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

Larry Doherty: The following will be a recorded interview conducted on April 30, 2020, 2019. The time now by my watch is 0202 hours. I'm presently at one of the conference rooms at the sheriff's office and present in this room and the interview is being conducted by Lieutenant Shawn Murphy. Shawn, for the record could you say and spell your name?

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

Larry Doherty: And I'm Sergeant Doherty and also in the room is [redacted], for the record could you say and spell your name?

[redacted]

Larry Doherty: And is it alright if I call you [redacted]?

[redacted]: Yes.

Larry Doherty: Okay, and is it all right if I call you Shawn?

Lieutenant Shawn Murphy: Of course.

Larry Doherty: Thanks, and it's all right to call me Larry. Um, again, we've been asked to intervi, uh, conduct an investigation and part of this investigation is speaking to several officers including yourself and I just want to reiterate that you understand that you are a witness –

[redacted]: Yes.

Larry Doherty: – in this matter? Okay, hey, you're going to have to say something, it doesn't have eyes.

[redacted]: Yes.

Larry Doherty: So you can nod your head all you want.

[redacted]: Yes.

Larry Doherty: Okay, thank you. You are a witness in this matter and I'm going to ask and order you to answer all questions honestly and truthfully.

[redacted]: Okay.

Larry Doherty: Okay, uh, how long you've been working there now?

[redacted]

Larry Doherty: [redacted], well done, and when you say full time, what do you mean by that?

[redacted]

Larry Doherty: Oh, okay.

[redacted]: Doesn't really count for anything, but.

Larry Doherty: No, it does. It does. Um, a lot of times in the past that was how you got your foot in the door. So, um, for somebody old like myself it meant a lot because it was most of the officers didn't get hired unless they were in the reserves. Um, it's kind of changed to the date. So, and prior to being a reserve, did you have any other prior law enforcement experience?

[redacted]: No.

Larry Doherty: [redacted], well done. Specialties?

[redacted]:

Larry Doherty: Awesome, um, and your current assignment?

[redacted]:

Larry Doherty: The senior week?

[redacted]: Yeah.

Larry Doherty: Senior side of the week?

[redacted]:

Larry Doherty: [redacted]?

[redacted]: [redacted].

Larry Doherty: Okay, um, and how long have you been [redacted]?

[redacted]:

Larry Doherty: [redacted]? Wow, well done.

[redacted]: Thank you.

Larry Doherty: And then [redacted]?

[redacted]: [redacted].

Larry Doherty: Okay. Next step is Dicks, buddy, right?

[redacted]: Whenever it opens up.

Larry Doherty: Yeah, good luck, if they keep on shortening them all they're never going to get it open.

[redacted]: Right.

Larry Doherty: All right, what I want to do is talk to you a little bit more about EVOC. Um, let's say within the last 6 months, I know we were specific when we listed you as a witness. Within the last 6 months, how does, how many times do you think you've worked out at EVOC? Just a rough, you don't have to be exact, 10, 20, 403.

[redacted]: 30 to 40.

Larry Doherty: 30 to 40 times?

[redacted]: Mm hmm.

Larry Doherty: And do you do it on the days you work or on your days off?

[redacted]: Both.

Larry Doherty: Both?

[redacted]: Mm hmm.

Larry Doherty: So that's if you can get coverage and stuff? How does that come out? Does somebody say hey we're going to do training on this day and then guys just sign up?

[redacted]: Yeah, by email.

Larry Doherty: Okay, and then you just respond back, hey I'm going to do it then?

[redacted]: Yeah, there's an outlook calendar that you can add yourself to.

Larry Doherty: Okay. Now, if it's on your days you work, oh, I guess it would be dependent on whether or not you had a sufficient number of men on this shift, um, whether or not you'd have to have coverage, huh?

[redacted]: Yeah, my sergeant, uh, [redacted] is usually okay with us.

Larry Doherty: He's flex.

[redacted]: You know, working because we're usually not too late –

Larry Doherty: Okay.

[redacted]: – for the shift, so he's usually okay with us doing EVOC and then coming into work.

Larry Doherty: Oh, I got you. Okay, so you just do it back to back?

[redacted]: Yeah.

