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. Uh, lieutenant, for the record, could you say your name and spell it?

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

Larry Doherty: And I am Sergeant Larry Doherty of the Internal Affairs Bureau, and also present with us is [redacted]. [redacted], for the record, could you say your name and spell it?

[redacted].

Larry Doherty: And again, congrats on being a sergeant.

[redacted]: Thank you.

Larry Doherty: Um, the date is May 1st, 2019. The time now, by my watch, is 1213 hours. We are presently in one of the conference rooms of the sheriff's office. This is in regard to an internal investigation, uh, 19-IA-0005. Um, [redacted], prior to going on tape I did tell you that you are a witness. I just want to reiterate that. You're just a witness in this matter. You understand that?

[redacted]: I do.

Larry Doherty: Okay. So in any event, being a witness you're still obligated to, uh, be honest and truthful with us, and I just wanna let you know that you understand that we're both designees of the sheriff?

[redacted]: Yes.

Larry Doherty: And I'm gonna order you now to say, um, respond honestly and truthfully in everything we ask of you.

[redacted]: Yes.

Larry Doherty: Okay. Uh, how long have you been at the sheriff's office?

[redacted]: Uh, approximately [redacted]

Larry Doherty: [redacted] And prior?

[redacted]: Uh, [redacted].

Larry Doherty: Congratulations. And you've been a [redacted]?

[redacted]

Larry Doherty: [redacted]. And prior to that, where'd you work?

[redacted]

Larry Doherty: Okay. And how long did you work there for?

[redacted]

Larry Doherty: [redacted]? Okay. And you had some specialties I know of. Can you just go ahead and tell some of 'em?

[redacted] hat's it.

Larry Doherty: Did you ever do EVOC?

[redacted]: I did not.

Larry Doherty: Okay. Um, so [redacted] uh, a little over a year ago, and recently [redacted], so congratulations. I think well done. Um, what I really wanna do is focus on that time that you had in [redacted]. Um, you're familiar with the harassment policy?

[redacted]: The sexual harassment policy?

Larry Doherty: Yes.

[redacted]: Yes.

Larry Doherty: It's actually just called harassment.

[redacted]: Okay.

Larry Doherty: We don't call it sexual harassment. It's just harassment, but in any event, um, I think it's one of the those, uh, critical documents that we're required to go over time we get an evaluation, so I'm not gonna ask you to quote it, or, you know, all I wanna do is – you understand basically that there are some protected classes, and we're not supposed to joke and/or use verbiage in regards to those classes.

[redacted]: Yes.

Larry Doherty: Okay. Um, you worked in [redacted]. Um, the [redacted] is not onsite.

[redacted]: Correct, it is not onsite.

Larry Doherty: Okay. And it's at where?

[redacted]: Uh, it's across the parking lot.

Larry Doherty: Okay.

[redacted].

Larry Doherty: And I understand within that office, um, you guys have in a sense a bullpen, and then, but, you have your own offices?

[redacted]: Yes.

Larry Doherty: Okay. And then each of you have your own offices other than the secretary?

[redacted]: There's one shared office, and the other detectives have their own office, so –

Larry Doherty: And what do you mean by a shared office?

[redacted]: One, two, two detectives share an office.

Larry Doherty: Okay.

[redacted]: Then there's three separate.

Larry Doherty: Who are the ones that share?

[redacted]: Uh, uh –

Larry Doherty: When you were there?

[redacted]: – when I was there I shared an office with [redacted]. Then when [redacted] left, I shared an office with [redacted].

Larry Doherty: Okay.

[redacted]: And then I moved in [redacted] former office.

Larry Doherty: When he split.

[redacted]: When he, when he left.

Larry Doherty: Okay. Um, do you know how long [redacted] was up there, roughly?

[redacted]: Maybe 3 months, maybe.

Larry Doherty: Oh, he wasn't there that long.

[redacted]: He wasn't there very long at all.

Larry Doherty: Okay.

[redacted]: No.

Larry Doherty: All right. Um –

[redacted]: **** one case.

