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

Larry Doherty: The following will be a recorded interview conducted by Lieutenant Shawn Murphy of the Professional Standards Unit. Sean, or Lieutenant, for the record, can you, uh, say your name and spell it?

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

Larry Doherty: And also, by myself, Sergeant Larry Doherty of the Internal Affairs Unit, and present with us in this room is [redacted]. Will you say and spell your name for us, please?

[redacted] [redacted]

Larry Doherty: Uh, the date is May 2nd, 2019. Time now, by my watch, is 1058 hours. Like I said, we are presently in a conference room at the sheriff's office, and this is in regards to IA No. 19-IA-0005. How long you been here now?

[redacted]: Uh, total?

Larry Doherty: Yeah?

[redacted]: [redacted]

Larry Doherty: Wow, well done. Um, did you have prior?

[redacted]: [redacted]

Larry Doherty: Okay.

[redacted]: – that's, you know.

Larry Doherty: [redacted]?

[redacted]: Mm hmm.

Larry Doherty: Well done. Um, current assignment?

[redacted]: [redacted]

Larry Doherty: And how long you been there, now, [redacted]?

[redacted]: Uh.

Larry Doherty: Is that all right if I call you [redacted]?

[redacted]: Yeah.

Larry Doherty: And please call me Larry.

[redacted]: Yeah, absolutely.

Larry Doherty: Call him Lieutenant, right Lieutenant?

[redacted]:

Larry Doherty: Uh, so are you top dog?

[redacted]: No.

Larry Doherty: Who's top dog?

[redacted]: Uh, I think [redacted] been there –

Larry Doherty: A little longer?

[redacted]: –

Larry Doherty: Oh, okay. [redacted].

[redacted]: Yeah.

Larry Doherty: How many cases you have?

[redacted]: Um, I, I, I don't know the exact number. I know it's over 40.

Larry Doherty: Oh ****.

[redacted]:

Larry Doherty: Wow.

[redacted]: – a year. I mean it, it, that's, in and of itself, a full-time job.

Larry Doherty: Yeah. Yikes. All right, other collateral assignments?

[redacted]: .

Larry Doherty: Oh, good for you.

[redacted]: Yeah.

Larry Doherty: That's awesome. Um, today what we're gonna be focusing on is not only your job – 'cause, obviously, you know who this IA is about – um, is the job that you have and then, also, we're gonna be talking EVOC.

[redacted]: Okay.

Larry Doherty: Okay, and then, um, DVSA, you guys aren't housed onsite. You're housed offsite. Um, can you tell me what the office is kinda like, what, I mean a description of it? Is it a bullpen?

[redacted]: Uh, no. Uh, everybody, most everybody has, uh, their own individual offices, and they're all separated by a, um, a table kinda like this right here, you know, in the middle of the room. Um, so my office is on the, uh, the far end, uh, away from pretty much everybody, um, and then everybody else is kind of, it, it's kind of a weird setup. Like, my office is over here next to the front door and then everybody else is over here, like, kind of in a L shape.

Larry Doherty: Oh, okay. Um, the bullpen? Like this? Um, how often are you guys out there?

[redacted]: Uh, we go out there, uh, we, we probably meet there, uh, in the mornings –

Larry Doherty: Okay.

[redacted]: – uh, when we, you know –

Larry Doherty: Just start your day?

[redacted]: – everybody starts rollin' in, um, and then, other than that, depending on if we have call outs, if somebody has interviews, um, it just really depends on what people are doing and what, what we have goin' on, if there is anything emergent going on that we gotta go on right now, so.

Larry Doherty: So, then you end up with your 70 cases. Um, oh yeah, sorry. Uh, I neglected to tell you that, you know you're a witness?

[redacted]: Yes.

Larry Doherty: Okay, and then please answer in, all questions honestly and truthfully.

[redacted]: Mm hmm.

