

YOUNGSVILLE MUNICIPAL POLICE CIVIL SERVICE BOARD

CIVIL SERVICE APPEAL

JOHN DAVISON vs. YOUNGSVILLE POLICE DEPARTMENT

APPEAL OF DEMOTION AND 90 DAY SUSPENSION

IA - 2025-2

HEARING DATE: January 27, 2026, 5:00 P.M.

PRE-HEARING MEMORANDUM

NOW COMES, through undersigned counsel, YOUNGSVILLE POLICE DEPARTMENT (“YPD”), who submit the following Pre-Hearing Memorandum concerning John Davison’s Appeal of Demotion and 90 Day Suspension.

Factual Background

The complaint which initiated Internal Affairs Investigation No. 2025-02 against JOHN DAVISON (“Davison”) was filed by the Chief of Police of the Youngsville Police Department, Jean Paul Broussard. The complaint involved a phone call between Chief Broussard and Davison on June 18, 2025 in which Davison used language and a tone the Chief found to have been “unprofessional, disrespectful, and threatening.” The Chief includes in this complaint a specific section of the language which Davison used to demonstrate the unprofessional, disrespectful, and threatening nature of the same. As a result of this profanity-laced tirade, the instant investigation arose concerning Davison’s conduct.

The matter was assigned to internal affairs on June 23, 2025 to investigate this claim in relation to alleged insubordination and conduct unbecoming of an officer. Davison was notified on June 26, 2025 of the subject investigation and related suspension pending resolution of this investigation. Davison was additionally notified that any conduct revealed during the course of the

investigation which was not included in the original complaint may also subject him to further discipline, referring him to Youngsville Police Department General Order 35. Davison signed receipt of this notice on June 26, 2025.

The subject investigation concluded on August 11, 2025 with a pre-disciplinary hearing scheduled for August 28, 2025, which Davison attended with his legal counsel. The investigation concluded with a finding of sufficient evidence to sustain allegations of insubordination and of unprofessional conduct. Specifically noted were violations of Youngsville General Orders No. 13, 14, and 26 as well as La. R.S. 33:2500(A)(4). Based on these sustained complaints of violations including a Category 3 Offense, the Appointing Authority administered appropriate discipline including a demotion and suspension as provided for by the Youngsville Police Department General Orders for violations of this nature. It is from this discipline that Davison now appeals.

Law and Argument

I. Legal Standard

Any regular employee in the classified service system, such as a police officer, who feels they have been disciplined without just cause may appeal that discipline to the Board.¹ The Board will hear the appeal in order to determine if the discipline rendered was done in good faith and for cause.² The “good faith” element is defined as the appointing authority acting in a manner which is not “arbitrarily or capriciously, or if the action taken was the result of prejudice or political expediency.”³ The “for cause” element is satisfied if the evidence shows the action was “necessary for the discipline and efficiency of the police department, or that it was needed to avoid some detriment to that department or to the city.”⁴

1 La. R.S. 33:2501(A)

2 La. R.S. 33:2501(B)(1)

3 *Hyatt v. Lake Charles Mun. Fire & Police Civil Serv. Bd.*, 393 So.2d 418, 421 (La. App. 3 Cir. 1980)

4 *Id.*

While the determination before the Board on the facts of the case only concerns whether the discipline was administered in good faith and for cause, the Board is also tasked with determining whether the investigation complied with the minimum standards provided by law.⁵ The Police Officer's Bill of Rights outlines the rights of officers under investigation as well as the timelines in which those investigations must take place.⁶ Additionally, the US Supreme Court has mandated that a police officer who has been investigated be given an opportunity for a hearing on the facts of the investigation prior to discipline being rendered against them.⁷