Larry Doherty: One case.

[redacted]: ****.

Larry Doherty: He didn't get the 43 cases holy, holy.

[redacted]: No, no, he got the one big one. It was a big case.

Larry Doherty: Which case?

[redacted]

Larry Doherty: Oh.

[redacted].

Larry Doherty: Okay. Um, so when you got promoted, you were in your own office?

[redacted]: I was in my own office.

Larry Doherty: Okay. And then that secretary – and these names I just wanna say 'em real quick, uh, [redacted], uh, second word, [redacted] and the other one you mentioned was [redacted], which is [redacted], uh, first name [redacted], and ah [redacted] was another name you mentioned, [redacted]. So in that time, um, what we're concerned about is that some verbiage might have been used that is what we might consider inappropriate, and I also want you to consider that our best trigger is our

gut. A lot of times our gut says, oh, I shouldn't have said that or oooh, I probably shouldn't have done that or I don't really know the policy, but it saying no, don't do that or, um, I'm okay. I'm gonna ahead and do what I wanna do 'cause I know I'm okay. Um, our concern is that Sergeant Burgess, um, might have said some inappropriate things, um, as a sergeant. Um, and so there's some words that we know he used, and I'm just curious if in fact you can recall situations that he did that, so I'm just gonna come and ask you about words that we think he used. Um, you were there for a year. Was Sergeant Burgess your sergeant during that entire time?

[redacted]: Yes, he was.

Larry Doherty: Okay. Um, how many times do you think he used the word gay?

[redacted]: Uh, I couldn't tell you how many times he had used the word gay. Uh, a handful of times.

Larry Doherty: Handful? Now when he uses that word, your, your impression? Um, is directed towards a person?

[redacted]: No.

Larry Doherty: Okay. So –

[redacted]: Well, unless we, we're referring to a gay, a case that is, that involves a hom, a homosexual.

Larry Doherty: Right. So when he's using the word gay, what is it infer to you?

[redacted]: It, it depend, I don't have a specific ralec, recollection of any conversation –

Larry Doherty: Okay. [redacted], I know, I know.

[redacted]: – whatsoever, but.

Larry Doherty: I know.

[redacted]: **** say the word, if you say gay, and it's, and I'm dealing with a case that has a transvestite involved in it, which has happened, then it would said in, I guess, the appropriate way.

Larry Doherty: Right. Okay. Then how many times did he say it perhaps in, inappropriately?

[redacted]: Uh, I don't know.

Larry Doherty: Did he –

[redacted]: Couple.

Larry Doherty: – just, do you just know he said it? Just you, you can't specific about how –

[redacted]: No.

Larry Doherty: – times.

[redacted]: No.

Larry Doherty: Okay. How many times do you think he used the word fag?

[redacted]: I don't remember hearing him say fag.

Larry Doherty: Okay. Fag, not at all?

[redacted]: I don't – that's not something that comes on my radar, no.

Larry Doherty: Okay. Um, maybe a few times, but never specifically at any person within our office directed towards?

[redacted]: Uh, absolutely not.

Larry Doherty: Okay.

[redacted]: No.

Larry Doherty: Um, you're aware [redacted] during that year you were there?

[redacted]: I knew something was goin' on.

Larry Doherty: But like you weren't a part of it?

[redacted]: No.

Larry Doherty: Okay. Um, it was ordered by some our command staff, uh, did, are you aware that Sergeant Burgess was upset in regards to him having to be in the IA?

[redacted]: No.

Larry Doherty: Did he ever say anything derogatory about any command staff –

[redacted]: No.

Larry Doherty: – that you're aware of?

[redacted]: No.

Larry Doherty: Okay.

[redacted]: Always professional.

Larry Doherty: Okay. Um, so then I'm gonna ask you specifically, do you ever here him refer – recall him saying anything towards, uh, Captain [redacted]?

[redacted]: No.

Larry Doherty: Okay. Nothing?

Eric Seibold: No.

Larry Doherty: So if I was say to porch monkey, you've never heard that?

