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STATEMENT FORM

OPA-IS FILE NUMBER

IIS 10-0385

Date:
09/13/2010

Time:
1551 hrs.

Place
OPA-IS Offices.

Statement of:

Statement Taken By:

Sergeant Randy Woolery

Transcribed by (Taped/Translated Statements)

J. Wicklund (RSW 0011)

WOOLERY:

I am Sergeant Woolery of the Seattle Police Department Investigation Section of the Office of Professional Accountability. Today's date is September 13th, 2010, and the time is now 1551 hrs. I'm speaking with [REDACTED]. His address is [REDACTED] Jefferson Avenue, in Yakima. I'm speaking to [REDACTED] concerning OPA-IS case number 10-0385. [REDACTED] would you spell your last name, please?

[REDACTED]
WOOLERY:

Thank you, [REDACTED]. Do I have your permission to tape this statement?

[REDACTED]
Yes, you do.

[REDACTED]
WOOLERY:

Mr. Oregon, do you declare that the statement you are about to provide is true and correct to the best of your knowledge and belief?

[REDACTED]
Yes, I do.

WOOLERY:

Well, I appreciate you coming in this afternoon. Just for the record, you were represented by [REDACTED], and she is aware that we're talking?

[REDACTED]
Yes, she does.

WOOLERY:

And she unfortunately couldn't make it here today, but she indicated for you to go ahead and talk to me, and you're okay with that?

[REDACTED]
Yes, I'm okay.

WOOLERY:

Okay. So at issue is a traffic stop that happened on March 11th, 2010, in the approximate area of Boylston Avenue and East Pine Street. What I'd like to hear, from your own perspective and in your own words, what happened that night and what it is that you thought was inappropriate on the part of our officers.

[REDACTED]
Well, I was on my way to catch the freeway to go back home. And when I seen the lights I was trying to pull over, and I put my signal light and I could not find no parking space. And I kept going until I, I just seen a little space, and I pulled over. And I remember, I remember that the officers came up with their guns drawn. And, and I think they pulled me out of my, I, I don't know if I opened the door, or if they opened it for me, but I remember they did grab me and, and pull me out. And then they were, I really don't remember the conversation or what it led to, but then they slammed on their, on their



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hood of the car, and they were twisting my arm real hard. And I was telling them, why are you guys doing this, you know. And they were, they were just being real rude to me, calling, I mean saying all kinds of things. I don't really know exactly what they were saying. And then they put me in, in their car seat with no handcuffs. And then they came back and asked me if they could search my vehicle, and I told them no, you cannot. I mean there's nothing in there for you, you know, I mean, here's my license, I mean I did give them my license and everything, and they just went behind my back and went and searched my vehicle. They didn't find nothing that, I don't know what they were looking for, but... And then I had some leather seat covers that I had bought for the car, because it's not leather, but and they, they ripped them. And I didn't, you know, I did take pictures, but, with my brother's camera, and I don't know, somehow he deleted them or something. But anyways, I don't have proof of that, but they did do that. And then they took me to jail. They were being real rude for my, they, they were being real rude to my friend, too, you know, like I, I could just overhear, you know?

WOOLERY: Okay. So let me ask you some follow-up questions. I appreciate hearing it in your own words, first. So about how far do you think you travelled after you saw the lights on the police car?

[REDACTED] Maybe a couple blocks or something, or, or, you know.

WOOLERY: Okay. And why didn't you pull over or just stop?

[REDACTED] I couldn't find a, a real space so that both of us could pull over, you know?

WOOLERY: Okay. And how long do you think you'd been travelling by the time you did pull over?

[REDACTED] Maybe, I don't really know, I was just looking for a parking space.

WOOLERY: Were, were you trying to elude the officers?

[REDACTED] No, at all, no. I seen them, as soon as I seen their lights, I put on my signal light.

WOOLERY: Did you speed up or try to turn or evade them in any way?

[REDACTED] No.

WOOLERY: So once you found a space to pull over, describe how the officers approached your vehicle.

[REDACTED] They just, I remember, I remember one officer, he just came up, he came up to the passenger window, and he told my friend to shut the fuck up or something. And then my friend rolled up the window, oh, he told him something back and he rolled up the window. And then he came to my side, and I rolled down my window.



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WOOLERY: And you were the driver?

[REDACTED] And I was the driver.

WOOLERY: Okay. And who was your friend in the car?

[REDACTED] [REDACTED]
WOOLERY: And this is the gentleman...

[REDACTED] And he's, he's right here.

WOOLERY: ...you brought with...?

[REDACTED] Yeah.

WOOLERY: Okay. So the officers first made contact...

[REDACTED] But he was pretty, pretty, pretty drunk, so...

