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

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

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

Sergeant Doherty: And I am Sergeant Larry Doherty of the Internal Affairs Bureau, D-O-H-E-R-T-Y, and with us, today, is [redacted], and, [redacted], for the record, could you spell and say your last name?

[redacted]: [redacted]

Sergeant Doherty: And is it all right if I call you [redacted]?

[redacted]: Yes.

Sergeant Doherty: And please call me Larry.

[redacted]: Okay.

Sergeant Doherty: Um, the date is May 15, 2019. The time now, by my watch, is 1042 hours. We are presently in one of the conference rooms at the Sheriff's Office. This is in regards to an internal investigation, 19-IA-0005. Like I told you when we first started, [redacted], um, this, you're a witness in this matter. Okay? But I am gonna ask and/or order you to say everything honestly and truthfully. You understand?

[redacted]: I do.

Sergeant Doherty: Okay, thank you, and do you understand that the Lieutenant and I are designee of the Sheriff?

[redacted]: Yes.

Sergeant Doherty: Okay, thanks. Um, how long have you been at the Sheriff's Office?

[redacted]: [redacted]

Sergeant Doherty: [redacted]? Current assignment?

[redacted]: [redacted]

Sergeant Doherty: And prior law enforcement?

[redacted]: [redacted]

Sergeant Doherty: Oh so, [redacted]. Well done. Um, in [redacted] at this office, do you or have you, um, had any specialty assignments?

[redacted]: Yes.

Sergeant Doherty: Okay, and they are?

[redacted]

Sergeant Doherty: Okay.

[redacted]

Sergeant Doherty: Okay.

[redacted]:

Sergeant Doherty: Oh, and currently what do you have?

[redacted]: Currently, I'm still on everything that I just listed.

Sergeant Doherty: Oh okay.

[redacted]: Um –

Sergeant Doherty: Well done.

[redacted]:

Sergeant Doherty: Removal?

[redacted]:

Sergeant Doherty: Oh okay. Okay.

[redacted]: Um –

Sergeant Doherty: [redacted] Is that what they do?

[redacted]: Uh, for –

Sergeant Doherty: When you say once they say permanent assignment.

[redacted]:

Sergeant Doherty: Okay. Gotcha.

[redacted]: [redacted]

Sergeant Doherty: Six weeks.

[redacted]: –[redacted].

Sergeant Doherty: Okay.

[redacted]: Uh, so with the promotion of [redacted], uh, from my understanding, they haven't made a new, uh, permanent spot due to the fact of the two people being out –

Sergeant Doherty: Gotcha.

[redacted]: – and so I, I –

Sergeant Doherty: So you guys are running short?

[redacted] Right. Correct, so it's, it's, it, I don't really know how it works. It's, it's about people down this hallway that figure that whole thing out –

Sergeant Doherty: Yeah.

[redacted]: –but, um, uh, he –

Sergeant Doherty: So you hear about it in here.

[redacted]: It, it's, it's, it seems like when, um, when [redacted] comes back form his [redacted], they're gonna make a permanent position, but right now it's just a couple a temporaries.

Sergeant Doherty: Okay.

[redacted]: That's what I understand.

Sergeant Doherty: Well congrats.

[redacted]: Thank –

Sergeant Doherty: That's awesome.

[redacted]: – that you.

Sergeant Doherty: Um, I really wanna focus on EVOC.

[redacted]: Okay.

Sergeant Doherty: Okay, and your role in EVOC is as?

[redacted]: [redacted]

Sergeant Doherty: Okay. Um, as opposed to?

[redacted]: Uh, have, uh, recently, within the last 6 months I believe, they made an alternate position where, uh, they don't send some instructors basically to school. They just are there to pick up cones.

Sergeant Doherty: Okay.

[redacted]: So there's a different role from, um, alternate to instructor to sergeants that work for the EVOC unit.

Sergeant Doherty: All right. [redacted]?

