Internal Affairs Investigation
19-IA-0005
[redacted] Statement

Sergeant Larry Doherty: The following will be a recorded interview conducted by Lieutenant Shawn Murphy of the Professional Standards Unit. And for the record, could you say and spell your last name?

Lieutenant Murphy: Sure, Shawn Murphy, S-H-A-W-N, M-U-R-P-H-Y.

Sergeant Larry Doherty: And myself, Sergeant Larry Doherty of the Internal Affairs Bureau, D-O-H-E-R-T-Y. Also present with us is [redacted]. [redacted], could you spell and say your name?

[redacted]

Sergeant Larry Doherty: The date is May 14th, 2019. Time now by my watch is 1129 hours. We are presently in one of the conference rooms at the Sheriff's Office. This is in regards to Internal Investigation 19-IA-0005. Is it all right if I call you [redacted]?

[redacted]: Yes.

Sergeant Larry Doherty: Please call me Larry.

[redacted]: Okay.

Sergeant Larry Doherty: Okay. He's L-T.

[redacted]: Roger that.

Lieutenant Murphy: Or Shawn.

Sergeant Larry Doherty: Um, how long you worked here now, [redacted]?

[redacted]: Oh, just over 5 years.

Sergeant Larry Doherty: 5 years. Any prior?

[redacted]: No. First agency.

Sergeant Larry Doherty: Okay. Congrats. Uh, current assignment?

[redacted]

Sergeant Larry Doherty: Okay, the, the senior side?

[redacted]

Sergeant Larry Doherty: Okay. Um, like I said in the beginning, just, you understand that we're designees of the sheriff?

[redacted]: Yes.

Sergeant Larry Doherty: Okay. And that, you're just here as a witness?

[redacted]: Correct.

Sergeant Larry Doherty: So I'm gonna ask, order ya, to respond honestly and truthfully in everything you tell us, okay?

[redacted]: Yes.

Sergeant Larry Doherty: Okay. So, congrats on the 5 years. That's awesome. Uh, what shift? [redacted].

[redacted]: [redacted]

Sergeant Larry Doherty: Okay.

[redacted]: So. Uh, since **** shift, well, comin' up on a year.

Sergeant Larry Doherty: That was always, that was always my favorite shift.

[redacted]: It's not bad. We got a good, uh, good team goin', so.

Sergeant Larry Doherty: That makes a big difference.

[redacted]: Yeah.

Sergeant Larry Doherty: Um, specialties?

[redacted]

Sergeant Larry Doherty: Okay.

[redacted]: Uh, that's it.

Sergeant Larry Doherty: Or as we used to refer to 'em as motor heads. These aren't motor heads. 'Cause there was like, uh wait, why does the SO got dirt bikes. 'Cause most of the county's in the dirt.

Lieutenant Murphy: That's true.

[redacted]: Yeah. No loss.

Sergeant Larry Doherty: [redacted] oughly?

[redacted]: Mm, a little over a year, probably another year and a half.

Sergeant Larry Doherty: Yeah. I don't need you to be exact. But I do wanna kinda just focus, let's say, within the last 6 months. Um, so somewhere up time around November 'til now. And, and I know you're not gonna be able to gimme exact numbers 'cause you don't have the books in front of you, but, [redacted]? Roughly.

[redacted]: [redacted]

Sergeant Larry Doherty: Okay.

[redacted]

Sergeant Larry Doherty: Okay, so –

[redacted]: I probably only missed a handful or more, so.

Sergeant Larry Doherty: 'Cause they're usually on the weekend?

[redacted]: 30, or, I don't know.

Sergeant Larry Doherty: Okay.

[redacted]: Well there's, since we started doin' the block stuff, we have 'em on Mondays for guys that work one side of the week. Typically, though, they'll be on a Friday or a Saturday.

Sergeant Larry Doherty: Okay.

[redacted]: So one of those days.

Sergeant Larry Doherty: So you're workin' maybe four to six times a month?

