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STATEMENT FORM

OPA-IS FILE NUMBER IIS 10-0385
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Date: 10/18/2010	Time: 1949 hrs.	Place OPA-IS Offices
Statement of: Officer Brett Schoenberg		
Statement Taken By: Sergeant Randy Woolery		
Transcribed by (Taped/Translated Statements) J. Wicklund (RSW 0031)		

WOOLERY: I am Sergeant Woolery of the Seattle Police Department. The date is October 18th, 2010, and the time is now 1949 hrs. The file number is 10-0385. I am interviewing Officer Schoenberg, a named employee. Also present, Officer Severance for the Seattle Police Officers Guild. This interview is taking place at Suite 1640 Seattle Municipal Tower. Please state your name and spell your last name.

SCHOENBERG: Brett Schoenberg, S-C-H-O-E-N-B-E-R-G.

WOOLERY: Thank you. Officer Severance?

SEVERANCE: Michael Severance, S-E-V-E-R-A-N-C-E.

WOOLERY: This interview is documented by a recording. Officer Schoenberg, do you understand this interview is being recorded, and agree to be recorded?

SCHOENBERG: Yes.

WOOLERY: Officer Severance, do you understand this interview is being recorded, and agree to be recorded?

SEVERANCE: Yes.

WOOLERY: Have you received copies of the Garrity Advisement and the Seattle Officer's Bill of Rights outlined in your collective bargaining agreement, and do you understand them?

SCHOENBERG: Yes.

WOOLERY: Have you received notification of the allegation made in the complaint?

SCHOENBERG: Yes.

WOOLERY: Under the authority of the Chief of the Seattle Police Department you are hereby ordered to answer all questions asked of you truthfully and completely. Failure to do so may result in discipline up to and including termination. Do you understand?

SCHOENBERG: Yes.



Statement of: Officer Brett Schoenberg
Transcribed by: J. Wicklund (RSW 0031)
Taken by: Sergeant Randy Woolery

- WOOLERY: Well, thank you both for coming in tonight. About how long have you worked for Seattle Police?
- SCHOENBERG: I was hired December, 2007.
- WOOLERY: And where are you currently assigned?
- SCHOENBERG: The East Precinct.
- WOOLERY: And how long have you been at this assignment?
- SCHOENBERG: Since off FTO.
- WOOLERY: Do you have any prior law enforcement experience?
- SCHOENBERG: No.
- WOOLERY: Describe for me please, the vehicle stop you made on March 11th, 2010, at about 0155 hrs., in the area of Boylston and East Pine.
- SCHOENBERG: We observed a vehicle that was driving recklessly, way too fast for conditions. It was wet out, dark side streets, and since it was at a high rate of speed, we decided to pull it over.
- WOOLERY: Okay. And did you have trouble stopping the vehicle?
- SCHOENBERG: Yes, we did.
- WOOLERY: And what was the violation you were making, or what was the violation that you were specifically stopping for?
- SCHOENBERG: Just the reckless driving.
- WOOLERY: Okay. And when you say you had difficulty stopping the vehicle, describe for me what that means.
- SCHOENBERG: We had turned on our overhead lights and it took approximately three to four blocks for the vehicle to pull over. It took about two blocks 'till it decided that it was, or that it was apparent that they were either trying to find a spot or trying to get into a, somewhere to go.
- WOOLERY: Okay. And were you driving or the passenger officer?
- SCHOENBERG: I was driving.



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- WOOLERY: And who, who did you make contact with?
- SCHOENBERG: At first...
- WOOLERY: Initial.
- SCHOENBERG: ...the driver.
- WOOLERY: Okay. And who made contact with the passenger?
- SCHOENBERG: Officer Williams.
- WOOLERY: Were you working the same car together?
- SCHOENBERG: Yes, sir.
- WOOLERY: Okay. So describe the subjects for me and their demeanor.
- SCHOENBERG: When I first contacted them, prior to even the stop, they were going real slow, hesitant to us. We weren't sure if they were gonna try to run or if they were trying to hide something, or maybe trying to get something, so that when we approached, they would have an advantage on us, or that sort of stuff. When I first contacted them, they seemed to be real hesitant and kind of, I don't know the word for it, but just resistant to kind of our commands.
- WOOLERY: Okay. What about intoxication? Did you believe that they might have been intoxicated?
- SCHOENBERG: Based on their driving, there was a question that it was possible that they were, but on the contact, it was, we were unable to determine any further or less if they were intoxicated or not.
- WOOLERY: Okay. And at some point, you requested additional officers. Why?
- SCHOENBERG: Based on the fact that the vehicle didn't stop immediately, we didn't know if they were trying to hide anything, the totality of the circumstances.
- WOOLERY: Sure. And how many people were in the violator's vehicle?
- SCHOENBERG: It had real dark tinted windows. We were unable to tell until we got up to it, and then there were two.
- WOOLERY: And do you remember who responded and, and what assistance they provided?
- SCHOENBERG: Officer Steiger and [REDACTED] responded and just worked as cover officers.