[redacted]: Oo, um –

Sergeant Doherty: Long time?

[redacted]: Uh, uh, no, not too long. [redacted]

Sergeant Doherty: Okay.

[redacted]: [redacted]

Sergeant Doherty: Okay.

[redacted]: [redacted]

Sergeant Doherty: Okay, and I know that your notice said something about November 'til now. Uh, I'm gonna focus a little bit closer than that. I wanna just, trying to think from the beginning of the year.

[redacted]: Okay.

Sergeant Doherty: January 'til now. Um, in that time, how many times do you think you were out there[redacted], roughly?

[redacted]: Uh, um, right around March I was told not to, um, [redacted], so a lot of my time stopped around March. So from, if we're focusing on January 'til March, um, [redacted]

Sergeant Doherty: Okay.

[redacted]: – on a –

Sergeant Doherty: So –

[redacted]: – Friday 'cause there was a lot of like in service and new hire trainings out there, so for the, if we're looking at –

Sergeant Doherty: Maybe 5 to –

[redacted]: – 8 weeks –

Sergeant Doherty: – 10 then?

[redacted]: – maybe eight, eight times, five to eight times.

Sergeant Doherty: Yeah. Okay, five to eight times, and since then not at all?

[redacted]: Uh, ev, I've had a couple that have been on a Monday or a Tuesday.

Sergeant Doherty: Okay.

[redacted]: Uh, since March. Um, uh, which doesn't conflict [redacted].

Sergeant Doherty: With your current schedule.

[redacted]: Correct.

Sergeant Doherty: Okay. Um, so anywhere from five to ten then, if you include –

[redacted]: Yeah.

Sergeant Doherty: – the time since March.

[redacted]: Y, y, roughly.

Sergeant Doherty: Okay. Roughly. Um –

[redacted]: Yeah, don't hold me account to those numbers, but –

Sergeant Doherty: Okay.

[redacted]: – I would say it's somewhere roughly.

Sergeant Doherty: We won't use it against you –

[redacted]: No.

Sergeant Doherty: – promise. Um, you have three supervisors in charge of the EVOC program. One being [redacted] one being [redacted], [redacted], and the other being Dave Berges, B-E-R-G-E-S. In those roughly 5 to 10 times, do you recall, um, Sergean [redacted] being out there? Uh, when you were out there giving instructions.

[redacted]: Yeah. He's been out there. I, he's very, uh, limited, um –

Sergeant Doherty: So it's not as frequent as –

[redacted]: No, no.

Sergeant Doherty: Um.

[redacted]: He, he, uh, he's a crime scene –

Sergeant Doherty: Yeah.

[redacted]: – sergeant, so he's, uh –

Sergeant Doherty: Busy.

[redacted]: – busy when, when that shift came. Um, it wasn't Lawson that often.

Sergeant Doherty: Okay. So how about, um, [redacted]?

[redacted]: He was out there, uh, very frequent, uh, less, less 'cause it was on, it came to a point, I don't remember when, but that it was only one sergeant was to be out there.

Sergeant Doherty: Okay.

[redacted]: Uh, and so it, he wasn't, he worked a different shift in, in Sonoma Valley.

Sergeant Doherty: So you guys didn't, you didn't work out there when he worked out there?

[redacted]: From January.

Sergeant Doherty: Okay.

[redacted]: Bef, prior to I worked a lot with him, with Sergeant [redacted].

Sergeant Doherty: Okay.

[redacted]: But if we're focusing on those –

Sergeant Doherty: Yes.

[redacted]: – dates then yeah.

Sergeant Doherty: So for the most part then, when you were out there, uh, Dave was out there.

[redacted]: Correct.

Sergeant Doherty: Okay, um, and your role out there, as an instructor is?

[redacted]: Uh, my role is to teach, uh, driving techniques to in-service employees as well as new hires.

Sergeant Doherty: Okay.