Larry Doherty: Okay. So, 30 or 40 times you've done it roughly in the last 6 months. Um, who were the sergeants involved in the EVOC program.

[redacted]: Sergeant Berges, [redacted] and [redacted].

Larry Doherty: [redacted] Who's the Lieutenant?

[redacted]: It is currently [redacted].

Larry Doherty: [redacted]? Okay. Does [redacted] ring a bell?

[redacted]: Uh, yeah, sorry it's confusing me.

Larry Doherty: That's okay, 'cause everybody, I know –

[redacted]: ****

Lieutenant Shawn Murphy: There's a lot of movement.

Larry Doherty: Yeah, there was movement probably about 3 weeks ago, so, um, could it potentially be Lieutenant [redacted] now on the chart?

[redacted]: Uh, yes.

Larry Doherty: But honestly, do you see him out there when you guys do this training? Your lieutenants?

[redacted]: Uh, he's shown up once or twice.

Larry Doherty: He being?

[redacted] He stopped by. [redacted].

Larry Doherty: Okay, how about [redacted]?

[redacted]: I think I saw him once or twice.

Larry Doherty: Okay, all right, the 30, 40 times, in those 30 or 40 times, um, is there usually a sergeant out there?

[redacted]: Yes.

Larry Doherty: Okay, um, out of those 30 or 40 times, how many times do you think it was Berges? Roughly.

[redacted]: 20 to 25.

Larry Doherty: Okay, uh, [redacted]?

[redacted]: Probably 10.

Larry Doherty: [redacted]?

[redacted]: 5.

Larry Doherty: Okay, and I'm going to spell their names for you, Berges B-U-R-G-E-S, [redacted] and then [redacted] and EVOC, what does EVOC stand for?

[redacted]: Emergency Vehicle Operations Course.

Larry Doherty: Okay, and so if you hear us say EVOC, that's what we're referring to. Um, do you know, uh, if I was to refer to you been here[redacted] and I know we have to review it once a year, um, there's like three or four specific policies that we're always concerned with, um, when I say we, I talk about the managers, and one of those are called harassment, okay? And in harassment there is several different ways that people can be harassed and there's several different ways that the class falls on certain people where it doesn't fall on other people. Um, are you familiar with that policy?

[redacted]: Yes.

Larry Doherty: Okay, um, I hope so, you're an [redacted]. What's the other two? Uh, pursuit, uh, DV, no?

[redacted]: I thought there was three supports, three supports, damn it, I was close.

Larry Doherty: Uh, DV's not one of them?

[redacted]: Yeah, uh.

Larry Doherty: Yeah, you gotta read that thing, it's like 27 pages and a half, holy moly. Um, so there's three specific policies that I know that when we do evaluations that people are asked to, uh, review every year, um, with their supervisor. So, but I'm going to focus on one and it, why I'm doing that will become clearer when I start asking you some questions. Um –

[redacted]: Yes.

Larry Doherty: – that's the harassment policy, okay? And my concern is in those five times that you were out there with [redacted], Sergeant [redacted] was there ever a moment that you scratched your head or felt like he said something that might have been inappropriate?

[redacted]: No.

Larry Doherty: Never?

[redacted]: Not that comes to mind, no.

Larry Doherty: [redacted]. The ten times you were out there, um, I know that's a lot to try to get back, was there ever a time where you went ehh probably shouldn't have said that, um, that might fall under the harassment policy. Did you ever recall a time where Pich may have said something like that?

[redacted]: No.

Larry Doherty: Okay. And then, uh, in those times you were out there, was there ever a moment or instance where you, uh, thought that, uh, Sergeant Berges might have said or, uh, made some comment that shouldn't have been appropriate?

[redacted]: None that stand out.

Larry Doherty: None that stand out?

[redacted]: Yeah.

Larry Doherty: Some, but something stands out?

[redacted]: Well, so, you know, Sergeant Berges, uh, and some of the other instructors are DVSA –

Larry Doherty: Yeah?

[redacted]: – people, so, you know they talk about some, uh, you know, topics related to their cases, which tend to be a little shocking.

Larry Doherty: Okay.

[redacted]: Um, some stuff that sometimes they talk about is, is not necessarily G or PG rated but nothing stands out as being something that would be harassing to ****.