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WOOLERY: Okay. So you made contact with the driver?

SCHOENBERG: Yes.

WOOLERY: And at some point in the video, the driver is pulled out of the car. Why was that?

SCHOENBERG: I was in my vehicle when they started pulling people out, running the history. I don't what...

WOOLERY: Okay.

SCHOENBERG: ...the other officers saw or felt or heard from them.

WOOLERY: Okay. Well, let me back up, then. Why don't you describe for me *your* contact with the driver, and what you did.

SCHOENBERG: When I, the initial contact going up to the driver's door?

WOOLERY: Yeah, when you first made contact with him.

SCHOENBERG: Approached the vehicle and introduced myself and gave—I believe I introduced myself as Seattle Police—and then requested the ID and insurance from the driver.

WOOLERY: Did he provide it?

SCHOENBERG: The ID, I believe I got the ID.

WOOLERY: Okay. By ID, do you mean a license or...

SCHOENBERG: A license, driver's license.

WOOLERY: ...or did he only have an ID card?

SCHOENBERG: A driver's license.

WOOLERY: Okay. And what conversations did you have with him?

SCHOENBERG: At that point, I went back to the vehicle and I don't believe I had a conversation with the driver 'til later in the stop.

WOOLERY: Okay. So when you were at the vehicle, or back at your vehicle, what were you doing?



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SCHOENBERG: Running the names or running his name over WASIC, NCIC, DOL, just trying to get as much information on him as possible.

WOOLERY: And we're talking about [REDACTED]?

SCHOENBERG: Yes.

WOOLERY: Okay. What about the driver? Did you have his...

SCHOENBERG: That was the driver.

WOOLERY: ...I mean, I'm sorry, the passenger, did you have his information?

SCHOENBERG: I don't remember if I had the driver's or not at that point.

WOOLERY: Okay. Could you hear any of the conversation that was occurring outside?

SCHOENBERG: I couldn't.

WOOLERY: Okay. So how long do you think it took before you came back outside?

SCHOENBERG: Once I got all the information, I didn't sit and hang out in the car, I got out and...

WOOLERY: Yeah. Can you just kind of estimate for me how long you think that you were in your vehicle?

SCHOENBERG: A minute, at most.

WOOLERY: Okay. So when you got back out of your vehicle, who did you contact?

SCHOENBERG: I went and contacted the passenger, because I saw they were pulling the occupants out of the vehicle.

WOOLERY: Okay. So was the driver already out of the vehicle?

SCHOENBERG: I don't remember.

WOOLERY: Okay.

SCHOENBERG: Approximately.

WOOLERY: That's alright.



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SCHOENBERG: They were bringing him back.

WOOLERY: So why did you go over to the passenger?

SCHOENBERG: My, Officer Williams was over there alone with him. There were two people talking to the driver. I'd go provide assistance to Officer Williams.

WOOLERY: Okay. So is it basically what's on the screen now at minute 10:33?

SCHOENBERG: I think it's previous to that.

WOOLERY: But it's the same two officers that were dealing with the...

SCHOENBERG: Yes.

WOOLERY: ...driver, at this point?

SCHOENBERG: Yes.

WOOLERY: So your focus switched to the passenger?

SCHOENBERG: Yes.

WOOLERY: Had the passenger committed any violation you were aware of?

SCHOENBERG: I wasn't aware of any.

WOOLERY: Okay. And what conversations were going on between Officer Williams and the passenger?

SCHOENBERG: I don't recall, specifically.

WOOLERY: Okay.

SCHOENBERG: Just sort of banter between the two. I remember him being resistant, verbally, and almost physically, to some of the commands in the way that they were talking to each other.

WOOLERY: Okay. Had the passenger committed any violations?

SCHOENBERG: Not that I'm aware of.

WOOLERY: Does he have a duty in his situation to identify himself?