Larry Doherty: And then, uh, you know, that, uh, we're both designees of the sheriff.

[redacted]: Okay.

Larry Doherty: Okay? If you didn't know it. Okay, sir, if I say so. Yeah? Um, thank you. Um.

[redacted]: This is all new to me.

Larry Doherty: Oh, yeah, me too.

[redacted]: [redacted]

Larry Doherty: Really?

[redacted]: – avoid.

Larry Doherty: Good. You gotta be kiddin' me.

[redacted]: [redacted]

Larry Doherty: [redacted]

[redacted]: ****.

Larry Doherty: He's been there. He knows what the hell. Um, so, just to continue, the harassment policy, are you familiar with that? So, I'm not asking you verbatim, okay? It's something we discuss every time, we're suppose to discuss every time we sign our evaluation. It's one of the three criticals.

[redacted]: Yeah, uh, I mean vaguely.

Larry Doherty: Yeah.

[redacted]: You know, I, uh, I went for –

Larry Doherty: Where you an FTO?

[redacted]: [redacted].

Larry Doherty: Oh.

[redacted]

Larry Doherty: I see ****.

[redacted]: [redacted] –

Larry Doherty: Okay.

[redacted]: – a few years ago.

Larry Doherty: Um, but in general you know what it means. We're not, there's some protected classes.

[redacted]: Yes.

Larry Doherty: Okay, and we have to be careful what we say.

[redacted]: Yes.

Larry Doherty: Um, so that's what we're concerned about. So, again, I'm gonna be asking you about some verbiage that you might have heard Sergeant Berges say, um, and that's B-E-R-G-E-S. Um, and did you say anybody else's name? Uh, no, you didn't. I don't have to spell anybody else's out. So, I just want you to focus, maybe, on the last 6 months. How many times do you think you were out at EVOC in the last 6 months training? Roughly, don't give me an absolute.

[redacted]:

Larry Doherty: Oh.

[redacted]:

Larry Doherty: Oh, okay.

[redacted]: And sometimes they, sometimes they, um, they're on the same day, um, so, I, you know, whichever one I'm signed up for, I'll, unit first, you know, I'll do that one, so.

Larry Doherty: So, 6 months, four times, 4 weeks is 28, so roughly anywhere about 20 times?

[redacted]: It could be, yeah.

Larry Doherty: Okay. For the most part, when you're out there, uh, I know you guys got three sergeants, [redacted]

[redacted]: Sure.

Larry Doherty: – and then [redacted]

[redacted]: Yeah.

Larry Doherty: – and you also got Berges, again –

[redacted]: Mm hmm.

Larry Doherty: B-E-R-G-E-S. Um, for the most part, who's usually out there, in regards to sergeants, when you're doing it?

[redacted]: Uh, it's kind of a mix. Um, for a while we had, uh, we had [redacted] out there, and then his days off changed.

Larry Doherty: Okay.

[redacted]: Uh, and then we had, uh, Lawson comes out every now and again, but he also has other stuff that he does, you know, like I think he does the, uh, simulator and he does DT and stuff like that, so, um, primarily it's been Dave.

Larry Doherty: Okay. Um, so then I'm gonna focus on Dave, and some of the comments that he made, and, again, it's in regards to the harassment policy. Uh, in that time that you either been in the office and/or out there, yeah, how many times, roughly, do you think he's used the word "fag?"

[redacted]: That, uh, that's a good question, um.

Larry Doherty: It's just a common word? But when he says it, let me ask you this then: Is he actually saying it to somebody, like you're a fag, or is it just?

[redacted]: No, I don't even, I don't even know if it's necessarily used in, in anything like that. I mean, I, I can't remember, you know, like, I don't, I don't have like a, a specific incident –

Larry Doherty: Right.

[redacted]: – that I could touch on and be like, oh yeah, that was horribly.

Larry Doherty: You didn't write it down on your calendar?

[redacted]: No, no.