[redacted]: Which includes, um, setting up cones, uh, instructing, uh, students on how to drive in the cone patterns, uh, and what a pass on the test or a fail on the test was, as well as setting up the lighting equipment for, um, the collision avoidance, setting up cones for, um, the high-speed turn. Setting up cones and street signs for the city grid. Uh, also, uh, assisting in the PowerPoint presentation. Um, I never gave that presentation. I've sat in there a couple a times during it. It's a, uh, a scheduled and, uh, slides through a PowerPoint that you read the structures with some videos and some, uh, pictures, but mostly text.

Sergeant Doherty: Okay. [redacted], what I want you to do is focus on, um, your time being around Sergeant Berges out there and that up to 10 times. Um, how many times do you think he may have used the word gay?

[redacted]: Uh, every time.

Sergeant Doherty: Okay.

[redacted]: I, I've heard him talk.

Sergeant Doherty: Okay.

[redacted]: I, I didn't always hear him talk but –

Sergeant Doherty: Okay, and how about the word fag? How many times you think he's probably said that word?

[redacted]: How many times?

Sergeant Doherty: Roughly. I mean he frequently says it or he infrequently says it?

[redacted]: Frequently.

Sergeant Doherty: Okay. Um, are you aware that there is a deputy who's an instructor who is a homosexual on the team?

[redacted]: Yes.

Sergeant Doherty: Okay. Uh, [redacted]. It's [redacted]. Have you ever heard Sergeant Berges use that verbiage in front of [redacted]?

[redacted]: Yes.

Sergeant Doherty: Okay. Did you ever get the impression he was being derogatory towards [redacted]?

[redacted]: I did not, no.

Sergeant Doherty: Okay, but he, the verbiage was nevertheless said in front of the deputy?

[redacted]: Correct.

Sergeant Doherty: Uh, gay and, uh, fag, and as far as numbers, you can't think of it. Um, when you heard that, knowing [redacted] is, did it kinda make your stomach go oo.

[redacted]: Uh, yeah, yeah. It, it did.

Sergeant Doherty: Okay.

[redacted]: It did.

Sergeant Doherty: Um, and when you were out there those 10 times, how many times you think [redacted] was out there instructing with you?

[redacted]: Uh, there probably were times wh, when we weren't there together –

Sergeant Doherty: Yes.

[redacted]: – but a majority of the times he was there.

Sergeant Doherty: Okay, and Dave being Dave tends to talk and say things. Um, while maybe not being derogatory, was probably inappropriate based upon the audience.

[redacted]: Yeah. Can I speak freely?

Sergeant Doherty: Go ahead.

[redacted]: If you, you're all right with it. It's just –

Sergeant Doherty: Yeah.

[redacted]: – is that not okay?

Sergeant Doherty: No, it's absolutely cool. Me not talking?

Lieutenant Murphy: Yeah.

Sergeant Doherty: I, I'm, I'm all for that.

[redacted]: No. So, ever since I've, I've worked with Dave, he's said some things that have been a little inappropriate, you know. Um, and he runs that unit. You know, he is the alpha sergeant out there, in my opinion.

Sergeant Doherty: Okay.

[redacted]: Um, he, uh, clearly controls the schedule. He clearly was in charge of, um, the paperwork. Uh, it was made very clear to me, right, and so I have never worked with him when I thought that the words coming outa his mouth were completely appropriate, you know. I, I just, it was one of those things where it's like almost the way he talks, um, and him being the sergeant out there, uh, you know, I, I thought it was, yeah, I thought some of it was inappropriate regarding the word that you

brought up, fag and the word gay that you said, and specifically with having [redacted] there, you know. I, uh, I remember him saying, I don't remember when, you know, because it happened –

Sergeant Doherty: Yeah.

[redacted]: – frequently. I would kinda feel bad and, um, it didn't seem to offend him. Uh –

Sergeant Doherty: [redacted]?

[redacted]

Sergeant Doherty: Yeah.

