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

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

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

Larry Doherty: And myself, Sergeant Larry Doherty of the Internal Affairs Bureau. Doherty D-O-H-E-R-T-Y. And present with us is Deputy, uh, you go by [redacted], right?

[redacted]: Yes.

Larry Doherty: Yeah, okay. [redacted], and for the record, could you say and spell your last name?

[redacted]

Larry Doherty: 'Kay. The date is May 15th, 2019. Time now by my watch is 0758 hours. We are presently in one of the conference rooms at the sheriff's office. As I told you before – is it all right if I call you [redacted]?

[redacted]: Yup.

Larry Doherty: Please call me Larry. Um, as I told you before we went on tape, you're just a witness in this matter. However, I still wanna ask/order to tell, uh, nothing but the truth, m'kay, and be honest with your responses.

[redacted]: Yes, sir. I will.

Larry Doherty: Okay. It's Larry.

[redacted]: Sorry.

Larry Doherty: It's okay.

[redacted]: Larry.

Larry Doherty: Um, how long you been with us now?

[redacted]

Larry Doherty: [redacted]

[redacted]

Larry Doherty: Okay, yep, got it.

Steve Merical: All right.

Larry Doherty: How, and prior you worked at?

[redacted]

Larry Doherty: For how long?

[redacted]

Larry Doherty: [redacted], well done. Nice move though.

[redacted]

Larry Doherty: Okay.

[redacted]:

Larry Doherty: Yeah.

[redacted]:

Larry Doherty: Yeah. [redacted]

[redacted]:

Larry Doherty: Okay. And then, uh, any specialties?

[redacted]

Larry Doherty: Okay.

[redacted]:

Larry Doherty: Okay. And say that again. [redacted]

[redacted]:

Larry Doherty: And that's because you [redacted]

[redacted]: Correct, and then they, uh, sent [redacted]

Larry Doherty: Oh, okay. Oh, mm. We always used to call it the motor heads. He's like okay, those guys wanna ride around. I worked in Windsor, and it's like never had a desire. I'll take all the traffic reports you guys want, but I am not drivin' a motor. Um.

[redacted]: Missin' out.

Larry Doherty: No. Every time I went to a crash, we had a guy on a motorcycle. He was goin' away to the hospital.

[redacted]: Never had ****.

Larry Doherty: So, it was like no, I'm never doin' that. Um, what I really wanna focus on is EVOC, and we're just gonna work our way from like January 'til now, 'kay, um, and I don't need exact numbers, but in that time, let's say from January to presently, you know, middle of May, how many times you think you've actually been out at the track workin' EVOC?

[redacted]: Uh, I can actually tell ya.

Larry Doherty: Okay.

[redacted]: 'Cause I was guessin' this might be what it was about. Uh, you had on the, on the email from like November something until recently, and I was eight times.

Larry Doherty: Okay. So, from November –

[redacted]: From November –

Larry Doherty: – 'til now.

[redacted]: – 'til, the 'til the end of that time period you had on the email –

Larry Doherty: Okay.

[redacted]: – was eight times.

Larry Doherty: Okay. Now, um, in that time, you've got three supervisors that are currently assigned to that unit, and one of 'em's [redacted]. You also got [redacted] and then you also have, um, –

[redacted]: (Radio traffic.) Sorry.

Larry Doherty: That's all right. Sergeant Dave Berges, um, B-E-R-G-E-S. Um, how many times out of those eight do ya think, uh, [redacted] was out there, [redacted], roughly?

[redacted]: Mm, boy, maybe, maybe once, but I'm totally guessin'.

Larry Doherty: Okay, that's okay.

[redacted]: I really don't have any idea.

Larry Doherty: No, all right.

[redacted]: He wasn't normally there.

Larry Doherty: Okay. And then –

[redacted]: Because of his new assignment, he was busy.

Larry Doherty: Okay. And [redacted]?

[redacted]: Uh, I would say probably 75 percent of it, maybe.

Larry Doherty: Oh, so he was there most of the time?

[redacted]: I, I'm, yeah, I mean I could find out.

Larry Doherty: When you were there.

[redacted]: Yeah, when I was, –

Larry Doherty: No, no, no, no, no.

[redacted]: – when I was there.

Larry Doherty: Just because – best guess

[redacted]: And I'm sayin' that because my schedule lined up with [redacted]'s to work.

Larry Doherty: Gotcha.

[redacted]: 'Cause we, yeah, I think we worked on the weekends, and so we were doin' a lotta the Monday, Tuesday stuff. So, most of the time I, I think he was there.

Larry Doherty: Okay, so then it woulda been limited the amount of time that Berges was there then?

[redacted]: Yeah, if I can even recall, it was maybe two or three times outta the times I've been there recently.

Larry Doherty: Okay.

[redacted]: And again, I'm, I'm roughly guessing –

Larry Doherty: That's fine.

[redacted]: – 'cause I don't remember.