WOOLERY: Okay. So they first made contact, were you drinking?

[REDACTED] Yeah, a little bit, you know, but not, not the point where I was like that or nothing like that, you know.

WOOLERY: Were, were you able to drive safely, do you think?

[REDACTED] Yeah, yeah, I was on my way to catch the freeway home...

WOOLERY: Okay. Did they process you for DUI?

[REDACTED] No.

WOOLERY: Did they give you any type of field sobriety test?

[REDACTED] Un-huh.

WOOLERY: Okay. So when they contact you, what do the officers say?

[REDACTED] He said, you're, what's your, can I see your license and, and registration, and I gave them to him. And then after that he said, have you been drinking, and I was like, no I haven't. He's like, your eyes are red, it looks like you've been drinking. I was like, no, I smoked a little bit, you know? And he was like—what'd he say after that?—oh, he said, I



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think he walked back to the car or whatever, and then he came back and was like, can you open your door. I don't really remember, you know, but it happened kind of like that.

WOOLERY: What, what...

[REDACTED] And then he pulled me out of...

WOOLERY: Why did they have you come out of the police car, or out of *your* car?

[REDACTED] I really don't know.

WOOLERY: Okay. But you did get out of the car. Did you *want* to get out of the car?

[REDACTED] No, they, they told *me* to get out of the car.

WOOLERY: Okay. And you said at some point they had their guns drawn.

[REDACTED] I think when I, when I first pulled over.

WOOLERY: Okay. Did they holster them or did they remain out during the contact?

[REDACTED] I didn't really pay attention.

WOOLERY: Okay. So what happened after they pulled you out of the, your car?

[REDACTED] I, I'm, I think they pulled me, they, they started searching me and my, and, like I put my hands on *my* car, and then they walked me over to *their* car. And *boom*, I remember this arm right here, it was all the way up, up there, and I was like, hey, sir, you know, calm down, I'm not even resisting or nothing, and...

WOOLERY: Okay. And you're indicating your right arm, for purposes of the tape?

[REDACTED] Yes.

WOOLERY: It's your right arm?

[REDACTED] Yeah, it, it was my right arm.

WOOLERY: Okay. Okay, and any idea why they pulled your arm back?

[REDACTED] No.

WOOLERY: Okay. So...



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[REDACTED] I wasn't restraining or I wasn't trying to fight them or nothing, you know, it's just...

WOOLERY: Did that cause any injury?

[REDACTED] No. I mean nobody, you know, I mean they shouldn't have twisted it like that.

WOOLERY: Right. I'm just asking, did you have to go to the, seek any type of medical attention...

[REDACTED] No, no.

WOOLERY: ...or anything?

WOOLERY: What about, did you tell the officer that you were injured from that?

[REDACTED] No.

WOOLERY: Okay. So, you're not really complaining about that, per se?

[REDACTED] Well, no, they didn't break it or nothing, but I'm saying, you know, they, they did things that they shouldn't have done, you know?

WOOLERY: Well, you think that that was unprofessional?

[REDACTED] That was unprofessional, right there.

WOOLERY: Okay. So at the, at the hood of the car, of the police car, what occurred?

[REDACTED] When I was, I just had my face down, and I kept telling them to resist, and they, I think they were like, we're not in Yakima, home boy or *something* like that, you know. Like, I don't even how that conversation came up, you know, but...

WOOLERY: Um-hmm.

[REDACTED] ...somehow we just started arguing because he just said I was a DOC violator or some shit, you know...

WOOLERY: Are, are you on DOC?

[REDACTED] ...and I was like, no, I'm not. I was, but I'm off of it. I'm off of papers already, you know...

WOOLERY: So you don't have a Community Correction Officer you report to?



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[REDACTED] Nope. Un-huh.

WOOLERY: Okay, but they were...

[REDACTED] I don't got no court dates to go to, you know?

WOOLERY: But they were alluding that you were active DOC?

[REDACTED] Yeah, they were saying that I was just a bunch of, that we're just a bunch of DOC violators...

WOOLERY: Okay.

[REDACTED] ...in their town, or some shit like that.

WOOLERY: And what about profanity *those* officers were using?

[REDACTED] I remember they were saying, they told my friend they were gonna skull fuck him.

WOOLERY: What about you, did they say anything such like to *you*?

[REDACTED] I think so. I, I do remember them saying something about sucking on somebody's dick or some shit, you know, but I don't, I don't remember if it was towards me or towards my friend, but they were talking real, a lot of stuff to my friend, you know?

WOOLERY: Right, but what about to you? Were they talking a lot of crap to you?

[REDACTED] Yeah.

WOOLERY: Do you remember what they were saying and who was saying it?