Larry Doherty: Okay, you've been a cop for [redacted], okay, you've obviously been there, taken those reports and stuff. Okay, so I'm not going, I'm not concerned about the specifics of a crime, I'm more concerned about the verbiage in maybe, um, here I tell you what, I'll make it easy for you, you read that.

([redacted] is reading the redacted anonymous letter—2 mins. of silence.)

[redacted]: Okay.

Larry Doherty: Okay, um, so, hence I am not concerned about specifics in regards to any cases that DVSA might be working and/or the conditions by which, uh, they have to do their investigation and/or talk to, uh, suspects or anything, I'm more concerned about comments that Sergeant Berges made, um, that you might be aware of. Does that letter help at all?

[redacted]: Yes.

Larry Doherty: Okay, and again, I'm going to ask you, um, we have a harassment policy and it's pretty specific about who, um, becomes a, uh, protected class, I'm gonna say, I'm gonna call it that, just a protected class and in that, um, I'm concerned that at times Sergeant Berges and/or maybe another detec, deputy or detective makes comments that aren't appropriate. So, having read that, are you familiar with him using that verbiage?

[redacted]: I have heard him, you know, use those words a few times, it's.

Larry Doherty: Okay, and what words specifically?

[redacted]: Fag.

Larry Doherty: Okay. And?

[redacted]: I mean just using the word gay kind of derogatorily, but that's not something that I, ever struck me as being, um, you know –

Larry Doherty: [redacted]

[redacted]: Right.

Larry Doherty: Okay, but he's used the words fag and gay, um, and [redacted] he was just using the verbiage?

[redacted]: Correct.

Larry Doherty: Okay, is this something that the department would encourage?

[redacted]: No.

Larry Doherty: Okay, you're [redacted], um, would you ever use these verbiage?

[redacted]: No.

Larry Doherty: Okay, then have you ever heard him, uh, refer to Captain [redacted] as a porch monkey?

[redacted]: No.

Larry Doherty: Okay, you did not hear that?

[redacted]: I did not.

Larry Doherty: Okay, have you ever heard him use any other derogatory terms, um, towards any in what I call the protected class?

[redacted]: No.

Larry Doherty: Okay, um, he never uses the words lesbian or lesbo that you're aware of? I mean, I want you to be specific, if you don't recall that.

[redacted]: I don't recall specific.

Larry Doherty: Okay, um, and you never heard him use that word, um, porch munchy or, um, in fact the word nigger?

[redacted]: No.

Larry Doherty: Okay, um, when you say that you're familiar with this, okay, you were out there with him 20, 25 times, okay? In that 20 or 25 times that environment by which he's doing this is usually with the instructors or is it inclusive with the, uh, students too?

[redacted]: It's predominately just when the instructors are around.

Larry Doherty: Okay, now have you ever heard any of the other instructors use either these, uh, verbiages?

[redacted]: No.

Larry Doherty: Okay, you can't recall?

[redacted]: No.

Larry Doherty: But specifically Sergeant Berges has. Now, have you heard any of the other instructors use that verbiage porch monkey?

[redacted]: No.

Larry Doherty: Okay, and for the most part it seems like a lot of his instructors there are DVSA members and I'm just guessing because when I've been out there, that's my own experience. You're out there 30 or 40 or 50 times over the course of the last 6 months, and, and so I don't, I've only been out there one time, two times in the last 10 years, so, um, I know that the instructors a lot of times will get away from us for obvious reasons, they're comfortable with each other, us being the students.

[redacted]: Mm hmm.

Larry Doherty: Um, so you don't recall Sergeant Berges ever making these kind of comments in regards, um, and I'm going to use the words fag and/or gay in front of the students?

[redacted]: Not that I recall.

Larry Doherty: Okay, but you can specifically recall him using that verbiage in front of the other instructors?

[redacted]: Yes.

Larry Doherty: And but it was never directed at any one person?

[redacted]: No.

Larry Doherty: It was just verbiage that he used, and again, knowing what the policy says, that's not something you would do or I would do.

[redacted]: That's not something I would do.