[redacted]: Yeah. Pretty easily.

Sergeant Larry Doherty: Okay. All right. Um, during those times you're there, what's your assignment when you go out there?

[redacted]: You don't really have a particular assignment. You just –

Sergeant Larry Doherty: 'Cause it's different guys, huh?

[redacted]: It's always, well, it's always –

Sergeant Larry Doherty: Every group of guys.

[redacted]: It's always kinda the same core group of guys –

Sergeant Larry Doherty: Uh huh.

[redacted]: - but just, you know, a different mix. You know, one, one, sometimes some guy'll be busy, but it, it's usually the same group of guys that show up every time.

Sergeant Larry Doherty: Okay.

[redacted]: So, the same, five, six, seven, eight, group of guys are always out there.

Sergeant Larry Doherty: Okay.

[redacted]: And you don't have any particular assignments. You just do whatever needs doin', so.

Sergeant Larry Doherty: Okay. And you're an actual. You're not an alternate?

[redacted]

Sergeant Larry Doherty: Okay.

[redacted]: [redacted]

Sergeant Larry Doherty: Okay, um, you have three sergeants that work out there – um, [redacted] and Berges, B-E-R-G-E-S. Um, that are the supervisors?

[redacted]: Correct.

Sergeant Larry Doherty: Okay. Um, roughly, so you've been there, 50 times, roughly.

[redacted]: Right.

Sergeant Larry Doherty: In the last 6 months. How many times do you think, uh, [redacted] been out there?

[redacted]: Well, maybe 10 to 15.

Sergeant Larry Doherty: [redacted]

[redacted]: Probably a little bit more than that. I'd say maybe 20.

Sergeant Larry Doherty: And then how 'bout Berges?

[redacted]: I think he's out there the most out of the sergeants.

Sergeant Larry Doherty: Okay. So –

[redacted]: And that, and that was, that kinda changed when [redacted] went out to the valley. He, 'cause he, when he was in DVSA, he used to come on the weekends all the time. But now he's doin' the valley thing, so ****.

Sergeant Larry Doherty: Okay, so you don't see him as much?

[redacted]: Not as much.

Lieutenant Murphy: Could I just get the schedule ****?

Sergeant Larry Doherty: So, if Berges was there, you've been there 50 times, he was there at least 25 times to more?

[redacted]: I, I gue, that, that **** might be a –

Sergeant Larry Doherty: It, roughly?

[redacted]: Yeah, that number might be, but it seems like I been there a lot because –

Sergeant Larry Doherty: That's half.

[redacted]: but it seems like I been there a lot because –

Sergeant Larry Doherty: Now, and, and again, I, I totally understand that, and I'm not asking you to be accurate in regards to the number. On occasion, do you have more than one sergeant out there supervising? Or just, do you have more than one sergeant out there, or is it usually just one?

[redacted]: It's usually just one. Um, yeah, usually you just see one. Um, but there's been times when there's been more than one I'm sure, but [redacted] comes out, and

he gets a lotta the projects done. Like he, uh, he installed the new gas tank in the back of the truck, so he, he's good at doin' those special kinda, you know, gettin' stuff built and actually done and stuff, so he'll show up and kinda work on, work on that kinda stuff, to keep the track runnin'.

Sergeant Larry Doherty: Okay.

[redacted]: And, um, but typically it's just one.

Sergeant Larry Doherty: Okay. So I want you to focus on that time that Sergeant Berges, Dave was out there. Um, when you guys are out there, there are times when you get to have a little of a bullshit time-out period. It's a long day, it's 8 hours. Your guys are in the sun and the rain.

[redacted]: Yeah.

Sergeant Larry Doherty: Um, I'm just concerned about something that, uh, Dave might have said. [redacted] ?

[redacted]: No.

Sergeant Larry Doherty: You were not?

[redacted]: No.

Sergeant Larry Doherty: Okay.

[redacted]: But, I'm not surprised.