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- SCHOENBERG: At that point, I can't speculate. If he had not, no, but I don't know what had happened between him and Officer Williams.
- WOOLERY: At any point, did he have a duty to identify himself or get out of the vehicle?
- SCHOENBERG: I, I can't say. I, I didn't see if he had a seatbelt on or any sort of violation had been committed. I wasn't at a point in which I could, because I was dealing with the driver. Officer Williams would have a better perspective.
- WOOLERY: Was the passenger already outside of his vehicle?
- SCHOENBERG: Yes, or coming out of the vehicle as I approached.
- WOOLERY: But you played no role in the decision to remove him, or any part of actually removing him from the vehicle?
- SCHOENBERG: I don't remember.
- WOOLERY: Okay. So what profanity did you hear being directed towards the passenger?
- SCHOENBERG: Just, I, I can't say specifically what it was, just that there, there was banter between the two.
- WOOLERY: Okay. Did you use profanity towards him?
- SCHOENBERG: Yes.
- WOOLERY: Okay. What did you say, and why?
- SCHOENBERG: I believe the way that the passenger was talking, I think I said don't suck my dick, something to that effect.
- WOOLERY: Okay. So, that, that's the comment that you made? What about the 'skull fuck you' comment? Was that made by you?
- SCHOENBERG: No.
- WOOLERY: Okay. Do you know who made that comment?
- SCHOENBERG: I believe Officer Williams.
- WOOLERY: Okay. Officer Williams said that *you* made that comment.



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SCHOENBERG: I don't remember that.

WOOLERY: Okay. So, the, going back to the comment where you said don't suck my dick. What, what was the context of that, why did you think that was appropriate at the time?

SCHOENBERG: Basically, I've heard it on the streets. A lot of gang members use it. It's don't suck up to me, don't try to play me like that, sort of...

WOOLERY: Okay. I'm just gonna go to the video and I'm going to quickly find the, the comment that refers to the skull fuck, and maybe if you hear it, you'll be able to have a better recollection if it was your voice or not.

(Plays a portion of the in-car video)

WOOLERY: Now the comment, "You've been running your fucking mouth the whole time," who, who made that? Was that you?

SCHOENBERG: I believe so.

WOOLERY: Okay. So what was the context of why you made that and you thought that was appropriate?

SCHOENBERG: Dealing with these people, they're, they're obvious gang-bangers, the way they've been talking. They've been talking about hurting officers, fighting officers, how officers deserve to be killed. They're, they're gang members that just, it's the way we have to talk to them to...

WOOLERY: Okay.

SCHOENBERG: ...de-escalate the situation.

WOOLERY: Well, but were those comments made by them captured on the in-car video?

SCHOENBERG: I do not believe so. I believe Officer Williams was wearing the microphone and he was not with this, this guy when he was making 'em.

WOOLERY: But...

SCHOENBERG: I believe that was the wording.

WOOLERY: Okay. So these are comments made to the passenger at this point?

SCHOENBERG: I believe so.



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WOOLERY: Okay. I'm going to re-start the video. And just for a reference, what we were just talking about was just prior to 16:48 on the video.

(Plays a portion of the in-car video for several seconds)

WOOLERY: Now who's that speaking at 17:49?

SCHOENBERG: That's Officer Williams.

(In-car video continues...)

WOOLERY: Okay. And at 18:15, that's you offering a PBT test?

SCHOENBERG: Yeah.

WOOLERY: Was he under any obligation to provide a breath sample?

SCHOENBERG: No.

WOOLERY: Do you believe that he had been intoxicated and was DUI?

SCHOENBERG: I don't believe he was DUI at the point. I believe he had drank previously in the night.

(In-car video continues...)

WOOLERY: Okay.

(In-car video continues...)

WOOLERY: Okay. Do you know who made that statement about skull fucking and dragging him down the street?

SCHOENBERG: I believe it was Officer Williams.

WOOLERY: Okay. And that was at about 15:59 on the video. Were you the primary officer?

SCHOENBERG: One of the two, yeah.

WOOLERY: Do you know why the passenger was identified?

SCHOENBERG: I don't.

WOOLERY: Do you know who called the passenger a shit-head?



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SCHOENBERG: I don't remember specifically, no.

WOOLERY: Just a general explanation of why the words 'fuck' and 'shit' were used during this incident?

