



LOUISIANA DEPARTMENT OF PUBLIC SAFETY & CORRECTIONS
PUBLIC SAFETY SERVICES

OFFICE OF STATE FIRE MARSHAL



H. "BUTCH" BROWNING, JR.
STATE FIRE MARSHAL

MAY 11, 2020
4750/0501/MMG/20-23020

SFM CPL. DRAKE DUHON
OFFICE OF STATE FIRE MARSHAL

IA#20-002; OLA #068007
VIA PERSONAL DELIVERY

RE: TEMPORARY REDUCTION IN PAY

Dear Cpl. Duhon:

Pursuant to State Civil Service Commission Rules 12.1 and 12.9, and the authority delegated to me by Colonel Kevin Reeves, Deputy Secretary, you are hereby notified that your pay is being temporarily reduced by \$98.08 for ten pay periods (the equivalent of a 40 hour suspension). This temporary reduction in pay will begin on June 1, 2020 and will end on October 18, 2020. Your pay is being temporarily reduced for the following reasons:

In August 2019, you were assigned as the lead investigator of a large scale suspected arson of a home in Vernon Parish, case OSFM #19-F1-6-006081. Your investigation resulted in six suspects being arrested and one gun recovered. The case was subsequently turned over to the Vernon Parish District Attorney's office. On December 10, 2019, State Fire Marshal (SFM) Lt. Jeremy Swisher received a phone call from the New Llano Police Chief, Danny Hunt, who advised him that all charges in case OSFM #19-F1-6-006081 were dismissed. On December 12, 2019, Lt. Swisher went to the Vernon Parish DA's office and spoke with Assistant District Attorney Lee Hall, who was the prosecutor assigned to the case. Mr. Hall informed Lt. Swisher that all charges were dropped due to some inappropriate comments of a sexual nature made by you during an interview with a female suspect, identified herein by her initials, AR. Mr. Hall also advised Lt. Swisher that during your interview of AR, you were looking at her cell phone and commented that you were going to make sure no one would see it, leading him to believe you may have deleted potential evidence from AR's cell phone. Based on the above, Mr. Hall believed that it was best to drop all charges against all suspects in the case.

The matter was referred to Louisiana State Police Internal Affairs Unit (IA) to conduct an administrative investigation into your conduct. On March 12, 2020, you participated in a recorded interview with IA investigators Sgt. James Jefferson and Trooper Richard Buckland. You advised IA investigators that during your arson investigation, the evidence gathered lead to you obtaining an arrest warrant for AR due to her alleged involvement in covering up evidence. On September 4, 2019, AR turned herself into authorities and she was interviewed by you that day. You advised IA investigators that when you were advised that the case was dismissed, you

went back and reviewed all of the interviews conducted. You admitted that you made several inappropriate statements during your interview of AR and you "messed up." IA investigators played the portion of the audio/video recording of the interview you conducted with AR where you were looking at her cell phone and made the statement "make it disappear." You explained that you came across a naked picture of a female with erotic tattoos over her body and suggested that she delete it.

You made numerous statements about your personal life/marriage, and several statements you made were sexual in nature. As evidenced by the recorded interview of AR on September 9, 2019, you made the following inappropriate comments during your interview of AR during your criminal investigation:

- You referred to one of the suspects as a "fucking douche bag."
- When administering Miranda warnings to AR, you concluded them by stating, "Same old bullshit you see all the time."
- When AR told you she bought her phone on "Wish.com," in discussing what you can purchase on "Wish.com," you stated, "I wonder why mine's always popping up lingerie and sex toys."
- When discussing user accounts on the phone, you stated, "You'll be texting people talking about that pretty ass and it'll be him."
- While discussing one of AR's relationship, you stated, "I've done some stupid shit to my wife." "Twelve years of marriage will do crazy things to you."
- "If you fuck them enough they won't fuck around."
- "If my balls stay drained I ain't fucking around."
- AR gave her explanation that a sex addict has to have it (sex), and a "nympho" just wants it (sex). You replied, "I didn't marry either one of them. ... Doesn't know what she wants."

The above described statements that you made while interviewing a suspect in a crime were in violation of Office of State Fire Marshal Policy and Procedural No. 201 - Code of Conduct and Ethics, Section B – Regulations and Responsibilities, Part 2 - **Conduct Unbecoming an Employee**, and Part 6 – Performance of Duty/Unsatisfactory Performance, which state in pertinent part:

2. Conduct Unbecoming an Employee

a. Employees shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on the Department. They shall not conduct themselves in a manner that is unbecoming an employee of the State Fire Marshal or detrimental to the mission of the Office of the State Fire Marshal or the Department.

b. Unbecoming conduct is that conduct which:

1. Brings the Department or any of its subdivisions into disrepute; or
2. Reflects discredit upon the employee as a member of the Department; or
3. Impairs the operations or efficiency of the Department, the employee, or state service; or

...

5. May reasonably be expected to destroy public respect for agents and/or confidence in the Department or the Office of the State Fire Marshal.

6. Performance of Duty/Unsatisfactory Performance

a. An employee shall conscientiously strive to enforce the laws of the State of Louisiana and render service to all citizens within the state and shall be responsible for the proper performance of all duties assigned to them and for strict adherence to the rules, regulations, orders, policies, manuals, and directives promulgated by the Department.

b. Ignorance of the rules, regulations, orders, policies, manuals and directives of the Department shall not be considered as an excuse or justification for any violation of such by an employee.

c. Employees shall be responsible for their own acts and they shall not attempt to shift the burden of responsibility for executing or failing to execute any lawful order/ duty.

d. Employees shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their duties in such a manner as to maintain the highest standards of efficiency.

e. Unsatisfactory performance includes, but is not strictly limited to, the following:

...

3. A failure to conform to work standards established for the employee's grade or position.
4. A failure to take the appropriate action on the occasion of a crime or other matter deserving of attention.

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Any future violations of this or any nature may result in more severe discipline up to and including termination.

You have the right to appeal this action to the State Civil Service Commission within 30 calendar days following the date you receive this notice. The appeal procedure is contained in Chapter 13 of the Civil Service Rules, which is available from the Department of State Civil Service or your Human Resource office.

Sincerely,

A handwritten signature in blue ink, appearing to read 'H. Butch Browning', is written over the printed name.

H. Butch Browning
State Fire Marshal

c: Colonel Kevin Reeves
Chief Dan Wallis
Major Nick Heinen
Captain James Edward
Lt. Jeremy Swisher
Internal Affairs
Office of Legal Affairs
Human Resources Management