.

Section 44:32(D) of the Louisiana Public Records Act requires a response within three business days. If access to the records we are requesting will take longer than that, please contact us with information about when we might expect copies or the ability to inspect the requested records.

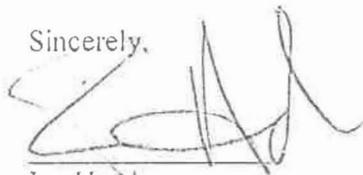
The point of contact for all information relating to this request is:

Ian Head  
Center for Constitutional Rights  
666 Broadway, 7<sup>th</sup> Floor  
New York, NY 10012  
Tel. (212) 614-6464  
Email: [ihead@ccrjustice.org](mailto:ihead@ccrjustice.org)

We ask that you provide the requested documents on a CD, CD-ROM or DVD, as PDF or TIF files, and in electronically searchable format, with emails and their attachments joined, and with emails showing all hidden fields and with metadata preserved.

If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify us of the appeal procedures available to us under the law.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ian Head', written over a horizontal line.

Ian Head  
Senior Legal Worker  
Center for Constitutional Rights

\_\_\_\_\_/s/\_\_\_\_\_  
Bill Quigley  
Professor of Law  
Loyola University College of Law

# ATTACHMENT 1

# Louisiana sheriff shares testimony from North Dakota experience

WWLTV.com , WWLTV Wed, 02 Nov 2016 12:01:48 GMT



Photo from Sheriff Greg Champagne's Facebook Page

↓ Advertisement ↓

Last week, a Louisiana sheriff spent several days in North Dakota witnessing firsthand the ongoing protests and the responses by law enforcement surrounding the Dakota Access Pipeline Project.

St. Charles Parish Sheriff Greg Champagne, who is also the president of the Nation Sheriff's Association, visited Standing Rock Sioux Reservation to view how law enforcement agencies were working to protect area citizens and respond to protests.

**MORE:** [Why people are checking into Standing Rock on Facebook](#)

Before traveling, Sheriff Champagne admitted he had the wrong impression about the pipeline

based on what he called sensational news reports that the pipeline was to run directly through the Standing Rock Reservation and disturb ancient burial grounds.

↓ Advertisement ↓

"I quickly learned and saw for myself that this was untrue."

Upon his return to Louisiana, Sheriff Champagne shared his North Dakota experience in a lengthy post to his Facebook page. The full post has also been transcribed below.



**Greg Champagne**

about 11 months ago

I was extremely privileged in the last several days to have the opportunity to travel to North Dakota as President of the National Sheriffs' Association to see firsthand the protest and the response thereto to the Dakota Access Pipeline Project near the Standing Rock Sioux Reservation about 25 miles south of Bismarck.

I learned first that the pipeline project, which has been in the works for several years, will traverse four states including North Dakota, South Dakota, Iowa a... See More



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47

45K

I was extremely privileged in the last several days to have the opportunity to travel to North Dakota as President of the National Sheriffs' Association to see firsthand the protest and the response thereto to the Dakota Access Pipeline Project near the Standing Rock Sioux Reservation about 25 miles south of Bismarck.

I learned first that the pipeline project, which has been in the works for several years, will

traverse four states including North Dakota, South Dakota, Iowa and Illinois carrying crude oil. I was surprised to learn that a natural gas pipeline is already underground on the same right of way. The DAP has received all federal approvals over several years and, litigation which attempted to stop it in the federal courts has been resolved. Despite this project being very "federal" in nature and clearly in interstate commerce, the Obama administration has refused to provide any law enforcement or other support to North Dakota state and local law enforcement that has placed them in the position of having to enforce the rule of law. As usual, law enforcement is put between the rock and hard place due to various political agendas.



Based upon sensational news reports, I had the wrong impression that this pipeline was to run directly through the Standing Rock Reservation and would disturb ancient burial grounds of the Sioux Tribes. The argument has evolved now that this pipeline will jeopardize the water supply of the Missouri River (despite the fact that the pipeline will pass under other rivers including the Mississippi throughout its entire route).

Also, the Cannonball River which runs throughout the Standing Rock Reservation is actually "upstream" from the pipeline crossing. This false narrative has understandably generated a great deal of sympathy and support from many quarters for the Standing Rock Sioux People.