[REDACTED] Just, I don't really know the main like, real words, but they were being real rude and were disrespectful toward us, you know?

WOOLERY: Okay. So at what point did they place you in a patrol car?

[REDACTED] Right after, like, a little bit after they had me on the hood.

WOOLERY: Okay.

[REDACTED] And they put me in their, in their back seat.



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WOOLERY: And you said your friend was already out of the vehicle by that point?

[REDACTED] Um-hmm.

WOOLERY: And why did they ask to search your car?

[REDACTED] I do not know.

WOOLERY: Okay. But when they asked you, what did you tell them?

[REDACTED] I was already mad and I was in the back seat and I was like, no, you can't, you know, you cannot search my car. And...

WOOLERY: And what did they do or say?

[REDACTED] They just closed the door and they, I seen them go and grab my keys and they popped my trunk with their, with my keys, you know, and they just started digging in there.

WOOLERY: Hmm.

[REDACTED] And they went, they popped my hood, too, the front of the car, and started digging in there. I'm like, you know, like, man. They, they were basically thinking that, you know, I don't know if it was because we're Mexicans or what, be, but, you know, it kind of goes there, you know, like why did you do that, you know?

WOOLERY: Did they find anything?

[REDACTED] No, nothing.

WOOLERY: Okay.

[REDACTED] I mean, I don't have...

WOOLERY: Okay. Describe the damage for me that you alluded to.

[REDACTED] The damage that I alluded?

WOOLERY: Yeah, you, you, you, you mentioned some damage to your seat covers.

[REDACTED] Yeah, just the seat covers. They just, like if they, like if they put them, ripped, took them off to search under the seat and I don't know if, when they were putting them back on, but they, they ripped from the center, they ripped like that (*makes ripping sound*)...

WOOLERY: Okay.



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[REDACTED] ...like as, as they were putting them back on, I think.

WOOLERY: Do you still have those seat covers?

[REDACTED] No, I threw them away a long time ago. That was in March.

WOOLERY: Okay. And you don't have photos of that anymore?

[REDACTED] I don't.

WOOLERY: Okay. Can you give me an estimated value of the photo [sic]?

[REDACTED] Oh, they're probably like \$50 bucks a piece.

WOOLERY: Okay. So was it one or two that were ruined?

[REDACTED] It was two seats, two seat covers.

WOOLERY: Okay. Did you make any reference to that, or did you know it had happened?

[REDACTED] No, I had it happened as soon as I picked it up out of the impound, because I bailed myself out right here in County Jail. And, and they didn't even tell me, they wouldn't even tell my where my car was. I had to go through this big old hassle just to get my car. And I was, when I found out where my car was, it was all trashed up inside and my seat covers were ripped, you know.

WOOLERY: Was anything missing?

[REDACTED] No, there was nothing missing, not that I can think of, no, but it was just trashed, you know, like...

WOOLERY: Did you give them any indication you had weapons or drugs or anything like that...

[REDACTED] I told them...

WOOLERY: ...in the vehicle?

[REDACTED] ...from the start. There is nothing, I don't have no weapons, no drugs, no beer, nothing. He was, you know?

WOOLERY: Okay.



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[REDACTED] I didn't give him no, you know?

WOOLERY: Okay. So you're sitting in the back seat of the car, and you're watching them search it after you told them not to. At what point did they come back and handcuff you ?

[REDACTED] So, I was handcuffed.

WOOLERY: I don't know, were you?

[REDACTED] No, I don't remember being handcuffed until, until I was already going to get taken to County.

WOOLERY: Okay. So at what point did they come back and handcuff you?

[REDACTED] Probably after they were done or something.

WOOLERY: Okay. Did they tell you what they were arresting you for?

[REDACTED] I really don't remember. Huh?

WOOLERY: Did they tell you what you were being arrested for?

[REDACTED] For, for, at first I went in for Negligent Driving. I, I think at first they told me it was First Degree Negligent Driving, and then, and then when I was in there, they told me it was Second Degree.

WOOLERY: Okay. And had your car been legally parked when you pulled over?

[REDACTED] I'm not sure.

WOOLERY: Okay. Do you know why they impounded it?

[REDACTED] No.

WOOLERY: What about your friend, the passenger? Was he booked or released?

[REDACTED] He got released right there.

WOOLERY: Okay.

[REDACTED] Nowhere to go, no phone, you know, yeah.

WOOLERY: Okay.



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[REDACTED]

And he had to, I guess he ended up at the Greyhound somehow, and, yeah.

WOOLERY:

Where does he, where does *he* live?

[REDACTED]

He lives in Yakima, too. But they, they wouldn't even let him, because I remember my friend was like, can, can I use your phone, can I use a phone, and they wouldn't let him.