II. The Discipline Rendered Against John Davison was done in Accordance with all Applicable Procedural Requirements

La. R.S. 40:2531, also known as the "Police Officer's Bill of Rights," outlines several procedural requirements which are mandatory in conducting investigations and administering discipline to civil service personnel, such as officers with the Youngsville Police Department. These include requirements that the investigation begin within fourteen days of the complaint and that it end within seventy-five days of being initiated.⁸ The investigation is deemed concluded upon notice to the officer in question of a pre-disciplinary hearing. The pre-disciplinary hearing is another procedural requirement for officers under investigation, allowing them an opportunity to give a statement as to the complaints against them prior to discipline being administered.⁹

In the matter at hand, the complaint against Davison concerned conduct which occurred primarily on June 18, 2025. Within fourteen days of that date, Davison had already received notice of the investigation against him, which he signed on June 26, 2025. This investigation was

⁵ La. R.S. 40:2531(C)

⁶ Codified in Louisiana law as La. Rev. Stat. 40:2531, *et. seq.*

⁷ *Cleveland Bd. of Educ. v. Loudermill*, 470 U.S. 532, 105 S.Ct. 1487, 84 L.Ed.2d 494 (1985)

⁸ La. R.S. 40:2531(B)(7)

⁹ See, *Cleveland Bd. of Educ. v. Loudermill*, 470 U.S. 532, 105 S.Ct. 1487, 84 L.Ed.2d 494 (1985)

concluded on August 11, 2025 and a pre-disciplinary hearing was held on August 28, 2025, which Davison and his counsel of record attended. This was all completed within the required timeline set by statute.

As a result of the subject investigation, the complaints against Davison were sustained, finding that he committed violations including insubordination and unprofessional conduct. Insubordination is defined by YPD General Order 26 as a Category 3 Offense. Even the first sustained finding that an officer committed a Category 3 Offense is grounds for termination. In lieu of this level of discipline, the Appointing Authority found it more reasonable, due to the facts at hand, to administer a demotion and suspension of Davison, which he now appeals. It is clear from the record, including the application statutes and General Orders of the YPD, that all procedural requirements were complied with in this matter.

III. The Subject Discipline was Rendered in Good Faith and For Cause

The element of “good faith” in the context of civil service disciplinary procedure requires the appointing authority to have acted in a manner that is not “arbitrarily or capriciously, or if the action taken was the result of prejudice or political expediency.”¹⁰ The requirement that the discipline be “for cause” is further defined as showing that the discipline rendered was “necessary for the discipline and efficiency of the police department, or that it was needed to avoid some detriment to that department or to the city.”¹¹ The discipline at issue was rendered after an investigation which resulted in sustained complaints concerning violations of the YPD General Orders, and was in accordance with the level of discipline prescribed by those General Orders.

The original complaint against Davison concerned direct insubordination and threatening comments made to the Chief of Police. These comments included profanity, intentional disrespect

¹⁰ *Hyatt v. Lake Charles Mun. Fire & Police Civil Serv. Bd.*, 393 So.2d 418, 421 (La. App. 3 Cir. 1980)

¹¹ *Id.*

for the Chief and his position, and threatened the Chief with incarceration. Upon investigation, it was revealed that Davison further engaged in insubordination by encouraging other officers to disregard the Chief's directives, calling them "illegal." While Davison denied directing profanity "at" the Chief, he personally reported to investigators the facts of him encouraging other officers to disobey directive from the Chief.

YPD General Order 26 outlines categories of offenses, including those at issue here. Insubordination is a Category 3 offense under these guidelines. Along with refusal to obey a direct order, this section defines "insubordination" as "flaunting with the authority of a superior officer by displaying obvious disrespect or by disputing his orders..." The comments made by Davison were obviously disrespectful. Further, they were profane and threatening. Davison followed up these comments by advising other officers to dispute the order of the Chief. All of this done with intent, as these comments were made directly to the Chief and the encouragement of other officers to do the same was admitted by Davison.