I quickly learned and saw for myself that this was untrue.

The pipeline passes about two miles north of the reservation and that years of archeological

study uncovered no significant native historical sites. It is difficult to believe that a single modern pipeline would be more environmentally risky than transporting crude oil by rail or truck through the same territory.

The Dakota Access Pipeline is 95% complete and the construction work near Standing Rock is the last phase which will tie the pipeline together. It is a 3.7 Billion Dollar Project.

This past Thursday, October 27th, steps were taken the morning before I arrived which evicted protestors from private property directly in the path of the pipeline. This "northern" camp was erected just days before and the occupants had been warned repeatedly for several days that their presence there was unlawful and that eviction was imminent.

These warnings went unheeded. Despite the statements coming from the media and protestors that they were completely peaceful and prayerful, it has been a fact that more militant protestors (terrorists) have destroyed property and physically beaten employees of the company in recent weeks. I personally witnessed and photographed what I estimate to be at least a half of a million dollars in damage to bulldozers and excavators.

I further learned that many protestors other than Native American groups have descended upon the area such as anarchists and eco-terrorists who are hell bent on committing violence and damage. The police presence in the area to protect farmers, ranchers and other private property interests have been costing the state of North Dakota millions of dollars.

The Sheriffs of several states have contributed manpower over the last several weeks to help preserve order and protect property. On October 27th, law enforcement evicted the trespassers from the north camp on private property about three miles north of the Cannonball River. While pleading with the trespassers for a peaceful move, law enforcement officers were met with Molotov cocktails and various missiles such as rocks and logs being thrown at them causing numerous injuries to the officers.

The only discharge of a firearm occurred when a protestor fired at the line of officers. Miraculously, none were hit by the bullets. When the protestors were moved south of the bridge, two trucks used to blockade the roadway were set on fire by the protestors. This action now has very possibly jeopardized the integrity of that bridge. News accounts ironically then decried the use of defensive equipment such as "riot gear" and armored vehicles by law enforcement.

Many media sites reported only that "heavy-handed" police tactics were used upon the protestors who were only praying and "peacefully" protesting. These same outlets failed to mention the shooting, Molotov cocktails, and extensive property and equipment damage produced by some of the protestors. The protestors even cut fences and attempted to induce a domesticated buffalo herd to stampede through the area. The owners of the herd, whom I spoke with personally indicated that at least of dozen of their buffalo were killed by protestors.

The next morning, I was present as law enforcement leaders including Sheriff Paul Laney met

with leaders of the tribe. The tribal representatives lamented the violent and destructive behavior of "outsiders" who had come in only to commit violence. They indicated that they would encourage these violent agitators to leave the camp and protest.

While the entire situation seemed to be de-escalating upon my departure on Sunday October 30th, it remains to be seen if the violence and illegal acts are truly over.

I must commend the professionalism and patience of law enforcement officers under the leadership of sheriffs such as Cass County Sheriff and National Sheriffs' Association Board member Paul Laney, Morton County Sheriff Kyle Kirchmeier, and Burleigh County Sheriff Paul Heinert. The North Dakota State Police as well as several area Police Departments also played essential roles.

The operation evicting trespassers, some of which became violent was carried out with professionalism and restraint despite liberal press stories to the contrary. I must also commend the numerous sheriffs' office throughout the multi-state area including NSA Executive Committee Member Rich Stanek of Hennepin County, Minnesota who sent personnel to assist with protecting lives and property.

I certainly feel empathy for the Native American peoples of America and especially the Sioux due to the treatment they received at the hands of the U.S. Government in the latter part of the 19th Century. These Native American Cultures are and should be a proud people for whom we

should all have concern. However, the law and facts simply do not weigh in their favor in this case from everything I seen. This project went through an extensive approval process over many years and court challenges in Federal Court have failed to be successful.

We are a nation of laws. Emotion and empathy cannot carry the day. It just seems that opposition to this pipeline is not reasonably based upon legitimate environmental concerns. Energy independence has been one of the major goals of this country for decades. In my home state of Louisiana, we are surrounded by gas and oil pipelines and safely so. In another ironic twist, it is widely known that the Standing Rock Tribal Chairman owns a convenience store and gasoline station on the reservation.