WOOLERY:

Okay.

[REDACTED]

So he just ended up stranded.

WOOLERY:

Is there anything else about the incident, from your perspective, I did not ask you that you think I need to know?

[REDACTED]

Let me see. Just the illegal Search and Seizure part, and then, that was the main, you know, like, like how rude they were, they were to us and, and then when I just, when they went behind my word, you know, I told them, you know, no, you cannot search my vehicle, and they still went. And I've, I've got that done before in the past when I was on DOC and I used to live in Everett. They, some, these cops pulled me over and right off the gate, they did the same thing, you know? Oh, just because I'm on DOC I have no rights, so they pulled me out of my car and they just trashed my car and they broke a transmission wire and I was filing a claim for that, too, but in, I went to go see my DOC officer and they dropped it. They even dropped my DOC, so I just, I was like, I was happy, so I just quit, you know, I didn't want to deal with them guys. And then, and then this happens again, you know, like, what the hell, just by the way my car looks? Does, you know, you gonna, you wanna search it or, or what is it, you know? You know? I just, I really don't get it.

WOOLERY:

Since this incident in March, have you been pulled over?

[REDACTED]

No, I haven't got pulled over, but I did have a incident. I was, we were already pulled over and my friend has a medical card to smoke, so I, we were already pulled over at this gas station, but a cop happened to pass by and he said that the car smelled like weed, so he, he made a big ass deal and then my friend's like, I have my medical card, you know. This is all the weed I have, and gave it to him. We even let him search the car and then this officer came out of nowhere and was like, I know *you*, and he pointed at me and was like, do you still own that blue car. And I was like, what, you know? Like all of a sudden they're just profiling me like, you know? And I was like, no, I don't have that car no more, man, you know?

WOOLERY:

Was that in Seattle?

[REDACTED]

That was right here in Everett.

WOOLERY:

In Everett, okay.



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[REDACTED]

And, and it was the same DOC officers that were harassing me before this happened. This was last year, that, when they were harassing me.

WOOLERY:

Anything else about the March incident involving the Seattle Police officers that I didn't ask you, you think I need to know?

[REDACTED]

No, I don't think so.

WOOLERY:

Okay. So I just want to summarize to make sure that I understand everything. Okay. You're number one complaint is that they searched your vehicle without your permission, and caused some damage to seat covers. Unfortunately you no longer have the proof of the damage. Correct?

[REDACTED]

Um-hmm, um-hmm.

WOOLERY:

Your number two complaint is the professionalism of officers and that they used profanity and they didn't treat you with respect.

[REDACTED]

Um-huh. Yeah, they were being, you know, like the arm twisting part, you know, it was...

WOOLERY:

Okay. So you think the arm twisting is part of the unprofessional...

[REDACTED]

Yes, it's a complaint, yeah, because it really pissed me off, because I wasn't doing *nothing* for them to just twist my arm like that, like...

WOOLERY:

Okay.

[REDACTED]

...like if I was really doing something. You know?

WOOLERY:

Okay. So let me ask you this, so I understand. Do you think the arm twisting is a professionalism issue, courtesy, or do you think it was unnecessary force on the part of the officer?

[REDACTED]

It was unnecessary force.

WOOLERY:

Okay. Anything else I didn't ask you that you think I need to know? Well, let me ask you this, what about the profanity?

[REDACTED]

The profanity. I just don't remember what they were saying, but they were saying some strong profanity, you know?

WOOLERY:

Okay. Mostly towards your friend or towards you, too?



SEATTLE
POLICE
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S STATEMENT FORM
CONTINUATION SHEET

OPA-IS FILE NUMBER
IIS 10-0385

Statement of: [REDACTED]
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Taken by: Sergeant Randy Woolery

[REDACTED]

Towards both of us.

WOOLERY:

Okay. Anything else you think I need to know that I did not ask?

[REDACTED]

No.

WOOLERY:

Okay. I'm gonna conclude the interview and interview your friend, now. The time is 1606 hrs.

This is Sgt. Woolery of the Seattle Police Department Investigation Section of the Office of Professional Accountability.

Today's date is 9-13-10 and the time is 1551

I am speaking with Mr./Ms. [REDACTED]

His/Her address is [REDACTED] Jefferson AVE Yackima, WA

I am speaking to Mr./Ms. [REDACTED] concerning OPA-IS case number 10-0385

Mr./Ms. [REDACTED] would you spell your last name please?

Thank you. Mr./Ms. [REDACTED] do I have your permission to tape this telephone statement?

Mr./Ms. [REDACTED] do you declare that the statement you are about to provide is true and correct to the best of your knowledge and belief?