SCHOENBERG: Since they were gang members, it's often necessary to get on their level and talk to them the way that they are. It's also, talking to gang members, if you talk properly, it's often a sign of weakness or that we can kind of be pushed over verbally, and so...

WOOLERY: Did you consider that this was gonna be played in court at some time?

SCHOENBERG: At the time, no.

WOOLERY: Were the driver or the passenger DOC active?

SCHOENBERG: I believe so.

WOOLERY: Okay. What did you do with that information?

SCHOENBERG: I attempted to contact a DOC person to see if they were working.

WOOLERY: Okay. Was there one working that night?

SCHOENBERG: I don't believe so.

WOOLERY: Was any notification made or any follow-up from DOC received?

SCHOENBERG: No.

WOOLERY: What made you offer the driver a PBT?

SCHOENBERG: To see if he was, in fact, intoxicated.

WOOLERY: What made you think that he might have been?

SCHOENBERG: Just his driving, the way that he had been acting, a little bit.

WOOLERY: At what point did you decide to arrest the driver?

SCHOENBERG: I don't remember.

WOOLERY: Do you remember what you arrested him for?



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SCHOENBERG: Reckless Driving.

WOOLERY: I think originally you tell him you're arresting him for DUI.

SCHOENBERG: Yeah, we changed it.

WOOLERY: Okay. Did, was he ever notified that it was being changed?

SCHOENBERG: Yeah.

WOOLERY: Was he booked or cited?

SCHOENBERG: Booked.

WOOLERY: Whose decision was it to search the vehicle?

SCHOENBERG: I don't remember.

WOOLERY: Okay. Who asked [REDACTED] when he was in the back seat of the car, if it was all right to search his vehicle?

SCHOENBERG: I think it was me.

WOOLERY: Okay. And do you recall him saying no, it's not okay?

SCHOENBERG: Yeah.

WOOLERY: Okay. So why was the vehicle searched anyway?

SCHOENBERG: It was getting impounded, so for an inventory search.

WOOLERY: Okay. Did you actually complete an inventory?

SCHOENBERG: I don't remember. I don't think there was anything in there worth documenting.

WOOLERY: All right. What about the trunk of the car? Why was it searched?

SCHOENBERG: For the inventory.

WOOLERY: Okay. Is that something you routinely do?

SCHOENBERG: Yes.



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WOOLERY: And was there any damage to the seat covers from the back seat?

SCHOENBERG: Seat covers in the back seat?

WOOLERY: Yeah.

SCHOENBERG: I don't recall that at all.

WOOLERY: What part of the vehicle did you search?

SCHOENBERG: I don't remember specifically.

WOOLERY: Okay. Let's, let's...

SCHOENBERG: And...

WOOLERY: Yeah, go ahead.

SCHOENBERG: If we could, if I remember correctly, I think he requested that we get his cell phone from the vehicle. He didn't know where it was in the vehicle and it was...

WOOLERY: Okay. So who's that opening up the door at 20:40?

SCHOENBERG: [REDACTED]

WOOLERY: Okay.

(Plays a portion of the in-car video...)

WOOLERY: And that's [REDACTED] at 21:16, opening the back door?

SCHOENBERG: Yes, I think.

WOOLERY: Who's over at the passenger side?

SCHOENBERG: That's me.

WOOLERY: That's you?

SCHOENBERG: Yeah.



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WOOLERY: So I can't tell, are you going inside the vehicle or are you just searching through the window?

SCHOENBERG: I think I'm going in. I think we're looking for the phone at this point.

(Plays a portion of the in-car video...)

WOOLERY: And at 21:35 on the video, who's advising him of his rights?

SCHOENBERG: Officer Williams. Yeah, 'cause they're looking for a Boost Mobile Phone.

WOOLERY: Was it ever located?

SCHOENBERG: I don't remember.

(In-car video playing...)

WOOLERY: And who's that officer right there? I believe he's an ACT officer.

SCHOENBERG: Yeah, I don't know his name, though. I can't tell right now.

WOOLERY: Okay. And who's that officer? We're talking at 24:47 on the video. There's two, two additional officers.

SCHOENBERG: Yeah. And see, we got his wallet for him.

WOOLERY: Okay. And again, that's at about 24:52.

SCHOENBERG: Yeah.

WOOLERY: Okay. And then the trunk's opened at about 25 minutes on the tape.

SCHOENBERG: Yeah.

WOOLERY: And can you tell me who's opening the trunk? I'll just back it up a little bit.