It's time for everyone to move on in reference to The Dakota Access Pipeline and stop putting further strain on the citizens and law enforcement officers of North Dakota and surrounding states.

Greg Champagne, President  
National Sheriffs' Association

# ATTACHMENT 2



Greg Champagne 11 · 8 new photos ·

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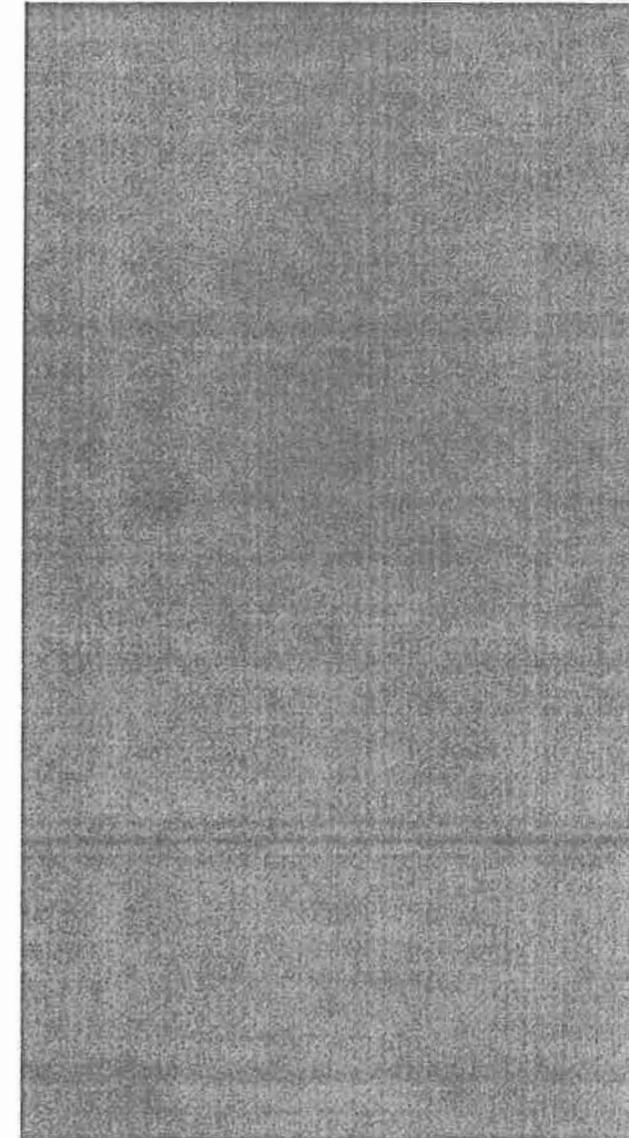
How will Self Groups Next Year

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The Dakota Access Pipeline is 95% complete and the construction work near Standing Rock is the last phase which will tie the pipeline together. It is a 3.7 Billion Dollar Project.



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Português (Brasil) Français (France)  
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fall of truck through the same territory.