[redacted]: Um, but that is the s, the statement I wanna say, that it just seemed like this is the person that, that he is, you know, and he's promoted to a position where he's at and he was in charge of the, of our unit, and so, you know, I was –

Sergeant Doherty: Even though –

[redacted]: – shocked.

Sergeant Doherty: – they're not appropriate, yeah. Okay. Um, were you aware [redacted]

[redacted]: No, no. Um –

Sergeant Doherty: Did it –

[redacted]: – I, I, I wou –

Sergeant Doherty: – did, well let me just put it another way then.

[redacted]: Yeah.

Sergeant Doherty: Have you ever heard Dave talk disparagingly about management?

[redacted]: Yeah. Uh, yes.

Sergeant Doherty: Okay, and do you know under what circumstances he might have done that? Hence why I asked about if you knew he was involved in an IA.

[redacted]: Well, yeah. I didn't know.

Sergeant Doherty: Okay, or maybe because of the [redacted] matter?

[redacted]: [redacted].

Sergeant Doherty: [redacted].

[redacted]: [redacted]

Sergeant Doherty: [redacted]

[redacted]: [redacted].

Sergeant Doherty: Oh, gotcha. Okay. I see. Right.

[redacted]: [redacted].

Sergeant Doherty: Okay. Oh, you thought [redacted] –

[redacted]: No, I –

Sergeant Doherty: – in regards to that.

[redacted]: – [redacted] –

Sergeant Doherty: He was –

[redacted]: – regarding –

Sergeant Doherty: He, gotcha. He was.

[redacted]: Does that make sense?

Sergeant Doherty: Yes. Yes. He was. Okay.

[redacted]: [redacted]

Sergeant Doherty: Okay.

[redacted]: – [redacted]

Sergeant Doherty: You heard.

[redacted]: – that, but that's –

Sergeant Doherty: [redacted]?

[redacted]: [redacted].

Sergeant Doherty: Okay. All right. Um, but you said that Dave did speak, uh, disparagingly about, um, management. He was upset.

[redacted]: He was upset.

Sergeant Doherty: Was he upset [redacted]?

[redacted]: [redacted].

Sergeant Doherty: Okay. Um, and that's how Dave expressed it.

[redacted]: Correct.

Sergeant Doherty: Um, do you know, um, who Lieutenant [redacted] is, now Captain [redacted] is?

[redacted]: Uh, yes, I do.

Sergeant Doherty: Okay. Um, have you heard, uh, Dave talk disparagingly about him?

[redacted]: Um, I believe so.

Sergeant Doherty: Okay, and what do you mean by believe so?

[redacted]: I, I heard him say a couple a things, and I didn't know what, who he was referring to because it was in passing when I was –

Sergeant Doherty: And, and when you say a couple a things, what were those couples of things 'cause obviously you, uh, it's something that was like oo.

[redacted]: It, it –

Sergeant Doherty: **** –

[redacted]: – was –

Sergeant Doherty: Dave being Dave again.

[redacted]: Yeah. I, I, I thought it, whatever he was saying was a little far.

Sergeant Doherty: Okay.

[redacted]: Um.

Sergeant Doherty: And, and far means?

[redacted]: Means like –

Sergeant Doherty: Inappropriate?

[redacted]: Yeah, yeah, exactly.

Sergeant Doherty: And of the verbiage that Dave said, what was it?

[redacted]: Uh, something similar to, but this would be a quote –

Sergeant Doherty: Yes.

[redacted]: – some, something I would say, but it was something about like a, like a porch monkey.

Sergeant Doherty: Okay, and when he said that, did you get the impression he was speaking about, uh, Captain [redacted]?

[redacted]: I th, I thought he may have been.

Sergeant Doherty: Okay.

[redacted]: But I wasn't sure.

Sergeant Doherty: Okay. You didn't go up and ask him, who you talking about?

[redacted]: No. I did not. I don't recall –

Sergeant Doherty: And the –

[redacted]: – that, that I did.

