



CITY OF NEW ORLEANS

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CITY CIVIL SERVICE COMMISSION
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Tuesday, March 10, 2026

Mr. Eric Hessler
PANO 320 N. Carrollton Avenue #202
New Orleans, LA 70119

Re: **Denzel Millon VS.
Department of Police
Docket Number: 9713**

Dear Mr. Hessler:

Attached is the decision of the City Civil Service Commission in the above-referenced appeal.

This is to notify you that, in accordance with the rules of the Court of Appeal, Fourth Circuit, State of Louisiana, the decision for the above captioned matter is this date - 3/10/2026 - filed in the Office of the Civil Service Commission at 1340 Poydras St. Suite 900, Amoco Building, New Orleans, Louisiana.

If you choose to appeal this decision, such appeal shall be taken in accordance with Article 2121 et. seq. of the Louisiana Code of Civil Procedure.

For the Commission,

A handwritten signature in purple ink that reads "Stacie Joseph".

Stacie Joseph
Management Services Division

cc: Anne E. Kirkpatrick
Averil Sanders
Jay Ginsberg
Denzel Millon
file

**CIVIL SERVICE COMMISSION
CITY OF NEW ORLEANS**

**DENZEL MILLON,
Appellant**

Docket No. 9713

v.

**DEPARTMENT OF POLICE,
Appointing Authority**

DECISION

Appellant, Denzel Millon, brings this appeal pursuant to Article X, § 8(A) of the Louisiana Constitution and this Commission's Rule II, § 4.1 seeking relief from the April 22, 2025, termination of his employment by the Department of Police. (Ex. HE-1). At all relevant times, Appellant had permanent status as a Senior Police Officer. (Ex. HO-1). A Hearing Examiner, appointed by the Commission, presided over a hearing on June 10, 2025. At this hearing, both parties had an opportunity to call witnesses and present evidence.

The undersigned Commissioners have reviewed and analyzed the entire record in this matter, including the transcript from the hearing, all exhibits submitted at the hearing, the post-hearing briefs submitted by the parties, the Hearing Examiner's report dated October 8, 2025, and controlling Louisiana law.

For the reasons set forth below, Millon's appeal is GRANTED.

I. FACTUAL BACKGROUND

Millon concedes that he was intoxicated on duty on July 28, 2022, drove a police vehicle while intoxicated, and that he had an accident in his police vehicle while intoxicated. (Tr. at 119). Millon underwent a 45-day substance abuse treatment program in California for first responders.

(Tr. at 112). Millon received counseling through NOPD's Employee Assistance Program. (Tr. at 106).

NOPD assigned the criminal investigation to Sergeant Wayne Jacque on August 4, 2022. (Tr. at 13). Jacque's criminal investigation ended in September or October of 2022. (Tr. at 21). Following the resolution of the criminal charge against Millon, Jacque took Millon's administrative statement. (Tr. at 22). The administrative investigation concluded on September 18, 2023. (Tr. at 24). Then Deputy Superintendent Hans Ganthier testified that the disciplinary hearing occurred on July 25, 2024. (Tr. at 70). The penalty hearing occurred on April 17, 2025. (Tr. at 70).

Ganthier testified that NOPD retained Millon for over three years after Millon reported to work intoxicated and received a DWI while on duty (Tr. at 65-66). Ganthier also testified that NOPD allowed Millon to work as a police officer on the street with a gun for one and one-half years following this incident. (Tr. at 65-66). Ganthier testified that the delay in the penalty was because he inquired about mitigating the penalty against Millon based on the psychological distress Millon was under in 2022 related to the shooting of his partner and the lack of a robust officer assistance program. (Tr. at 72, 84-85, 117). Ganthier further testified that he would have recommended a lesser penalty if it were possible under the penalty matrix. (Tr. at 73-75).

The presumptive penalty for a first offense of driving while intoxicated in a police vehicle was termination of employment. (Tr. at 57). The mitigated penalty was also termination of employment. (Tr. at 73). Ganthier emphasized that the deciding factor was that Millon reported to work intoxicated when he could have taken leave for the shift. (Tr. at 77).

I. ANALYSIS

A. Police Officer Bill of Rights

The Police Officer Bill of Rights requires that investigations of officers be completed within 75 days, absent an extension of time: “Except as otherwise provided in this Paragraph, each investigation of a police employee or law enforcement officer which is conducted under the provisions of this Chapter shall be completed within seventy-five days, inclusive of Saturdays, Sundays, and legal holidays.” La. R.S. 40:2531(B)(7). “The investigation shall be considered complete upon notice to the police employee or law enforcement officer under investigation of a pre-disciplinary hearing or a determination of an unfounded or unsustained complaint.” *Id.* “Nothing in this Paragraph shall limit any investigation of alleged criminal activity.” *Id.*

In this appeal, the investigation began on August 4, 2022. (Tr. at 13; Ex. NOPD-6); *Abbott v. New Orleans Police Dep't*, 2014-0993 (La. App. 4 Cir. 2/11/15), 165 So. 3d 191, 203 (investigation is initiated when NOPD completes misconduct forms (then called DI-1)). The investigation concluded on September 18, 2023, when NOPD issued the Notice of Completed Investigation and Notice of Pre-Disciplinary Hearing to Millon. (Ex. NOPD-19).