Larry Doherty: Okay. Um, 'cause the policy is pretty specific about how we're supposed to be mindful of what we say. [redacted], but how many times, if you had to put a number on it how many times do you think it occurred in the 20 or 25 times that you were with him? Rough, you don't have to give me an exact number, I'm not going to ask you for dates and stuff.

[redacted]: Two or three, four.

Larry Doherty: Okay, now did you ever get the impression that he's being derogatory to anybody?

[redacted]: No.

Larry Doherty: Okay, the verbiage was just that he was using these words.

[redacted]: Right, yeah.

Larry Doherty: Okay, um, and so there's different means, ways of saying this and, and I want to be more specific, um, I mean I can say well that's totally gay, but is that appropriate?

[redacted]: No.

Larry Doherty: Okay. All right, but that guy, what a fag. Is that appropriate?

[redacted]: No.

Larry Doherty: 'Cause it has a negative innuendo about it, right? Hence why that's in that policy. So again, how many times in that 20 or 25 times do you think that he might have used that verbage?

[redacted]: Two to four.

Larry Doherty: Two to four, and the last time you guys were out there, and I know that, uh, Shawn actually put it on, a date on there, um, the 30th, do you remember him saying it and if you don't, you don't.

[redacted]: Not in that day.

Larry Doherty: Okay, but he did say it over the course of the last six months?

[redacted]: Yes.

Larry Doherty: Okay. Um, has he ever been derogatory towards, were you aware that he went through an IA?

[redacted]: No.

Larry Doherty: You weren't? He never mentioned that out there? Within the last 2 months?

[redacted]: No.

Larry Doherty: Okay, you weren't aware of that, okay.

[redacted]: No.

Larry Doherty: So you don't know if he's ever made derogatory comments towards, uh, management?

[redacted]: I'm not aware of any.

Larry Doherty: Okay, all right. And I wanted again just to get specific about, uh, [redacted] and so you don't know anything about that.

[redacted]: I've never heard him say anything like that.

Larry Doherty: Okay, all right. Um, Shawn.

Lieutenant Shawn Murphy: A couple of questions. All right, first I know it's, I'm gonna tell ya I know it's tough to sit in here and talk about this ****. But you can see this is pretty specific so I'm just gonna ask you a couple more questions. Um, you're saying he used the words fag and gay. While using those words, was he, was he using those towards someone or was he just saying them out loud. I'm trying to figure out the context here.

[redacted]: He would have been saying that to someone, but they weren't directed at me.

Lieutenant Shawn Murphy: Got it.

Larry Doherty: Were they directed at anybody in specific or was it a general term?

[redacted]: I mean they, it was in the course of him talking to someone.

Lieutenant Shawn Murphy: Yeah.

[redacted]: Um, I don't recall who he said it to, but, –

Larry Doherty: Or about?

[redacted]: – um, Or about? –

Lieutenant Shawn Murphy: That's ****.

Larry Doherty: Or about?

[redacted]: So –

Larry Doherty: I'm talking specifically about a person or is he just using the verbage?

[redacted]: Well he's saying it to somebody in conversation but, um, it, it's more, it's more of like if, uh, –

Larry Doherty: It wasn't specific. It was more in context?

[redacted]: Well, it wasn't, I mean it was said to somebody. It wasn't just, um, –

Larry Doherty: No, I know that. But I'm raising, I'm asking you. You're saying, saying it to somebody. Is being derogatory towards that person he's talking to?

[redacted]: No, I think he's using it more in the sense of like oh, rather than saying oh, well that's stupid, he said oh that's gay.

Larry Doherty: Okay. So he's using it more flippant as opposed to being, um, accusatory and/or derogatory to a specific individual.

[redacted]: Right.

Larry Doherty: Okay. Go ahead Shawn, I'm sorry.

Lieutenant Shawn Murphy: Okay, so when he uses the word fag, which to me I would assume, I take that as derogatory, right? So when he uses the word fag, would he use it towards someone?

[redacted]: In, in, in the same context in what he would use the word gay, yeah.

Lieutenant Shawn Murphy: Okay. Okay, so he's, he's, he's referring, he's calling someone a fag is what you're saying but he's never said that directly to you.

[redacted]: Correct.

Lieutenant Shawn Murphy: Is that, what I'm saying is that correct?

[redacted]: Yes.