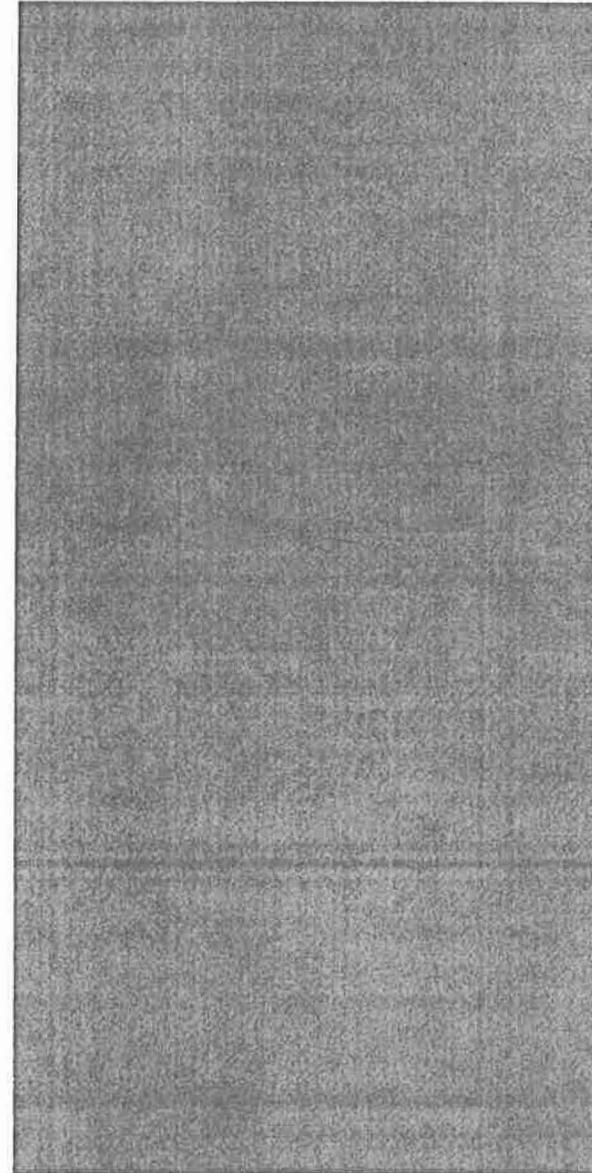
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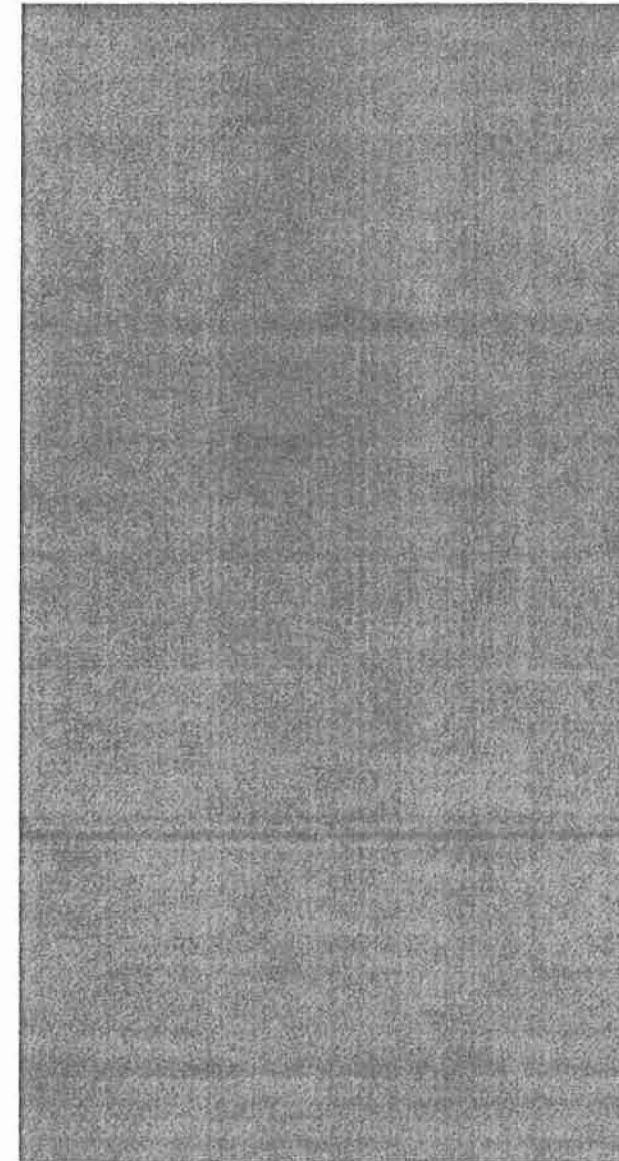
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I certainly feel empathy for the Native American peoples of America and especially the Sioux due to the treatment they received at the hands of the U.S. Government in the latter part of the 19th Century. These Native American Cultures are and should be a proud people for whom we should all have concern. However, the law and facts simply do not weigh in their favor in this case from everything I seen. This project went through an extensive approval process over many years and court challenges in Federal Court have failed to be successful. We are a nation of laws. Emotion and empathy cannot carry the day. It just seems that opposition to this pipeline is not reasonably based upon legitimate environmental concerns. Energy independence has been one of the major goals of this country for decades. In my home state of Louisiana, we are surrounded by gas and oil pipelines and safely so. In another ironic twist, it is widely known that the Standing Rock Tribal Chairman owns a convenience store and gasoline station on the reservation.