[redacted]: No. I've, have I heard that term before –

Larry Doherty: No, from Sergeant Burgess –

[redacted]: – in the office, no, no. No, I thought he and [redacted] were buddies.

Larry Doherty: Okay. Um, other words that we know that he said was, uh, uh, butt fuck. Doesn't ring a bell?

[redacted]: No.

Larry Doherty: You gotta give me, you gotta, you're giving me a look of shock. This thing doesn't have any eyes on it, so –

[redacted]: No, no, uh –

Larry Doherty: – I have to try to describe how you're lookin' at me.

[redacted]: Butt fuck could be a term used but for, in a million different ways.

Larry Doherty: Okay.

[redacted]: Uh, in a –

Larry Doherty: But he's never said –

[redacted]: – derogatory term –

Larry Doherty: – he's a butt fucker?

[redacted]: No. About Captain [redacted]?

Larry Doherty: No, no, no.

[redacted]: Oh.

Larry Doherty: In regards to, I'm done with [redacted]. In regards to any –

[redacted]: No.

Larry Doherty: – other maybe employee or, or –

[redacted]: No.

Larry Doherty: Okay. Um, you got any questions?

Shawn Murphy: Have you heard him say something that made you feel like kind of cringe like yeah, we probably shouldn't be saying that based on your moral, based on your moral compass? Did you ever hear him say anything to where it made you kind of cringe, and you're thinking to yourself, I would not say something like that?

[redacted]: Um, no, no, not in regards to the, not in regards to, um, the, what we're tal, discussing now. We, we discuss, we discussed in cases.

Shawn Murphy: I, I totally get that. Let's leave the cases out of it, okay? I'm just, I'm just tac, talking about more casual conversation out in the bullpen area, uh, even if it's kind of playful with each other, um, go, hey, yeah, you butt fucker, or you're a fag, that kind of stuff, right? Doesn't mean it, doesn't mean it has to be directed towards someone who's homosexual.

[redacted]: Right.

Shawn Murphy: It just means that anything that you feel was said that you would probably not say based on your moral compass.

[redacted]: No, not in regards to my moral compass. Sometimes I, I don't talk the same way as everybody else or –

Shawn Murphy: Mm hmm.

[redacted]: – you know, we, different senses of humor is how we cope with the stress.

Shawn Murphy: Right.

[redacted]: But not, not no, I don't, I've not heard Dave say anything that I'd be like oh, I wouldn't say that about that person.

Larry Doherty: So when he does use these terms, it's in general terms. It's not specific towards one individual or anything?

[redacted]: Ex, exactly. I don't, I'll be hon, I've said butt fucker before ****, but that is not at anyone. It's, it's a poor choice of words, maybe, but –

Larry Doherty: Sure.

[redacted]: – is it? And it's not towards anybody. You just –

Larry Doherty: Okay.

[redacted]: – sometimes you just say –

Shawn Murphy: You're not saying Joe's a butt fucker?

[redacted]: No, exactly. That's what I'm trying to get acr, get across. Um, the bullpen is a portion of the office that not all of us in. If you got headphones on, you ****.

Larry Doherty: Right.

Shawn Murphy: You're out of the loop.

[redacted]: Uh, ex, exactly. I mean, I was trying to close cases, so.

Shawn Murphy: Okay.

Larry Doherty: Okay. Anything else? Okay. So now that you know where we're kind of headed, so, and we were asked do you, I mean, has there ever been a trigger in your gut to say, hey, this is the wrong. This is something that shouldn't be said? So, other than the questions we've already asked of you, is there anything else that you think's important that we haven't asked in regards to that kind of investigation?

[redacted]: No, I thought he was a great, a great supervisor. I don't, uh, um, it was really kind of blank, there's a lot of, um – I don't have anything to say. I, I was, like su,

really, really in the dark of what's going on, and, uh, so unless you guys any more for me.

Larry Doherty: I don't.

Shawn Murphy: I do not.

Larry Doherty: Okay. I'm gonna end the interview. It's now 1225 hours. Thank you.

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