Sergeant Larry Doherty: Okay. Are you, have you ever heard him speak disparagingly about management? When I say that, I'm talkin' about captains and above.

[redacted]: Uh, yes.

Sergeant Larry Doherty: Okay. But can you think of anything specifically? I mean, we all joke about management.

[redacted]: Yeah, ah.

Sergeant Larry Doherty: Uh, is there anything specific that you can think that, oh, Dave probably shouldn't have said that.

[redacted]: Mm, well, when you say captains and above –

Sergeant Larry Doherty: Yeah.

[redacted]: - uh, there's an incidence where I can recall – I wasn't paying close attention to the, the, uh –

Sergeant Larry Doherty: Contents?

[redacted]: Yeah, the contents of what was said. Uh, but, I think it was when Lieutenant [redacted] was a lieutenant at the time.

Sergeant Larry Doherty: Yeah.

[redacted]: And he was in charge of IA? Or personnel? Just –

Sergeant Larry Doherty: Professional Standards.

[redacted]: I think yeah, I think the timing would work out there. But, and again I don't remember the exact date or the context of this conversation, but, uh, he threw out the term "porch monkey" –

Sergeant Larry Doherty: Mm hmm.

[redacted]: And I was, I was pa-, or like, like I said, I wasn't really listenin' to the conversation, but that phrase kinda alerted – I was like, what the hell did he just say? So, and then I was led to believe that he was referring to then Lieutenant [redacted].

Sergeant Larry Doherty: But you weren't sure?

[redacted]: I wasn't sure.

Sergeant Larry Doherty: Did you ask him about it?

[redacted]: No.

Sergeant Larry Doherty: Is that a term you hear a lot?

[redacted]: No, which is –

Sergeant Larry Doherty: So it kinda stood out?

[redacted]: Yeah.

Sergeant Larry Doherty: When you were, when you heard that, was it in a group setting, or was it, um.

[redacted]: Uh, it was, yeah, it was in a group setting, but I don't recall who was there, or you know, the – 'cause we get so many people through that it, I don't know what group was assigned to teaching block that day, if it was just instructors, if it was instructors and students. I don't remember.

Sergeant Larry Doherty: Okay. So you don't know if it specifically was just amongst the gu, of instructors, and/or specifically a group of, uh, trainees, and/or mixed?

[redacted]: Yeah, I don't remember.

Sergeant Larry Doherty: Okay, lemme ask you this. Um, going back – was, did that happen with, like in the last month?

[redacted]: I –

Sergeant Larry Doherty: Or –

[redacted]: I'd say within the last like, maybe 5, 6 months, I –

Sergeant Larry Doherty: Oh, so it's been a while?

[redacted]: I, I think so.

Sergeant Larry Doherty: Okay.

[redacted]: I don't really, like I said, they all kinda blend together after a while. I know it was probably sunny.

Sergeant Larry Doherty: Okay.

[redacted]: So it wasn't a rainy day.

Sergeant Larry Doherty: You didn't specifically mention [redacted] name, but you thought it was in reference to [redacted], Lieutenant [redacted], now Captain [redacted]?

[redacted]: Uh, I think so. 'Cause I, I wasn't – he goes off on these rants, and, I, I'm not like, you know, I just go out to the track to go work there, and I'm not, you know, I'm not in DVSA. I don't hang out with those guys a lot. Um, I'm good, good friends with all of 'em, and we work together very closely, but he kinda goes off on these rants, that's kinda associated with DVSA or management. That's not my world, so I really don't, I don't care.

Sergeant Larry Doherty: Okay.

[redacted]: So I don't, I wasn't really listening to the conversation, but I just heard that term, and it was like, don't hear that every day.

Sergeant Larry Doherty: Have you ever heard him refer to –

[redacted]: Probably wouldn't.

Sergeant Larry Doherty: - uh, Captain [redacted] as a nigger?

[redacted] Uh, not that I can remember.

Sergeant Larry Doherty: Okay. Um, have you ever heard Dave use the word fag?