It's time for everyone to move on in reference to The Dakota Access Pipeline and stop putting further strain on the citizens and law enforcement officers of North Dakota and surrounding states.

Greg Champagne, President

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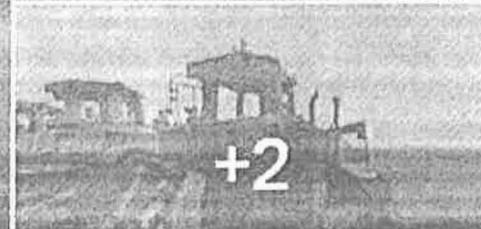
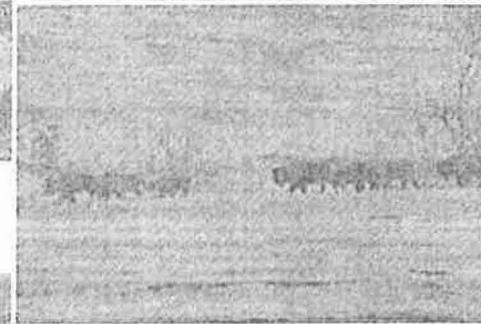
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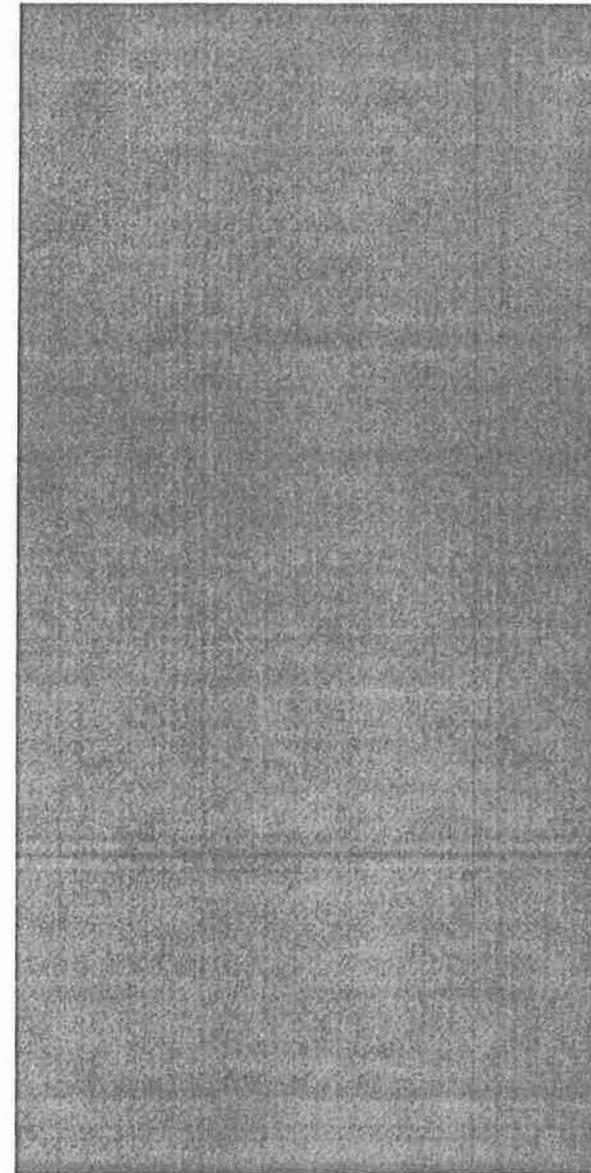
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Greg Champagne, President  
National Sheriffs' Association



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Deutsch

French (Canada) Italiano +  
Español (México)

# Exhibit D



Greg Champagne  
Sheriff

**ST. CHARLES PARISH SHERIFF'S OFFICE**  
260 Judge Edward Dufresne Parkway  
Luling, Louisiana 70057  
Telephone (985) 783-1280

