

**DEPARTMENT OF PUBLIC PROTECTION  
INTERNAL AFFAIRS**

**Michael Berard, Witness Interview  
IA 2013-07-318**

July 22, 2013

Present:

Michael Berard, Captain, Beach Safety

David Vanis, Captain

Lynea Baker, Transcribing Secretary

Vanis: This is Captain Vanis with Volusia County Department of Public Protection, Internal Affairs Unit. Today's date is July 22<sup>nd</sup>, 2013, time is now 0828 hours. I am at Volusia County Beach Safety Headquarters, 515 S. Atlantic, Daytona Beach, Florida. Sir can you state your name for the record?

Berard: Michael Berard.

Vanis: And what is your position at Beach Safety?

Berard: I'm a Lifeguard Supervisor, working title is a Captain & Training Coordinator.

Vanis: How long have you worked here?

Berard: Umm, in total 14 years, 10 years sworn as law enforcement.

Vanis: Alright, do you understand you will be providing a sworn statement today in regards to Internal Affairs case # 2013-07-318?

Berard: Yes sir.

Vanis: Ok, would you raise your right hand for me? Do you swear & affirm that the statement you're about to give is the truth, the whole truth & nothing but the truth?

Berard: I do.

Vanis: Ok, & since you're an employee I have to read you your Garity Advisement. You are hereby advised that you're being interviewed as part of an official administrative investigation being conducted by

the Volusia County Dept of Public Protection Internal Affairs Unit. You'll be asked questions specifically directed & narrowly related to the performance of your official duties, and/or fitness for continued employment. You're entitled to all the rights & privileges guaranteed by the laws and the constitution of this state & the constitution of the United States, including the right to not be compelled to incriminate yourself. I am further advising that if you refuse to testify or answer questions relating to the performance of your official duties, or fitness for continued employment it will be considered an act of insubordination & a violation of the direct order given by a superior or competent authority. If you do answer neither your statements, nor any information or evidence that is gained by reason of said statements can be used against you in any subsequent criminal proceeding. These statements may be used against you in relation to division disciplinary action. Do you understand all that?

Berard: Yes sir.

Vanis: Alright, & you've been provided a copy of your law enforcement officer & corrections officers rights?

Berard: Yes sir I have.

Vanis: Do you have any questions in regards to that?

Berard: No sir.

Vanis: Ok. Can you describe your relationship with Captain Snipes?

Berard: Captain Snipes is a coworker. We worked together my entire career down here. He is a district shift supervisor working out of the same building that I work.

Vanis: Alright. And is it a purely professional relationship, or you socialize outside of work?

Berard: Umm, occasionally, work socialization & company events, kids birthday parties, etc.

Vanis: Ok. On, do you remember on July 14<sup>th</sup> did you receive a text message or picture message from Captain Snipes?

Berard: I did.

Vanis: Was that on, were you issued a work phone?

Berard: I am.

Vanis: Was that on your work phone?

Berard: No sir.

Vanis: It was on your personal phone?

Berard: Yes.

Vanis: Ok, do you remember what the content of these text messages, this text message was?

Berard: Umm, the content were pictures, umm, I'd have to check to see which the first one was, but there were pictures in reference to, umm, Trayvon Martin case. Umm, (inaudible) type pictures. Let me see if I can find the first one.

Vanis: While you're looking, were you on duty when you received this?

Berard: No sir. The first picture I received was, uhh, 8:30 in the evening on July 14<sup>th</sup>. It was a picture of, not Martha Stewart...what's her name? Umm, Paula Dean. Umm, and the caption in the picture, forgive my language, 'ya'll niggas want some pie?' And it's Paula Dean holding a pie.

Vanis: Did you reply to this?

Berard: No sir.

Vanis: Alright, & please explain to me, the way I understand it this is called pictures, I mean, a text thread. What, what does that mean?

Berard: What it is it's a group message through either iPhones or text message to where an individual can start a thread with a group of people & have a group conversation via text message.

Vanis: So if, hypothetically, I know you already said you didn't reply to it, but if you had replied to it who would've seen that reply?

Berard: Everyone that was in that group that the initial person had selected to start the thread would view all text messages that were sent within that group.

Vanis: Did you ask Captain Snipes to send you this message?

Berard: No.

Vanis: Or to include you in this group?

Berard: No sir I did not.

Vanis: Does Captain Snipes frequently send you messages like this? Has he sent messages like this in the past?