[redacted]: Uh, yeah.

Sergeant Larry Doherty: Couple times? Handful of times?

[redacted]: Um, maybe a handful of times.

Sergeant Larry Doherty: Is it ever directed at anybody when he does that?

[redacted]: Uh.

Sergeant Larry Doherty: Or is it a flippant term?

[redacted]: Uh, no. Never, he just cracks a lotta jokes, tells a lotta jokes. Um, so. Never directed it anybody. That I recall.

Sergeant Larry Doherty: Okay. How 'bout the word gay?

[redacted]: Yeah. Another word that he would use. But it's just more like, oh, that was gay or oh what a fag.

Sergeant Larry Doherty: So you never heard it actually just specifically – are you aware that you have a member of the –

[redacted]

Sergeant Larry Doherty: Yeah. And so, him usin' this verbiage, did you ever go, oh, probably shouldn'ta said that in front of [redacted]?

[redacted]: So, yeah, and that's, that's one thing in particular, so, I think pretty much everybody that we work with, especially on our team, especially out at the track, they're aware of [redacted] orientation. Uh, I consider [redacted] a good buddy of mine. We've worked a lot, uh, ended up on the same shifts a lot together over the past 5

years. Uh, I would never want to have, uh, an atmosphere where he didn't feel welcomed or part of the team. So, we, I mean, I consider us good buddies. We share a lot of the same interests, we go to coffee together every day. We're shift partners. You know. So, like one thing I could never recall is anybody, um, here at, on patrol or anywhere, uh, make a joke or direct a comment disparaging against gay people, towards [redacted] as an attack. I just, I can't recall it. [redacted], you'd have to talk to him. Maybe he can recall more specifically. I'm sure he'd remember things like that a little bit better than me. Um, there's, there's been more than one occasion where somebody has slipped up and maybe used the word gay or fag around him, and either not realized it at the time, or realized it, and everyone in the room kinda looks at each other and, sometimes it ends up like a, hey, sorry [redacted]. Or, or whatever, but it's never, I've never been present for an instant where like that's been used as an attack, because I'd recognize that.

Sergeant Larry Doherty: Okay.

[redacted]: 'Cause when people do slip up and say, somethin's gay or whatever, and it's like, you guys know [redacted] here. So.

Sergeant Larry Doherty: So, the likelihood is that Dave, who uses the verbiage gay and/or fag, could have said that in front of [redacted], but your impression wasn't, it wasn't, um, directed at [redacted]?

[redacted]: Correct.

Sergeant Larry Doherty: Okay.

[redacted]: Yeah.

Sergeant Larry Doherty: All right.

[redacted] Yeah, I've never, I've never, anywhere I've worked –

Sergeant Larry Doherty: Okay, have you talked to [redacted]? Has he ever told you, ooh, yeah, man, Sergeant Berges, he uses that word all the time. Does that ring a bell with you at all?

[redacted]: Uh, he's never, he never complained about it.

Sergeant Larry Doherty: Okay.

[redacted]: He's never, to me, I mean, it's always kinda sa, something that just everybody's aware of, you know, but if somebody does slip up and say that, I can, been around when it's happened, quite a bit, just, you know, someone's readin' somethin' and

they'll just, oh, that's gay, and then I kind of, you know, I'll be like, oh, I know [redacted] here, so I'll kinda look, and he, he never comes back with a, with like a return.

Sergeant Larry Doherty: A quip or ****.

[redacted]: Yeah, or like a, or like a, hey dude.

Sergeant Larry Doherty: Okay.

[redacted]: You know, watch your fuckin' mouth around me, kinda thing. He just, I've never seen it happen, it's not to say it's never happened, but –

Sergeant Larry Doherty: Sure.

[redacted]: I –

Sergeant Larry Doherty: Um.

[redacted]: He's, I mean –

Sergeant Larry Doherty: It, now, we had an idea about when he might have said porch monkey. Do you have any idea when he might have done that in front of [redacted], or does [redacted] work a lot out there too?