Sergeant Doherty: – audience that was around at that time, did it include instructors and students, or was it a s, a big group or small group, or can you recall?

[redacted]: I don't remember.

Sergeant Doherty: You just know that the comment was made?

[redacted]: I remember hearing it.

Sergeant Doherty: Okay. [redacted]. Um, have you ever heard him refer to Captain [redacted] as a nigger?

[redacted]: Hmm. Sorry.

Sergeant Doherty: No? Just porch monkey?

[redacted]: I heard him say that that one time, yeah.

Sergeant Doherty: Okay. Um, and, and was this about the same time as the [redacted] matter was going on?

[redacted]: Yes.

Sergeant Doherty: Okay. Did he refer to that porch monkey in regards to Essick's porch monkey or was it just porch monkey?

[redacted]: I don't, oh, hold on let me think for a second. Let me think.

Sergeant Doherty: Oh, no, no, no. Go ahead. Go ahead. I mean we're into something that's stuck in your stomach. It's got in your crawl.

[redacted]: Um, I'm not saying it didn't happen, but I don't recall specifically –

Sergeant Doherty: Okay.

[redacted]: – th, those words.

Sergeant Doherty: Do you think that word would a been something that would a, you would a gone phew Dave, I probably wouldn't a said that?

[redacted]: To?

Sergeant Doherty: If he used the word nigger, in reference to our Captain.

[redacted]: In a group, yeah.

Sergeant Doherty: Okay.

[redacted]: Of, of course.

Sergeant Doherty: So that's w, I'm just trying to distinguish, but you know he said porch monkey. You just don't, you can't put it in a situation and how many guys were around and/or who it might a been. Just know that you went oh, I know he said that.

[redacted]: W, well, Sergeant Doherty, I –

Sergeant Doherty: Larry.

[redacted]: Uh, oh, you want me to call you Larry?

Sergeant Doherty: Yeah.

[redacted]: Okay. Larry, so, um, this is a very serious matter –

Sergeant Doherty: Yeah.

[redacted]: – apparently –

Sergeant Doherty: Yeah.

[redacted]: – you know, and so this is something where I don't wanna say and guess who may have been there –

Sergeant Doherty: Okay. That's –

[redacted]: – you know –

Sergeant Doherty: – no, and I –

[redacted]: – do you know what I mean?

Sergeant Doherty: – totally appreciate that.

[redacted]: I, I could tell you who I think could a been there.

Sergeant Doherty: Yeah.

[redacted]: I could tell you who I may, maybe would hang around Dave and Dave would talk freely with some people.

Sergeant Doherty: Yeah.

[redacted]: You know, I never had a conversation with Dave where he felt he could talk freely with me.

Sergeant Doherty: Okay.

[redacted]: You know, um –

Sergeant Doherty: So he was obviously more comfortable around his detectives than he was with the other people?

[redacted]: Oh, that's correct.

Sergeant Doherty: Okay.

[redacted]: That's for sure.

Sergeant Doherty: All right.

[redacted]: And other people of the EVOC unit that, there's clearly a, a, a structure –

Sergeant Doherty: ****.

[redacted]: – out there.

Sergeant Doherty: Yeah.

[redacted]: And, um, regrading on, on who he's comfortable talking to and who he doesn't.

Sergeant Doherty: Okay. Um, any other verbiage that you think at this time, um, that Dave might a said that you went, oh, I can't believe he said that too.

[redacted]: Uh, just, just banter between him and a couple other detectives, I thought it was a little inappropriate.

Sergeant Doherty: Okay. And just –

[redacted]: Are you talking about –

Sergeant Doherty: – sex rela –

[redacted]: – gays?

Sergeant Doherty: – sex related.

[redacted]: Oh.

Sergeant Doherty: Um, could, uh, would that be verbiage like, uh, butt fuck, and stuff like that?

[redacted]: Yeah.