Lieutenant Shawn Murphy: Okay. Now I, I see other terms on here, um, has he ever used any other homophobic lang, language out there that you recall?

[redacted]: No. I know the, the letter makes reference to him talking about anal sex and stuff, but again, I don't think that was directed at anybody. I mean I've heard him talk about that sort of stuff, but again it's kind of, it's more of, uh, –

Lieutenant Shawn Murphy: I'm not ask, let me correct, let me just interrupt you. I'm not asking for a context right now. I'm just asking for the words that he's used. We can get into the context aft, afterwards. So have you heard him use the word, the, the words anal sex?

[redacted]: Maybe not exactly like, in, in, in that word.

Lieutenant Shawn Murphy: Okay.

[redacted]: Structure, but –

Lieutenant Shawn Murphy: What would be another structure for anal sex that you may have heard him use?

[redacted]: Maybe, uh, it's hard for me to re, recall this stuff. I mean when I read that in the letter, I mean I can kinda recall something similar, but it's hard for me to remember exactly what he said.

Larry Doherty: Was that a flippant comment or was that in regards to a case?

[redacted]: Probably both.

Larry Doherty: Okay. So and then, when you say probably both that means he used it more than once?

[redacted]: Probably, yes.

Larry Doherty: Okay, and, and when you say you're having a hard time finding words, I mean, I mean I could think of a few other words in regards to anal sex, butt fuck, um, **** fuck, I mean, so you're having a hard time with that word specifically. Is that why?

[redacted]: It, it's, it's hard for me to remember –

Larry Doherty: Oh, oh okay.

[redacted]: – exactly what he said.

Larry Doherty: Okay, okay.

[redacted]: What he said, right. I mean I'm not denying that –

Larry Doherty: So you –

[redacted]: – I heard stuff like that, it's just hard, this is stuff that it's, it's not something that I remember.

Larry Doherty: Specifically.

[redacted]: Specifically.

Larry Doherty: Okay.

[redacted]: It's just like yeah, whatever.

Larry Doherty: Okay. Okay.

Lieutenant Shawn Murphy: And one, sorry, one last question. I just want you to think back. You worked out there, your words 30 to 40 times, 30 to 40 times on the EVOC course. I want you to think back of how many times you've heard say fag, gay, anal sex, butt fuck, anything like that. And, and I don't need an exact number, but I, I want somewhat of a true number.

[redacted]: Four to eight something like that.

Lieutenant Shawn Murphy: Four to eight times?

[redacted]: Yeah.

Lieutenant Shawn Murphy: Okay. And that's all those trainings or just one training?

[redacted]: Everything, all of those.

Lieutenant Shawn Murphy: All of those.

[redacted]: Yeah.

Lieutenant Shawn Murphy: Okay. Has he ever said any other words or phrases that you feel could be construed as derogatory towards someone? Meaning as far as gay, fag, anything like that?

[redacted]: Not that I recall no.

Larry Doherty: What he's asking is, is it something that you would have been uncomfortable with, you know, [redacted]? You know we put a lot of faith in you. As [redacted] is there something he would have said that you would have gone, hey **** man, I wouldn't have said that in front of anybody? Because you're out there with trainees too. So it, but said most of the time this took place in, in front of the instructors. But then again, we don't know if a trainee is walking behind, so we have to be very careful. So these are the two words we're familiar with. You couldn't think of anything else in regards to race. You couldn't think of anything else in regards to religion. Um, you could think, uh, in regards to specific group, but we're just concerned that, you know, hey, this is something [redacted]. Hey, is this something you would have said in front of an FTO, I mean a trainee. No. Is there any other types of derogatory comments that would breach policy violation in regards to that harassment that you would have got, eww, uh, that you can think of at this time? Uh, I don't think I would have said that?

[redacted]: None that come to mind.

Larry Doherty: Okay. Anything else Shawn?

Lieutenant Shawn Murphy: I'm good.

Larry Doherty: This is the critical question, okay? We don't always ask all the right questions but I want you to have the right to know that hey, is there something that you think is important based upon the line of direction we've gone that you think is important that we haven't asked [redacted]?

[redacted]: No.

Larry Doherty: Okay. I'm gonna go ahead and stop the interview at this time. The time now by my watch is 1426 hours.

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