[redacted]: He works a lot out there too.

Sergeant Larry Doherty: So –

[redacted]: Yeah –

Sergeant Larry Doherty: So he didn't actually put a date on it or a month –

[redacted]: No way.

Sergeant Larry Doherty: Okay.

[redacted]: There was no way I could do that accurately.

Sergeant Larry Doherty: Okay.

[redacted]: Yeah.

Sergeant Larry Doherty: All right. Um, did you ever ask [redacted] – hey, you okay with that? Or it's just not somethin' you wanted to broach with [redacted]?

[redacted]: No, no, I've never –

Sergeant Larry Doherty: You guys are friends. You weren't his protector?

[redacted]: Yeah. You know, it's like, if, if somebody was, you know, if somebody was goin' off the rails and just, didn't, you know, didn't have a, a filter and, you know, makin' things awkward, I would probably, I would probably kinda privately pull that person aside and be like, cool it, you're makin' things weird.

Sergeant Larry Doherty: Yeah.

[redacted]: You know? Uh, but it's not been necessary. Everyone's pretty much aware, and uh, honestly, I mean, I've never heard a bad word about the guy. You know, he was selected to go out there and, and be an EVOC instructor, and, uh, he's actually one of the better ones. He's, prob, he's one of the better drivers, hits the least amount of cones. Um, so, he's pretty well liked, uh, and to, you know, I, I couldn't see where anybody would attack him like that to his face. I just don't see that happening.

Sergeant Larry Doherty: Okay.

[redacted]: Um, no, that's not to say somebody might slip up and, and say the wrong thing, or maybe crack a, you know, insensitive joke in front of him. That would be misguided, but I don't see anybody attackin' him like that.

Sergeant Larry Doherty: Now, porch monkey, that was obviously somethin' you'd never heard in a long time.

[redacted]: You don't hear that, yeah.

Sergeant Larry Doherty: Yeah.

[redacted]: That's kinda why I was like, what was that? Did I just hear what I heard?

Sergeant Larry Doherty: Was he – but it was in reference to Captain [redacted]?

[redacted]: I believe so.

Sergeant Larry Doherty: Okay. Um, do you know the rest of the context that he said in regards to that? Was it because he was bein' inve, investigated, or do you know if those two were associated?

[redacted]: I, I didn't know he had been investigated before.

Sergeant Larry Doherty: Okay.

[redacted]: Um, so –

Lieutenant Murphy: Do you think he was upset with, uh, something that was going on, like a case, with DVSA or something?

[redacted]: Yeah, it was about the time that they're investigating the whole [redacted] thing.

Lieutenant Murphy: Got it.

[redacted]: You know, and, I guess that was flyin' around upstairs, um, up here and they were havin' DVSA work on it, you know, and so anytime those – again, I'm not in their world. I don't – I'm not one of the, the guys over there across the street. So I'm sure they were probably selective about what they would talk with in front of me, and I'm sure they also had their restrictions on what, you know, could be talked about, but I eventually understood that, oh, there's some type of investigation goin' on concerning [redacted] and DVSA's dealing with it? What the fuck?

Lieutenant Murphy: Right.

[redacted]: So, and then, you know, that just leads to the whole rumor mill just spinnin' out, and then everyone's – and it's just a, a giant mess. So, I, I tend to not, you know, I don't care.

Lieutenant Murphy: Right. So lemme ask you this. If, if, you know, you guys have those sign-in sheets. I know you've been out there a lot –

[redacted]: Yeah.

Lieutenant Murphy: - at EVOC. If I were to show you a sign-in sheet that was around that time, do you think you would recognize the other instructors or students that were there during that, or when, when he made this porch monkey comment?

[redacted]: No, I – like, if you gimme a list of names, I'm just gonna be like, I know that guy. I know that guy. I know that guy.

Lieutenant Murphy: Right. Right.

[redacted]: I have no, I have no idea who was there at the time this comment was said.