Sergeant Doherty: Okay. Um –

[redacted]: S –

Sergeant Doherty: –when he's saying that, again –

[redacted]: Yeah, stuff like that.

Sergeant Doherty: – is he directing it towards somebody or is it just Dave talk?

[redacted]: It's, from my point of view, um, it seems just the way he talks and the way he communicates with his –

Sergeant Doherty: His troops? So –

[redacted]: – his partners.

Sergeant Doherty: – he's definitely more comfortable with his group.

[redacted]: Oh, yeah. Oh, yeah, for sure.

Sergeant Doherty: Okay. Than a lotta the other instructors who aren't necessarily around him all the time.

[redacted]: Correct.

Sergeant Doherty: Okay. Cool.

[redacted]: That's correct.

Sergeant Doherty: All right. That it?

Lieutenant Murphy: I have no questions.

Sergeant Doherty: Okay. Um, knowing where we're headed now with this, uh, investigation, I'm gonna ask you, [redacted], is there anything else that you think's important that we haven't asked?

[redacted]: Um. No, I, I think that, uh, it, it, the only other thing I could add was this may have been around the same time of promotions, lieutenant promotions.

Sergeant Doherty: Okay.

[redacted]: Um, I, I don't recall specifically, like it's such a vast, like I remember the words.

Sergeant Doherty: Yeah.

[redacted]: You know, you don't not remember something like that. Um, if you hear it, but as far as the timeframe, it has to do with like three significant events in my opinion. Uh, my opinion being what, what could a been the, the [redacted] thing.

Sergeant Doherty: Yes.

[redacted]: [redacted].

Sergeant Doherty: Yeah.

[redacted]: Um, with, uh, HR.

Sergeant Doherty: Yeah.

[redacted]: And, and or the lieutenant, um, selections and interview process.

Sergeant Doherty: And when you say that, his not being picked? Is that what you're saying or it was –

[redacted]: He, yeah.

Sergeant Doherty: Is that why he was upset?

[redacted]: Yeah. He was upset about not being picked, or –

Sergeant Doherty: Yeah.

[redacted]: – or, um, s, I remember him saying something to the effect of, uh, of, oh, freely talking to whoever was doing the interviews and they weren't, didn't appreciate, um, his point of view of, um, what, how he could make the department better or something s, something of that nature.

Sergeant Doherty: Okay.

[redacted]: Um, anything else?

Lieutenant Murphy: Yeah. Just one question.

[redacted]: Yeah.

Lieutenant Murphy: Um, about the [redacted]. Did he any, ever make any comments about the [redacted]? I mean you said that he was upset about it being a criminal matter. Did he ever, that you heard, go into any further detail about the [redacted], or make any disparaging comments towards [redacted] during this time, that you heard?

[redacted]: Mm, I can't specifically remember him saying anything directly, um, about [redacted]. Um, I think he was just more pissed off that he had to get involved, or his guys [redacted]

Lieutenant Murphy: Right.

[redacted]: [redacted]

Lieutenant Murphy: Right. So when you're saying he was pissed off about it, was this all in the same day, and I, I understand you don't know what day it is, but was this all in the same day, EVOC, that he was pissed off at [redacted] or at the [redacted], and making the comment porch monkey, or are these separate days?

[redacted]: There was only a couple a times when he was like open up and talk and I'd hear him, you know, and so my gut is telling me, yeah, it was around the same time because if he was talking, yeah, I heard it, and if he was only talking to, you know, his, his, uh, team or –

Lieutenant Murphy: Right.

[redacted]: – in, in different parts or doing stuff on different parts of the track, um, I wouldn't hear that.

Lieutenant Murphy: Right.

[redacted]: You know, and so I would, my gut is telling me yes, but I can't say for sure.

Lieutenant Murphy: Okay. Okay. Perfect. Yeah.

Sergeant Doherty: I'm gonna go ahead and end this interview. The time now, by my watch, is 1102 hours.

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