September 19, 2017

0 Judge Edward Dufresne Pkwy.  
Luling, LA 70070

Executive Office  
(985) 783-1280  
Fax (985) 783-1008

Crime Scene Division  
(985) 783-1228  
Fax (985) 783-1241

Criminal Investigations Division  
(985) 783-1135  
Fax (985) 783-1138

Juvenile Investigations Division  
(985) 783-1223  
Fax (985) 783-1504

Patrol Division  
(985) 783-1145  
Fax (985) 783-1157

Special Investigations Division  
(985) 783-1159  
Fax (985) 783-1181

0 Judge Edward Dufresne Pkwy.  
Luling, LA 70070

Special Services  
(985) 783-1355  
Fax (985) 783-1195

Training Division  
(985) 783-1173  
Fax (985) 783-1489

5061 LA 31127  
Kilona, LA 70066

Olson Coleman Correctional Ctr.  
(985) 783-1164  
Fax (985) 783-1466

5045 River Road (P O Box 426)  
Hahnville, LA 70057

Administrative Services  
(985) 783-6237  
Fax (985) 783-6497

Civil Department  
(985) 783-6237  
Fax (985) 783-6497

Strategic Operations  
(985) 783-6237  
Fax (985) 783-3080

Ian Head  
Center for Constitutional Rights  
666 Broadway, 7<sup>th</sup> Floor  
New York, NY 10012

**Via email: IHead@ccrjustice.org**

RE: Public Records Request

Dear Mr. Head:

The St. Charles Parish Sheriff's Office is in receipt of your written public records request dated September 18, 2017. Our preliminary review of your request revealed that a wide-ranging analysis must be conducted to determine the availability of the records/ documents you seek; whether the records requested constitute public records; and, whether any exceptions to the Public Records Act apply to the records.

Our limited available personnel resources preclude us from immediately responding to your request.

We will conduct a search to determine the depth and width of the review needed to address your request and will notify you in a reasonable amount of time.

If you have any questions or desire additional information please contact me.

Sincerely,

Capt. Maurice Bostick, Esq.  
Director of Business & Legal Affairs  
Civil Department  
St. Charles Parish Sheriff's Office

MEB/rw

# Exhibit E



Greg Champagne  
Sheriff

**ST. CHARLES PARISH SHERIFF'S OFFICE**  
260 Judge Edward Dufresne Parkway  
Luling, Louisiana 70057  
Telephone (985) 783-1280

000054

260 Judge Edward Dufresne Pkwy.  
Luling, LA 70070

Executive Office  
(985) 783-1280  
Fax (985) 783-1008

Crime Scene Division  
(985) 783-1228  
Fax (985) 783-1241

Criminal Investigations Division  
(985) 783-1135  
Fax (985) 783-1138

Juvenile Investigations Division  
(985) 783-1223  
Fax (985) 783-1504

Patrol Division  
(985) 783-1145  
Fax (985) 783-1157

Special Investigations Division  
(985) 783-1159  
Fax (985) 783-1181

220 Judge Edward Dufresne Pkwy.  
Luling, LA 70070

Special Services  
(985) 783-1355  
Fax (985) 783-1195

Training Division  
(985) 783-1173  
Fax (985) 783-1489

5061 LA 31127  
Kilona, LA 70066

Nelson Coleman Correctional Ctr.  
(985) 783-1164  
Fax (985) 783-1466

15045 River Road (P O Box 426)  
Hahnville, LA 70057

Administrative Services  
(985) 783-6237  
Fax (985) 783-6497

Civil Department  
(985) 783-6237  
Fax (985) 783-6497

Strategic Operations  
(985) 783-6237  
Fax (985) 783-3080

October 17, 2017

Ian Head  
Center for Constitutional Rights  
666 Broadway, 7<sup>th</sup> Floor  
New York, NY 10012

**Via Certified Mail: 91 7108 2133 3934 1175 1580**

RE: Public Records Act Request

Dear Mr. Head:

Enclosed please find certified copies of the records responsive to your request.

With best regards,

*Capt. Maurice Bostick*  
Capt. Maurice E. Bostick, Esq.  
Director of Business & Legal Affairs  
Civil Department  
St. Charles Parish Sheriff's Office

MEB/rw

Enclosures

# Exhibit F

centerforconstitutionalrights

October 27, 2017

Via Email

Captain Maurice Bostick  
Director of Business & Legal Affairs  
Civil Department  
St. Charles Parish Sheriff's Office

Re: Public Records Request

Dear Capt. Bostick,

We are in receipt of your letter of October 17, 2017, along with 61 pages of records produced in response to our request of September 18, 2017.