Berard: Less than frequently, occasionally I'll get a picture, text message in reference to some funny picture or something, but they're fewer & further between.

Vanis: And as far as the content of this picture do you feel that this is inappropriate, obscene, any of the above?

Berard: In light of recent events, absolutely.

Vanis: As far as, you said you didn't reply to these pictures

Berard: No sir

Vanis: or anything, were there any other pictures sent within the thread?

Berard: There were 1, 2, 3, 4....4 additional pictures that were sent, umm

Vanis: Who got those?

Berard: Let's start with this. Within the thread there are four numbers that I do not recognize & then 4, 5, 6 numbers that are either former employees or current employees that I do recognize. Umm, other pictures that were sent were from, any other correspondence within the thread were either from Captain Snipes or a number that is not recognized by my phone.

Vanis: Ok, so what you're saying is some of the people involved in the thread are either current or former employees that you still have their phone numbers in your phone?

Berard: That is correct.

Vanis: Ok. And none of the pictures were sent by any of our current or former employees of Beach Safety?

Berard: Umm, not that I can tell.

Vanis: And, as far as these pictures go, did you send them to anybody else?

Berard: No sir.

Vanis: And did you, outside of the picture thread, because I understand that if you send something in the thread, your, that would be physical in the thread.

Berard: Right.

Vanis: Alright, & I see you've got the thread up on your phone right now, do you mind if I take pictures of the thread itself?

Berard: Absolutely not, here ya go.

Vanis: Just to verify.

Berard: Sure. Umm, it won't show you all the pictures in the timelines all at the same time so you'll have to take a couple, a couple photos. If you hold it upright you'll get the most.

Vanis: Have you, have you spoken to Captain Snipes about this yet?

Berard: No sir.

Vanis: Has he tried to contact you in regards to this?

Berard: No he has not.

Vanis: Have you spoken to any member of the media?

Berard: No.

Vanis: About this?

Berard: No sir.

...pause...

Vanis: Sorry this is taking me a minute.

Berard: That's ok.

Vanis: This camera won't work.

...pause...

Vanis: Alright, & for the time being I'm going to ask that you don't delete these from your phone. Once everything's all said & done I'll let you delete.

Berard: Ok.

Vanis: Ok, you have anything else you want to add?

Berard: Uh, no sir.

Vanis: Alright. The time is now 0837 hours & we will be off the record.

CONTINUATION...

July 22, 2013

Present:

Michael Berard, Captain, Beach Safety

David Vanis, Captain

Lynea Baker, Transcribing Secretary

Vanis: This is Captain Vanis with Volusia County Department of Public Protection, Internal Affairs Unit. Today's date is July 22<sup>nd</sup>, 2013, time is now 1647 hours. I'm back at Beach Safety Headquarters, 515 S. Atlantic. Sir can you state your name for the record?

Berard: Captain Mike Berard.

Vanis: Captain Berard, I called you back in here because I forgot to ask you a question I skipped over and I just wanna, wanna re-swear you in. Do you, do you recall your Garity Advisement?

Berard: I do.

Vanis: Do you need me to refresh anything for you?

Berard: No sir, no sir.

Vanis: Alright, would you raise your right hand for me? Do you solemnly swear to tell the truth, the whole truth & nothing but the truth so help you God?

Berard: I do.

Vanis: Ok. Going back to the, the text message thread that you received from Captain Snipes

Berard: Mmm Hmm

Vanis: Did you report this to any of your superiors?

Berard: I did not.

Vanis: That this thread was occurring, that any of these pictures were sent?

Berard: No I did not.

Vanis: Ok, looking back at it now do you feel like you should have?

Berard: Umm, in hindsight I think I probably should have, uh, it was one of those things where they were coming in on either a Friday or a Saturday or whatever days they were coming in. They didn't really pertain to me & there were correspondence between people that were unknown to me, & honestly I went about my business & completely forgot about it come Monday, so...

Vanis: Ok. And did you ever say anything in person to Captain Snipes about, as far as the texts go and all with the pictures?

Berard: Uh, no sir, actually the last time, the first time that I saw him after the incident was I think the day that, um, the day that this all, uh, investigation had started, around the time that the incidents were reported.

Vanis: Ok. Alright well, that's all I have unless you have something else to add.

Berard: Uh, no sir.

Vanis: Ok, the time is now 1650 hours, we'll be off the record.