The time period for completion of the administrative investigation was tolled by the criminal investigation: “[A] criminal investigation tolls the time limit for the administrative investigation.” *O'Hern v. Dep't of Police*, 2013-1416 (La. 11/8/13), 131 So. 3d 29, 31. “Following *O'Hern*, this Court has repeatedly found that when the appointing authority initiates an investigation into an officer due to alleged criminal activity, the sixty-day timeframe for the administrative investigation does not run until the charges against the officer, related to the alleged criminal activity, have reached a conclusion.” *Schuler v. New Orleans Police Dep't*, 2020-0563 (La. App. 4 Cir. 4/7/21), 365 So. 3d 653, 659

NOPD initiated the criminal investigation on August 4, 2022, and the criminal matter concluded on July 26, 2023, when Millon pleaded guilty in court to a lesser charge. Jacque testified that he interviewed Millon after the conclusion of the criminal proceedings. (Tr. at 22). Jacque also testified that the administrative investigation concluded on September 18, 2023. (Ex. NOPD-19). The time period from July 26, 2023, to September 18, 2023, is 52 days. Therefore, the investigation was completed within 75 days, in compliance with the Police Officer Bill of Rights. La. R.S. 40:2531(B)(7)

B. Legal Standard for Commission's Review of Discipline

“Employees with the permanent status in the classified service may be disciplined only for cause expressed in writing. La. Const., Art. X, Sec. 8(A).” *Whitaker v. New Orleans Police Dep’t*, 2003-0512 (La. App. 4 Cir. 9/17/03), 863 So. 2d 572 (quoting *Stevens v. Dep’t of Police*, 2000-1682 (La. App. 4 Cir. 5/9/01)). “Legal cause exists whenever an employee’s conduct impairs the efficiency of the public service in which the employee is engaged.” *Id.* “The Appointing Authority has the burden of proving the impairment.” *Id.* (citing La. Const., art. X, § 8(A)). “The appointing authority must prove its case by a preponderance of the evidence.” *Id.* “Disciplinary action against a civil service employee will be deemed arbitrary and capricious unless there is a real and substantial relationship between the improper conduct and the “efficient operation” of the public service.” *Id.* “It is well-settled that, in an appeal before the Commission pursuant to Article X, § 8(A) of the Louisiana Constitution, the appointing authority has the burden of proving by a preponderance of the evidence: 1) the occurrence of the complained of activity, and 2) that the conduct complained of impaired the efficiency of the public service in which the appointing authority is engaged. *Gast v. Dep’t of Police*, 2013-0781 (La. App. 4 Cir. 3/13/14), 137

So. 3d 731, 733 (quoting *Cure v. Dep't of Police*, 2007-0166 (La. App. 4 Cir. 8/1/07), 964 So. 2d 1093, 1094).

1. The Appointing Authority must show the discipline was commensurate with the infraction

The Commission has a duty to decide independently from the facts presented in the record whether the appointing authority carried its legally imposed burden of proving by a preponderance of evidence that it had good or lawful cause for disciplining the classified employee and, if so, whether such discipline was commensurate with the dereliction. *Durning v. New Orleans Police Dep't*, 2019-0987 (La. App. 4 Cir. 3/25/20), 294 So. 3d 536, 538, *writ denied*, 2020-00697 (La. 9/29/20), 301 So. 3d 1195; *Abbott v. New Orleans Police Dep't*, 2014-0993 (La. App. 4 Cir. 2/11/15); 165 So.3d 191, 197; *Walters v. Dept. of Police of the City of New Orleans*, 454 So. 2d 106 (La. 1984). The appointing authority has the burden of showing that the discipline was reasonable and not arbitrary or capricious. *Neely v. Dep't of Fire*, 2021-0454 (La. App. 4 Cir. 12/1/21), 332 So. 3d 194, 207 (“[NOFD] did not demonstrate . . . that termination was reasonable discipline”); *Durning*, 294 So. 3d at 540 (“the termination . . . deemed to be arbitrary and capricious”).