As a preliminary matter, we note that your correspondence included an invoice for fees for research, copies, and postage in the amount of \$57.30. However, we requested a waiver of all fees as the request is in the public interest and for a public informational purpose. We ask that you please advise whether you are denying our request for a fee waiver and, if so, on what basis.

Secondly, we ask that you confirm whether you have withheld any responsive records. If so, please indicate which category of request those records relate to and the basis for why you think those records should be withheld.

Finally, in an effort to avoid the expense and inconvenience of litigating this request, we ask that you please respond to the following with respect to the specific categories of information sought:

“1. Sheriff Greg Champagne’s trip to North Dakota in October 2016 to observe the law enforcement response to the protests against the Dakota Access Pipeline Project as described here (See Attachment 1) and on his Facebook page here (See Attachment 2).”

We note there were no records provided relating to this category. It does not seem reasonable that there would be *no* public records relating to Sheriff Champagne’s October 2016 trip to North Dakota. Even if that trip was undertaken in a different capacity or funded by a different entity, there would likely be responsive and relevant Sheriff’s Office records relating to that trip, such as, for example, emails or text messages with staff concerning his time away, internal reports, photos, and/or communications concerning the trip and/or related to deployment of other employees to North Dakota. Please advise if a search was conducted for records responsive to this request and, if so, what that process entailed, including what was searched and how. If a search was not conducted for these records, please advise whether you will undertake a search and an estimate as to timing of a response.

666 Broadway, 7 fl, New York, NY 10012  
t 212 691 8120 f 212 691 8146 [www.CCRjustice.org](http://www.CCRjustice.org)

“2. Any travel by St. Charles Parish Sheriff’s Office (SCSO) employees to North Dakota in connection with the Dakota Access Pipeline and/or protests against it.”

The bulk of documents provided in response to this request consisted of bookkeeping records detailing expenses for trips to North Dakota by Sheriff’s Office employees and reimbursement invoices through the Emergency Management Assistance Compact process. It does not seem reasonable that there would be no other responsive records relating to this category of records sought, such as emails, text messages, reports, photos, videos, receipts, etc.

In particular, we note that an email dated January 4, 2017, from Cecily Fong, attached hereto, indicates that Sheriff’s Office employees Capt. Patrick Yoes and Robert Riddick were requested to return to North Dakota to “assist with training so we are able to continue the ‘Know the Truth’ video series they created.” It seems highly likely there would be additional records relating to this request category, such as, but not limited to, training materials, emails, text messages, or other forms of correspondence with counterparts in North Dakota. Likewise, if St. Charles Parish Sheriff’s Office employees recorded video or audio, raw or edited, or took photographs, or obtained copies of such while deployed in North Dakota or as part of the assistance they provided to enable local law enforcement to continue the video series, those would constitute public records for purposes of this request as well. Please advise whether you will undertake a search for additional records related to this category of records and, if so, an estimate as to timing of a response.

“3. Communications between Sheriff Greg Champagne and/or other employees or agents of the SCSO and officials, employees, or agents of Energy Transfer Partners (ETP).

“4. Communications between Sheriff Greg Champagne and/or other employees or agents of the SCSO and officials, employees, or agents of Dakota Access, LLC.”

“5. Communications between Sheriff Greg Champagne and/or other employees or agents of the SCSO and officials, employees or agents of TigerSwan, LLC, including but not limited to communications with James Reese, TigerSwan founder and chairman, and James “Spider” Marks, chair of the TigerSwan advisory board.”

Please advise whether searches were conducted for records responsive to each of the above categories and, if so, what that process entailed. If searches were not conducted with respect to these requests, please advise whether you intend to do so and, if yes, provide an estimate as to timing of a response.

“6. All communications between Sheriff Greg Champagne and/or other employees or agents of SCSO, concerning the Dakota Access Pipeline and/or the proposed Bayou Bridge Pipeline, including but not limited to communications with federal, state, county, parish, city or town officials and/or individuals in the private sector.”

Considering that Sheriff Champagne went to North Dakota in October 2016 to observe the law enforcement response to protestors of the Dakota Access Pipeline, that a number of St. Charles Parish Sheriff’s Office employees were subsequently deployed to North Dakota in November 2016 and February 2017 to assist local law enforcement there (including by producing a video series), and that the National Sheriffs Association, for which Champagne served as president from 2016-2017, has