Larry Doherty: Okay. And then so what I really wanna do is focus on those times that you were there with, uh, Dave Berges. Um, when you say, are you, you're a full-time instructor?

[redacted]: Yes, sir.

Larry Doherty: Okay.

[redacted]: Yes, Larry.

Larry Doherty: That's right.

[redacted]: Just freakin' out here. Okay, sorry.

Larry Doherty: It happens. Um, and so when you're out there on a typical day, 8-hour day, what are your duties?

[redacted]: Uh, settin' up cones, tearin' down cones, you know, transferring from pattern to pattern. Uh, a lotta times I do teaching in the classroom, um, for that first hour, hour and 15 minutes. Um, I help instruct on certain things. Um, lotta times I just do the cones. I just kinda feelin' I don't really care to teach that much anymore. If they need me to, I will, but, um, I can teach, you know, instruct how to do the, um, uh, cone patterns or how to do the PIT maneuvers or whatever. I can teach 'em all, um, so, it's kinda, we just kinda rotate through whoever's there just steps up and does it.

Larry Doherty: Okay. Um, you're out there for 8 hours, long days, plus lunch, um, what I really wanna focus on is conversations that you might've been around or privy to in re, when Berges was out there, and you've been here for a year and a half, so you've never worked DVSA, so you really, you're only contact with Dave would've been at EVOC?

[redacted]: Yes.

Larry Doherty: Okay.

[redacted]: Yep.

Larry Doherty: Um, in that time that you're out there and around Dave, how many times do you think he mighta said the word fag?

[redacted]: Gosh.

Larry Doherty: And, and, and if you don't recall, you don't recall.

[redacted]: I don't recall. Dave says a lotta things, and I don't, I don't, I don't recall. I don't have the greatest memory for details like that.

Larry Doherty: Yeah.

[redacted]: 'Cause I'm old, but, um, uh, I, I couldn't even tell you a conversation or specific anything that I remember with that.

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

[redacted]: He might've, but I don't, I, I couldn't tell ya anything.

Larry Doherty: I can accept that. Are you aware there is an instructor on the team that is homosexual?

[redacted]: Yes, sir. Yes, Larry.

Larry Doherty: Yeah, that's all right. Um, so, then I want you to think about it this way. Knowin' that, and that person's [redacted], and it's [redacted] um, knowin' that [redacted] is homosexual, if Dave was to have said that word gay or fag and you were present, would that have said like oops, I probably wouldn't have said that? Would that, does that sound about right?

[redacted]: Probably.

Larry Doherty: So, then I'm, I guess what I'm askin' then is do you ever recall an occurrence where that might've occurred?

[redacted]: No, not, not in any specific thing. I, I don't remember him ever saying specific like that in front of [redacted] or not in front. I, I just, I don't.

Larry Doherty: Okay. Um, so you never had one of those moments like oh, probably shouldn't have said that, Dave? Nothing like that rings a bell?

[redacted]: Mm mm.

Larry Doherty: Um, were you aware that Dave was [redacted]?

[redacted]: Right now?

Larry Doherty: No, no, no, prior.

[redacted]: No.

Larry Doherty: Okay. You were not aware? So, have, then perhaps you might not be able to answer this, but do you ever recall Dave, uh, speakin' poorly about management, specifically admin in the, uh, in the corner over there?

[redacted]: Um, the, the only thing, I know Dave's pretty black and white. He just kinda speaks his mind, and he disagrees with some things. Uh, I couldn't tell ya what it was specifically, but I know that at some point I've, I've heard him say gosh, dang it, I hate it when they do that or whatever, but I, again, I couldn't tell you. It wasn't a specific, specific instance that I would say oh yeah, they talked about this, and he called 'em a buncha idiots, whatever. I just know that at times he didn't always agree with decisions that were made.

Larry Doherty: Now, would you have been shocked if you would have heard Dave refer to, uh, then Lieutenant Ingram, now Captain [redacted] as a porch monkey?

[redacted]: That would surprise me.

Larry Doherty: Okay. You've never heard it?

[redacted]: No, uh-uh.

Larry Doherty: 'Kay. Um, have you ever heard him, uh, speak disparagely about Captain [redacted]?

[redacted]: Never.

Larry Doherty: Okay. Any questions?

Shawn Murphy: I do not.

Larry Doherty: Um, is there anything that, now that you know what it's really specifically about, is there anything that sticks out in your craw that you might go oh, you know what, that's important?

[redacted]: Uh, no, and I'll be honest with you, I was shocked. This is not what I thought it might be.

Larry Doherty: Okay.

[redacted]: So, I was, I have never been out there and been like oh man, I feel bad for [redacted], or not, never.

Larry Doherty: Okay.

[redacted]: Um.

Larry Doherty: What'd you think it was, no.

[redacted]: No.

Larry Doherty: I'm gonna go ahead and end the interview. The time by my watch is 0808 hours.

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