

Complaints unfair to ex-detective, say wife, police union

01/08/05

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Elie "E.J." Bernard

Supporters of former Metro police homicide detective Elie "E.J." Bernard defended his work yesterday, after reports surfaced this week that the well-known and colorful police officer had retired amid an internal probe into whether he made false statements and discriminatory remarks to a suspect.

Yesterday, Bernard's wife, Gayle, a sergeant in the Metro police Youth Services division, said the allegations don't give an accurate picture of the man who dedicated his life to cracking some of Nashville's most difficult murders.

"It hurts me to read untruthful and malicious things about E.J., because he's a wonderful guy with a big heart, and he has helped hundreds of victims' families and suspects' families," she said.

"I know, because I've heard him have many a conversation with different family members. He would talk to them as long as it took to make them feel better."

Bernard left his job in October and has been negotiating his retirement pension, said David Raybin, the Nashville lawyer who represents the police officers' union and Bernard.

At least for now, the Andrew Jackson Lodge of the Fraternal Order of Police does not plan to step in and take action, said Ed Mason, president of the local police union. But he cautioned against reading too much into allegations against an officer working in such sensitive circumstances.

"Anybody doing this kind of work is going to generate complaints," Mason said. "Whether it's an officer in the field or whether it's someone who is actually doing the investigation, there is always going to be someone."

The allegations against Bernard stem from a complaint filed in the spring 2004 by Richard Shaun Piercy, who, Bernard suspected, might have killed his mother.

Medical examiners never conclusively determined whether the 2003 shooting death of Deanie Alley Kelly was a homicide or suicide. Bernard concluded it a homicide, however, after realizing that Kelly's dog lived for more than a month in the home while her body was in bed decomposing, Raybin said. Someone must have cared for the dog, which appeared healthy when Kelly's body was discovered, Raybin said.

Piercy complained that, during the investigation, Bernard intimidated him, called him derogatory names related to Piercy's sexual orientation and threatened to have the SWAT team arrest him.

Another of Piercy's relatives complained that Bernard told the family that Piercy's mother had been murdered and cited a Metro Medical Examiner's report. The medical examiner later told police investigators that he had never reached such a conclusion, department records show.

"Certainly, we felt there was evidence to support some aspects of the complaint," said Kennetha Sawyers, director of the police department's Office of Professional Accountability. She said her office believes Bernard inaccurately relayed information from the medical examiner's office to the family. Sawyers' office has completed its investigation of the detective, but a final report is not complete, she said.

Metro detectives also conducted an audit of Bernard's previous cases but did not find evidence he committed any wrongdoing in the past, Sawyers said.

A 24-year veteran of the department, Bernard was among the most visible of Metro's homicide detectives. He cracked a number of high-profile cases during his career, including the January 1998 murder of David "Skull" Schulman, a Printer's Alley nightclub owner who was killed in a holdup.

Bernard has declined all media requests to discuss the accusations against him because the detective does not want to affect his ability to receive a retirement pension, Raybin, said.

Raybin also discounted reports that the detective's retirement was connected to the investigation. Bernard retired because he wasn't happy about being moved from the homicide unit to a precinct where he was investigating lesser crimes, he said. The lawyer scoffed at allegations that Bernard's conduct while investigating Piercy was over-the-top. "There was nothing wrong with the way he investigated the case — period," Raybin said.