Larry Doherty: All right, let me ask you this.

[redacted]: I have to keep everything in my calendar because –

Larry Doherty: Yeah.

[redacted]: – I don't remember what I wore yesterday –

Larry Doherty: Yeah.

[redacted]: – let alone what was going on.

Larry Doherty: Okay, let me ask you this: Um, when he's used it, you never went oh, he probably shouldn't a said that.

[redacted]: No, I don't think I've ever heard him say anything that, you know, I was like ho, ho, shit, he probably shouldn't a said that.

Larry Doherty: Okay.

[redacted]: Um, at, at least nothing that's jumping into my brain right now.

Larry Doherty: But you've heard him say fag?

[redacted]: I don't know if it was specifically that or if it was –

Larry Doherty: Gay?

[redacted]: – oh, that's, you know, yeah, I mean maybe somethin' like that.

Larry Doherty: Okay. Um, you didn't write it in your calendar?

[redacted]: No.

Larry Doherty: All right, so, this coulda happened both at work and/or out at EVOC, um, but your, your impression was it was never directed towards anybody, so you never went huh. Okay, you said that.

[redacted]: No.

Larry Doherty: Okay.

[redacted]: No.

Larry Doherty: All right. Um, have you ever heard him say butt fuck? Uh, you look at me in shock.

[redacted]: Nothing that's, nothing that's jumping to my mind.

Larry Doherty: I feel like, I mean, it's like asking have you heard him say fuck. Um, it's just something.

[redacted]: Yeah, I mean, you guys have all been here longer than me, but I've been here for [redacted], and I've heard a lot of people say a lot of things.

Larry Doherty: Yeah.

[redacted]: Um, and, you know, I, I, I think I've been here long enough to where if somebody does say something that –

Larry Doherty: That's ****.

[redacted]: but I would, then I would at least call 'em on it, and I don't.

Larry Doherty: Okay, then, um.

[redacted]: But, do you have, like, a specific, like –

Larry Doherty: No.

[redacted]: – he said butt fuck –

Larry Doherty: – uh, just, no, I don't have a –

[redacted]: – toward this person or?

Larry Doherty: – no, it's just, it's just some word that was heard. Okay? Yeah, um, and just like when he, I mean, he's says gay, uh, quite frequently, um, but I've never got the impression that when he said it, it was directed at a person, and that's what I'm asking. Did it ever trigger your stomach to go whoa, whoa, whoa, whoa, he shouldn't a said that? Um, now –

[redacted]: No.

Larry Doherty: – [redacted]

[redacted]: Yes.

Larry Doherty: And he wasn't really happy about it.

[redacted]: No, he, um, after that he hasn't been the same person.

Larry Doherty: Yeah.

[redacted]: He's been kinda withdrawn the past, I would say, at least month, um –

Larry Doherty: Um, and **** –

[redacted]: It's very noticeable.

Larry Doherty: – and I noticed he's made some comments, uh, well, people have said he's made comments towards admin. He's not very happy with admin.

[redacted]: No, not happy with them, no.

Larry Doherty: No. Um, has he ever made any derogatory comments towards admin?

[redacted]: As far as?

Larry Doherty: So that you went uh oh, he shouldn't a said that?

[redacted]: The, the only thing that's popping in my head right now is, um, that he was very frustrated, um, and felt like he was wronged.

Larry Doherty: Yeah.

[redacted]: Um, I'm sure there was some expletives thrown in there, you know.

Larry Doherty: But that's never, was, uh, where did that take place? Did that take place in the office or out at the track, and, and if, if you can kinda remember, was it in front of a group? Okay, that's all right. I totally understand. I mean you don't recall every conversation we have with people. It's all right.

[redacted]: I'm in trouble with my wife right now because I forgot that she, um, that, I, I thought she was turning 30 this year, and she's actually 31, so.

Larry Doherty: Oh, yeah. I can see where you're coming from for that one.

