



CITY OF NEW ORLEANS

DEPARTMENT OF CITY CIVIL SERVICE
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CITY CIVIL SERVICE COMMISSION
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DIRECTOR OF PERSONNEL

Monday, August 11, 2025

Mr. C. Theodore Alpaugh, III
639 Loyola Avenue, Suite 2130
New Orleans, LA 70113

Re: **Shane Chandler VS.
Department of Police
Docket Number: 9666**

Dear Mr. Alpaugh:

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 - 8/11/2025 - filed in the Office of the Civil Service Commission at 1340 Poydras St. Suite 900, Orleans Tower, New Orleans, Louisiana.

If you choose to appeal this decision, such appeal must conform to the deadlines established by the Commission's Rules and Article X, 12(B) of the Louisiana Constitution. Further, any 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 blue ink that reads "Doddie K. Smith".

Doddie K. Smith
Chief, Management Services Division

cc: Anne E. Kirkpatrick
Max V. Camp
Jay Ginsberg
Shane Chandler
:
file

**CIVIL SERVICE COMMISSION
CITY OF NEW ORLEANS**

**SHANE CHANDLER,
Appellant**

Docket No. 9666

v.

**DEPARTMENT OF POLICE,
Appointing Authority**

DECISION

Appellant, Shane Chandler, brings this appeal pursuant to Article X, Section 8 of the Louisiana Constitution seeking relief from the termination of his employment by the Department of Police on September 23, 2024. (Ex. HE-1). At all relevant times, Appellant was a permanent employee working as a Police Officer. (Tr. at 35). A Hearing Examiner, appointed by the Commission, presided over a hearing on April 4, 2025. 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 Hearing Examiner's report dated June 24, 2025, and controlling Louisiana law.

For the reasons set forth below, Officer Chandler's appeal is DENIED.

I. FACTUAL BACKGROUND

Officer Chandler moved to continue the hearing on March 27, 2025, and in support of this motion, Officer Chandler's counsel offered an NOPD Physician's Examination Certification that Officer Chandler is unable to return to full duty because of "live pain." (Tr. at 7-8; Ex. SC-1, SC-2). Counsel for Officer Chandler represented that Officer Chandler's treating physician had informed him he was unable to travel. In advance of the hearing, the hearing officer denied the

request in the absence of more specific medical information about the reason(s) Officer Chandler is unable to travel. (Tr. at 7-8). Officer Chandler did not submit any additional medical information and failed to appear at the hearing, even though NOPD subpoenaed him through his counsel. (Tr. at 20). Officer Chandler's counsel was present at the hearing. (Tr. at 5-6).

The parties stipulated to the following:

1. On April 15, 2024, Officer Chandler plead guilty to all criminal charges in Arkansas related to his arrest on April 13, 2024, including careless driving, improper lane change, failure to yield at a stop sign, and driving while under the influence. (Tr. at 13-15; Ex. NOPD-1).
2. Officer Chandler failed a field sobriety test on April 13, 2024. (Ex. NOPD-3).
3. As reported on June 10, 2024, Officer Chandler tested positive for THC. (Ex. NOPD-2).

Investigator Michael Hughes of NOPD testified that he obtained information from the Arkansas State Police about a traffic incident on April 13, 2024, at 1:42 P.M. in Mississippi County, Arkansas. (Tr. at 23; Ex. NOPD-1). The Mississippi County, Arkansas, Sheriff's Office received complaints about a dark colored vehicle driving erratically. (Ex. HE-1; Exs. NOPD-5, NOPD-6). Investigator Hughes testified that the Arkansas State Police informed him Officer Chandler left the roadway and almost collided with a marked sheriff's vehicle, later corroborated by dash-cam video from the Mississippi County Sheriff's Deputy. (Tr. at 29-30; Ex. NOPD-5). When stopped by the Mississippi County Sheriff's Deputy, Officer Chandler failed to comply with the instruction to remain in his vehicle. (Tr. at 31). Arkansas State Police Officer Brad Hitchcock arrested Officer Chandler for driving into oncoming traffic, failing to yield at a stop sign, and driving under the influence. (Ex. NOPD-1). The Arkansas State Police found THC vape packages,

two handguns, three magazines, a police light, an NOPD badge # 977, NOPD vest, and an NOPD frontispiece. (Tr. at 25; Ex. NOPD-4). NOPD entered these photos of these items into evidence. (Ex. NOPD-4). The Arkansas State Police also provided video of the field sobriety test performed by Officer Brad Hitchcock. (Ex. NOPD-6).