The investigation of the details surrounding the subject complaint found evidence to sustain the allegations of insubordination and unprofessional conduct against Davison. This conclusion was reached after review of the evidence and interviews relevant witnesses, including Chief Broussard, Deputy Chief Thompson, and Davison himself. This investigation concluded with sustained complaints, finding that Davison had committed multiple violations, with at least one being a Category 3 Offense. Although this level of violation provides termination for even the first sustained finding, a less-severe level of discipline was deemed more appropriate for these violations.¹²

The discipline rendered is based on the sustained findings, detailed above, and both reasonable and necessary for the efficient operation of the police department. It is of great concern to the command structure of the department when officers display flagrant insubordination to their superior officers. This creates a greater level of concern when those officers contact other, less experienced officers and use their positions of authority to influence others in the YPD ranks to also display flagrant insubordination. Every para-military organization, such as a police department, relies heavily on adherence to the chain of command with potential for severe and wide-ranging impacts if that is not done. It is for this reason that Insubordination is considered a Category 3 Offense.

In addition to being specifically recognized by the YPD General Orders as an offense for which even the first violation warrants termination, Insubordination is also recognized by Louisiana law to warrant termination.¹³ Louisiana courts routinely reach the same conclusion. In *Creadeur v. Dep't of Pub. Safety, Div. of State Police*, 364 So.2d 155, 157-58 (La. App. 1 Cir. 1978), an officer was terminated for insubordination when he refused to submit to a polygraph examination. The court noted that, even though the officer was not the suspect in a criminal investigation and that polygraph results have dubious reliability, refusing an order of a superior officer was still insubordination and termination was appropriate. The court in *Malone v. Dep't of Corr., La. Training Inst.-Ball*, 468 So.2d 839, 840-41 (La. App. 1 Cir. 1985) upheld the termination of a Correctional Officer found to have been insubordinate, noting that, in a quasi-military installation, “the chain of command and following orders means the difference between life and death...”

13 La. R.S. 33:2500(A)(4).

In the matter of *Stelly v. Lafayette City-Parish Consol. Gov't*, 16-328 (La. App. 3 Cir. 10/12/16); 203 So. 3d 531, 539, the Third Circuit upheld the discipline of an officer for insubordination. In doing so, they quoted the trial court as follows:

The police department operates on a hierarchy of command and adherence to that command. The Chief and the Board concluded that Appellant's insubordination impaired the efficiency of the department. There is a real and substantial relationship between an act of insubordination and efficient operation of the police department. Accordingly, the discipline was imposed for legal (just) cause.

There is no question that Davison committed multiple violations for which discipline was appropriate. The discipline administered is within the bounds as indicated by the General Orders, and is not even the most severe of the available options therein. More severe disciplinary actions, such as termination, are upheld on these same findings, however mitigating factors were considered by the Appointing Authority here in rendering an appropriate discipline. This discipline is done in good faith and for cause and supported by the record and Louisiana law. The discipline at issue should not be disturbed on appeal.

Respectfully submitted:

BRINEY FORET CORRY

BY:

MICHAEL P. CORRY, SR. – 20764
413 Travis Street

Post Office Box 51367
Lafayette, Louisiana 70505-1367
Telephone: (337) 237-4070

Facsimile: (337) 233-8719
corry@brineyforet.com

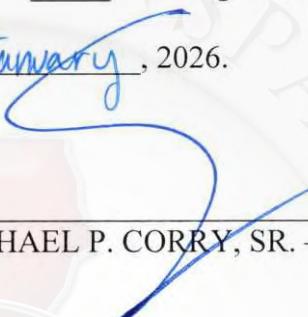
ATTORNEYS FOR, YOUNGSVILLE
POLICE DEPARTMENT

CERTIFICATE

I HEREBY CERTIFY that a copy of the above and foregoing Pleading was this day forwarded to all counsel of record by depositing a copy of same via:

United States Mail Certified Mail
 Facsimile Hand Delivery
 Email Overnight Mail

Lafayette, Louisiana, this 12th day of January, 2026.


MICHAEL P. CORRY, SR. – 20764