C. NOPD Carried its Burden of Showing Cause for the Discipline of Millon

Millon admitted reporting to work intoxicated and driving under the influence of alcohol in his police vehicle on July 28, 2022. Intoxication of a police officer while on duty impairs the efficient operation of the Department of Police, subjecting the officer and citizens to danger.

D. The Penalty is Not Commensurate with the Violation

Absent NOPD’s implicit determination that “rehabilitation rather than termination is the appropriate course of action” and substantive compliance with Civil Service Rule V, Section 9.16,

the undersigned would deny Millon's appeal. NOPD persuasively argues in its post-hearing brief that termination was appropriate because of the egregious nature of the infractions - even considering the officer's exemplary record and reputation. NOPD swiftly placed Millon of emergency suspension following the incident. (Ex. NOPD-16). However, following the conclusion of NOPD's investigation in September of 2022, NOPD displayed a lack of urgency about imposing additional discipline. Instead, NOPD returned Millon to active duty for 18 months before the penalty phase of his internal hearing. During this time, Millon performed his job duties without incident.

NOPD's argument about the danger Millon poses evaporates in light of the fact that the NOPD returned this officer to full duty, armed, and in a marked police vehicle, thus indicating NOPD did not consider him a risk. NOPD's post-hearing brief fails to address NOPD's decision to return Millon to full duty. During the hearing, Assistant Superintendent Ganthier acknowledged it would have been irresponsible and dangerous for NOPD to place Millon on the street as a police officer if it did not have confidence that he could competently perform his job duties. (Tr. at 61-62). By its own logic, the NOPD endangered public safety from September 2023 until April 2025.

NOPD failed to consider and/or give appropriate weight to all the mitigating circumstances at the penalty hearing on April 17, 2025. By this time, almost three years after the incident, NOPD had returned Millon to full duty. NOPD's delay in disciplining Millon and his return to work resulted in additional mitigating factors. Most importantly, NOPD failed to acknowledge its confidence in Millon's future job performance, a mitigating factor under the penalty matrix. NOPD viewed Millon as rehabilitated, as exhibited by his return to full duty on the street with a weapon. The potential for rehabilitation is a separate mitigating factor under the penalty matrix.

NOPD also failed to give appropriate weight to the absence of prior discipline of Millon over his 10-year tenure.

Ganthier, who served on the Deputy Chiefs' panel, testified he would have strongly considered recommending a lesser penalty if the penalty matrix had allowed the lesser penalty (Tr. at 75). Ganthier testified that he believed NOPD failed Millon because of the absence of a robust Employee Assistance Program following the shooting of Millon's partner. (Tr. at 71).

The Fourth Circuit Court of Appeal has held that the Commission may deviate from the penalty matrix to impose a more severe penalty. *Charles v. New Orleans Police Dep't*, 2019-0115 (La. App. 4 Cir. 6/19/19), 274 So. 3d 914, 918, *writ denied*, 2019-01144 (La. 10/8/19), 280 So. 3d 589.

NOPD's termination of Millon is arbitrary and capricious when it delayed any discipline for years and returned him to full duty (armed and in a police vehicle), establishing that NOPD viewed Millon as rehabilitated and competent to perform his job duties.

For the reasons set forth above, Millon's appeal is GRANTED. The termination of Millon's employment is reduced to a demotion to Police Officer and the suspension served beginning July 28, 2022. Millon shall comply with Civil Service Rule V, Section 9.16(d), requiring an agreement with NOPD to remain alcohol and drug-free and to undergo unannounced drug and alcohol tests for a period of 24 months.

NOPD shall reimburse Millon for all backpay and emoluments of employment from April 22, 2025, to present.

WRITER:



Andrew Monteverde, Commissioner (Mar 9, 2026 17:27:20 EDT)

ANDREW MONTEVERDE, COMMISSIONER

CONCUR:



Ruth Davis, Commissioner (Mar 9, 2026 17:17:22 CDT)

RUTH DAVIS, COMMISSIONER

DISSENT BY CHAIRPERSON RICHARDSON

I would deny Millon's appeal, even though NOPD's years-long delay in the termination of Millon, including returning him to full duty, undermines its position that Millon currently poses a threat to the safety of the public.

NOPD carried its burden of showing cause for discipline. Millon admitted reporting to work intoxicated and driving under the influence of alcohol in his police vehicle on July 28, 2022. Intoxication of a police officer while on duty impairs the efficient operation of the Department of Police, subjecting the officer and citizens to danger. The presumptive and mitigated penalty for the July 28, 2022, conduct is termination. Even considering the emotional distress suffered by Millon, he made the decision to report to work intoxicated, jeopardizing his own safety and the safety of other citizens.



Brittney Richardson, Chairperson (Mar 9, 2026 17:09:38 CDT)

BRITTNEY RICHARDSON, CHAIRPERSON