NOPD terminated Officer Chandler's employment based on four violations of NOPD Policy Rule 2 (Moral Conduct – Adherence to Law); a violation of Rule 3 (Professional Conduct – Use of Alcohol/Drug Off-Duty); and a violation of Rule 7 (Departmental Property – Use of Departmental Property). (Ex. HE-1). NOPD aggravated the penalty for these violations of policy because of the nature and scope of responsibility of Officer Chandler's position as a police officer; the notoriety of the offense (bringing discredit to NOPD by engaging in criminal behavior); Officer Chandler's failure to accept responsibility for his actions; and the fact that his behavior resulted in criminal convictions. (Ex. HE-1). Deputy Superintendent Jonette Williams testified that the Deputy Chiefs' Panel aggravated the penalty because (1) Officer Chandler should not have had NOPD gear and guns while traveling out of state and while on a long-term medical leave; (2) Officer Chandler brought discredit to the department by driving erratically, almost striking an officer, failing a sobriety test, and driving while under the influence of marijuana. (Tr. at 47-49). Deputy Superintendent Williams testified that the Deputy Chiefs' panel recommended termination because Officer Chandler's conduct "is unbecoming of a police officer, it discredits our department, it discredits us, outside of the state, and we just felt like it needed to be aggravated up to dismissal." (Tr. at 49). Chief Williams testified that NOPD "doesn't tolerate this type of behavior," and the community needs to know that NOPD holds its officers to a higher standard. (Tr. at 49).

II. ANALYSIS

A. Hearing Officer's denial of continuance

The Commission finds that the Hearing Officer did not abuse his discretion when he refused to continue the hearing of Officer Chandler's appeal without a more detailed explanation of the reasons Officer Chandler's medical condition prevented him from traveling to New Orleans.

B. Legal Standard for Commission's Review of Discipline

1. The Appointing Authority must show cause for 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).

2. 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 suspending 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”).

a. Factors considered by Commission

“In determining whether discipline is commensurate with the infraction, the Civil Service Commission considers the nature of the offense as well as the employee’s work record and previous disciplinary record.” *Matusoff v. Dep't of Fire*, 2019-0932 (La. App. 4 Cir. 5/20/20), 2020 Westlaw 2562940, *writ denied*, 2020-00955 (La. 10/20/20), 303 So. 3d 313. The Commission considers the nature of the offense, the employee’s work ethic, prior disciplinary records, job evaluations, and any grievances filed by the employee.” *Honore v. Dep't of Pub. Works*, 14-0986, pp. 8-9 (La. App. 4 Cir. 10/29/15), 178 So. 3d 1120, 1131, *writ denied*, 2015-2161 (La. 1/25/16), 185 So. 3d 749

3. NOPD has shown cause for the discipline of Officer Chandler

The parties stipulated to the complained-of conduct. Deputy Superintendent Williams testified that Officer Chandler brought discredit to NOPD by his egregious conduct, impairing the efficient operation of NOPD. (Tr. at 49). Officer Chandler’s conduct also impaired the public’s trust in NOPD to enforce the laws. Deputy Superintendent Williams explained that “[w]e can't enforce the laws, we can't hold citizens accountable for things that we don't hold ourselves accountable for.” (Tr. at 49).

4. The penalty is commensurate with the violation.

NOPD appropriately aggravated the penalty for the policy violations based on Officer Chandler’s disregard of the law on April 13, 2024, and the discredit he brought to NOPD.

WRITER:



[Andrew Monteverde, Commissioner \(Aug 10, 2025 12:48:33 CDT\)](#)

ANDREW MONTEVERDE, COMMISSIONER

CONCUR:



[Mark Surprenant \(Aug 8, 2025 12:39:37 CDT\)](#)

MARK SURPRENEANT, COMMISSIONER



[Ruth Davis, Commissioner \(Aug 8, 2025 11:37:41 CDT\)](#)

RUTH DAVIS, COMMISSIONER