Lieutenant Murphy: Okay.

[redacted]: If you, if you were to tell me, well we have proof that it was, uh, Deputy So and So that was sittin' there, I'd be like, okay.

Lieutenant Murphy: Right.

[redacted]: I'm sure he's been out there. I'm sure I've seen him three or four times out there, because we just switched the scheduling so –

Lieutenant Murphy: Sure.

[redacted]: Yeah, I don't, yeah, I don't typically take notes when people are talkin' or –

Lieutenant Murphy: I get it.

[redacted]: - rantin' on shit. So.

Lieutenant Murphy: I totally get it.

Lieutenant Murphy: And, I, I just have question about the [redacted] thing. Obviously [redacted] your good buddy, right?

[redacted]: Yeah.

Sergeant Larry Doherty: So if you and [redacted] are workin' together out at the track, and you were to hear Dave make a comment such as fag, um, obviously you'd kinda feel bad for [redacted], right?

[redacted]: Yeah. I'd be aware of it, and I'd –

Lieutenant Murphy: Have ****.

[redacted]: I'd kind of –

Lieutenant Murphy: Go ahead, I'm sorry.

[redacted]: Well I would, I would, 'cause I can't remember a time specifically where that's happened with Dave.

Sergeant Larry Doherty: Uh huh.

[redacted]: But I can remember with other people, and it's kinda like, you kinda look around to see what's gonna happen, and then, nothin', so you just go all right.

Lieutenant Murphy: Right.

[redacted]: So, but, um, I'm sorry – you were –

Lieutenant Murphy: No, no, no, go ahead.

[redacted]: - you were sayin' somethin'.

Lieutenant Murphy: Um, no, what, what I was gonna ask you, do you remember any time to where Dave said the word fag or something like that, and you were like, oh man, that sucks for [redacted] 'cause he's my friend?

[redacted]: Not specifically with Dave. Um, but I'm sure it's happened. But I can't, like, I can't recall that specific.

Lieutenant Murphy: Sure.

[redacted]: This is when he said this.

Lieutenant Murphy: And I get that you're at EVOC a lot.

[redacted]: Yeah.

Lieutenant Murphy: I, I totally understand that.

[redacted]: Yeah. Yeah.

Lieutenant Murphy: I'm sure that Dave's just blend together.

[redacted]: Yes. And I'm also around Dave a lot, and Dave cracks a lotta jokes, and which, like brings it up.

Lieutenant Murphy: Sure.

[redacted]: Would be used, so I can't really place a me, Dave joke and [redacted] –

Lieutenant Murphy: Right.

[redacted]: - in a time that's like clearly I can remember what I was wearing, and where we were –

Lieutenant Murphy: Sure.

[redacted]: - and stuff like that. So, I just can't accurately recall that far in.

Lieutenant Murphy: Okay. Just one more question. So the day that Dave made the comment about porch monkey.

[redacted]: Yeah.

Lieutenant Murphy: Porch monkey, right? Um, do you think that there were students around who coulda heard this too? Just thinking back to the setting?

[redacted]: Uh, I, uh, likely. Um, yeah, it def, it's definitely possible. I just, like I said –

Lieutenant Murphy: So he wasn't, he wasn't quiet about it. He wasn't talkin' to a, a small group. He was pretty –

[redacted]: No, yeah.

Lieutenant Murphy: - pretty boisterous about it.

[redacted]: Yeah, it's not like he was whispering.

Lieutenant Murphy: Okay.

[redacted]: Yeah. It was, it was a group setting, if I recall correctly.

Lieutenant Murphy: Yeah.

[redacted]: But, that's it.

Sergeant Larry Doherty: Okay. Nothin' else? Is there anything else that we haven't asked that you think's important now that you know the direction of our questions?

[redacted]: Mm, not that I can think of.

Sergeant Larry Doherty: Okay, I'm gonna go ahead and stop the interview. The time now by my watch is 1148 hours.

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