

Judge tosses whistleblower suit filed against St. Tammany Parish Sheriff Randy Smith

Former Chief Deputy Fred Oswald failed to show malfeasance, judge says



The St. Tammany Parish Justice Center in Covington.

BY SARA PAGONES | STAFF WRITER
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A whistleblower lawsuit filed against St. Tammany Parish Sheriff Randy Smith by his former chief deputy was dismissed Tuesday by a judge who said the plaintiff failed to show that Smith had broken the law when he decided to fire but not arrest a deputy accused of breaking the law.

Fred Oswald, who was fired in 2017, filed suit in 2018 claiming that Smith terminated him in retaliation for Oswald's efforts to give information to District Attorney Warren Montgomery's office about Kenneth Szalajeski, a sheriff's deputy who was accused of stealing drugs during traffic stops and giving them to his addicted girlfriend and using Sheriff's Office resources to get dirt on men he thought she was seeing.



Fred Oswald

The suit, filed in 22nd Judicial District Court in Covington, was heard by ad hoc Judge Michael Kirby nearly a year ago. During testimony, Oswald and Smith gave starkly different accounts of Oswald's termination.

Smith testified that he kept Oswald on as chief deputy through the transition period after Smith defeated incumbent Sheriff Jack Strain, but never planned to retain Oswald long-term and had made that clear to Oswald, who would get to stay

until he reached 30 years so he would get full pension benefits.

Oswald testified that Smith never told him that. He says that Smith called him in the day that Jeff Boehm, who is now Smith's chief deputy, eavesdropped on Oswald's conversation about turning records over to

Oswald also testified that he had told Smith that not opening a criminal investigation into Szalajeski would amount to malfeasance, a claim Smith denied in the hearing.

In his ruling, the judge cited a requirement in the state whistleblower statute that an actual violation of law must take place and that Oswald failed to show that Smith's actions were malfeasance.

"It strains credulity to suggest a sheriff has an absolute duty to arrest every lawbreaker," Kirby wrote. "The court finds it reasonable and sensible for a sheriff to have the discretion to penalize a legally errant employee administratively even...(if) the motive is to protect the public image of the Sheriff's office."

Kirby also cited testimony from Assistant District Attorney Collin Sims that Smith was never investigated for or suspected of malfeasance. The DA's office also ultimately received all the information sought in the Szalajeski matter from the Sheriff's Office.

"Perhaps they would like to have received it earlier and through informal channels, but that is not malfeasance," Kirby wrote.

Szalajeski was indicted and pleaded guilty to two counts of malfeasance and two counts of possession with intent to distribute narcotics.

In a prepared statement, Smith called Oswald "another example of an individual from the prior corrupt administration who was



St. Tammany Parish Sheriff Randy Smith
PHOTO BY GRANT THERKILDSEN

Lewis, a former captain, sued Smith in federal court after he was fired for violating a policy against deputies having a relationship with someone convicted a felony. Lewis lost an appeal last week.

“Fortunately, both of these lawsuits were rejected and dismissed by the courts at the plaintiffs’ costs,” Smith said. “I will never stop fighting against those who wish to drag the St. Tammany Parish Sheriff’s Office back to the way things used to be.”

Oswald said he has not yet decided whether to appeal the ruling. “Going down that road of doing the right thing is very lonely and very hard,” he said.

“He’s an evil man who has a lot of people fooled right now,” he said of Smith. “Someday he’ll be revealed for who he is.”

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