[redacted]: It's kind of a big deal, but.

Larry Doherty: Um, all right, so have you ever heard him refer to Captain [redacted], [redacted], as a, a, a nigger?

[redacted]: Him, specifically, no.

Larry Doherty: Okay. How about as a, well, that's Essick's porch monkey?

[redacted]: Huh?

Larry Doherty: Essick, Essick's porch monkey?

[redacted]: I don't think I've ever, last time I heard that term used was probably when I was watching the movie Clark's tail.

Larry Doherty: Okay.

[redacted]: Um, I don't know that I've, I don't think I've heard anybody use that term before.

Larry Doherty: Um, so, have you ever used him, heard him use a derogatory comment, concerning the harassment policy, towards Captain [redacted]?

[redacted]: I, I think there was, uh, the only thing I can think of is like just being generally pissed off and, you know, fuck this, fuck that, this is stupid. I mean, we all know Dave. We all know that he wears his feelings on his sleeve.

Larry Doherty: Yeah.

[redacted]: So, um, but I don't know that I've ever heard him specifically say that.

Larry Doherty: Okay. Um, are there any other questions?

Shawn Murphy: As far as the EVOC instructors, do you, do you know if you have an open homosexual EVOC instructor?

[redacted]: Openly?

Shawn Murphy: Do you have a homosexual Evo, EVOC instructor?

[redacted]: I, uh, I think you're talking about [redacted]. I don't know if he is or not. That's just the rumor.

Shawn Murphy: Okay. He's never told you that?

[redacted]: No.

Larry Doherty: But based on rumor, you believe it's true? Is that safe to say?

[redacted]: I suspect, yeah.

Larry Doherty: Okay.

Shawn Murphy: So, during your time at EVOC, well, let's go back, how often do you work with [redacted] at EVOC, approximately?

[redacted]: I'd say he's out there a lot of times that I'm there.

Shawn Murphy: Okay. Now, during this time, have you ever heard Dave say the word "fag," not directed at [redacted] but say the word "fag" when [redacted] is there?

[redacted]: I, I can't remember any specific incident when, like I said, when, when Dave's there, when [redacted] there, we have, we have so many instructors, I, and I'm primarily, usually the lead instructor, so I'm either, you know, teaching a certain exercise or, or what, so, um, I can't think, I honestly can't think of a specific time when I've, that I can remember, that I've seen Dave there and [redacted] there and heard that said.

Shawn Murphy: I understand that, and we've all been to EVOC. I've been to EVOC too, and I also know there's breaks and I also know everyone stands around.

[redacted]: Mm hmm.

Shawn Murphy: Um, so, I, I do know that everyone's not always out and about. There are times when instructors kinda stand around in their groups.

[redacted]: Mm hmm.

Shawn Murphy: Students kinda stand around in their groups. Would you feel, would it, it would be appropriate if Dave said the word "fag" when [redacted] was out there?

[redacted]: Do I think it would be appropriate? Probably not.

Shawn Murphy: Okay.

[redacted]: I mean that's, that's one of those things, like, do I feel it's inappropriate? Does, you know, it's, it, it's kind of a, it's kind of tough spot. You know what I mean? Like, the guys are all sittin' around bullshittin', stuff like that. Everybody says stuff, um, so yeah, I think it would be inappropriate if [redacted] heard that, but I don't know that I've ever.

Shawn Murphy: Inappropriate if [redacted] heard that or if Dave said that?

[redacted]: Said that around him, yes.

Shawn Murphy: Okay. So, have you ever heard Dave say the word "fag" when [redacted] is present? See, this should be something that, internally, you're thinking probably not a good thing to say. Right?

[redacted]: I, I, I honestly can't think of a specific time that I can remember where that occurred.

Shawn Murphy: Okay. I'm done.

Larry Doherty: I'm gonna stop the interview. The time now, by my watch, is 1115 hours. Thank you.

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