SCHOENBERG: I think that's Steiger right there. That's one of the ACT team opening it up.

WOOLERY: Okay. And again, we're at 24:49.

SCHOENBERG: Yeah.

WOOLERY: That's you with his wallet?



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SCHOENBERG: Yep.

WOOLERY: And that was Officer Steiger who just opened the trunk.

SCHOENBERG: Yeah.

WOOLERY: Okay. And you don't recognize who the ACT officers are?

SCHOENBERG: I think one is [REDACTED] now that I can see him, and one is [REDACTED]

WOOLERY: Can you spell [REDACTED] I'm not familiar with his name.

SCHOENBERG: [REDACTED]

WOOLERY: Okay. Okay. And did they play any role, or at what point did, did the ACT officers arrive?

SCHOENBERG: Late in the...real late.

WOOLERY: Is everybody in custody?

SCHOENBERG: Only...

WOOLERY: I'm sorry, only [REDACTED] was taken into custody.

SCHOENBERG: Yeah.

WOOLERY: But was the conversation basically over when the two ACT...

SCHOENBERG: Yes.

WOOLERY: ...officers arrived? Okay. So what's being looked for in the, in the trunk?

SCHOENBERG: I believe a bullet hole was back there, and we looked at that, and then making sure there's no valuables underneath anything, or...

WOOLERY: Okay. What significance did a bullet hole in the trunk play?

SCHOENBERG: There could be a victim or something in the, the trunk.

WOOLERY: Was a victim found?

SCHOENBERG: No.



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- WOOLERY: Could you tell how fresh the bullet hole was?
- SCHOENBERG: It looked pretty fresh. It wasn't rusted over, but there was really no metal to where it could rust over. It just kind of went straight in.
- WOOLERY: Had you had like any shots fired or, or shots calls that night that...
- SCHOENBERG: Since it's such a large area, in the greater Seattle area I wasn't aware of, but Federal Way, Mountlake Terrace, that, that information's not passed on very often.
- WOOLERY: At what point was the bullet hole in the trunk discovered?
- SCHOENBERG: I don't remember. I was pointed it out, and they're pointing it out now, to me.
- WOOLERY: Okay. Was the vehicle placed with a Hold for the Gang Unit or some other follow-up unit concerning the bullet hole?
- SCHOENBERG: Since we had no information about a shots fired or an assault or anything about that, we didn't place a hold on it.
- WOOLERY: Okay. Did you ask the driver?
- SCHOENBERG: No. I don't believe so, actually. We might have.
- WOOLERY: Would you have documented that, if you had?
- SCHOENBERG: If he'd said, I was in a shooting, yeah, but...
- WOOLERY: Do you remember if it was opened from an inside release or from the key, or by the key?
- SCHOENBERG: I think it had to be an inside release.
- WOOLERY: Did you play any role, or did you witness Officer Steiger doing the, the bar-take, the arm-bar take down on the subject at the hood of the vehicle?
- SCHOENBERG: I saw it, yeah.
- WOOLERY: Okay. Do you know why that was reasonable and necessary?
- SCHOENBERG: I don't. I wasn't...
- WOOLERY: Okay. So you don't...



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SCHOENBERG: ... conversing with him, or I don't know what was said or what he had done.

WOOLERY: Okay. You don't know any, any, anything, the context of that or the back story? Why was the vehicle placed in impound?

SCHOENBERG: I believe it was parked illegally.

WOOLERY: Okay.

SCHOENBERG: The passenger was not in, it was undetermined if he could drive. If, if they had been drinking, we weren't gonna let him drive it.

WOOLERY: Okay. Was the driver asked if he wanted the passenger to take it?

SCHOENBERG: I don't remember.

WOOLERY: Was the passenger tested to see if he was drunk?

SCHOENBERG: He refused.

WOOLERY: And who did he refuse to?

SCHOENBERG: I don't remember. I just remember he wasn't, he was not cooperating with us, in general.

WOOLERY: I'm just gonna back the video up to the very *beginning*, because I want you to point out for me the violation on why it had to be impounded.

(In-car video plays for several seconds)

SCHOENBERG: There it is. The driver right there is pulling up right there.

WOOLERY: So is he actually *blocking* that driveway?

SCHOENBERG: I believe at the time it was, yes.

WOOLERY: Do you know by how far it was blocking?

SCHOENBERG: I don't recall at all.

WOOLERY: But that was the reason why you placed it into impound?

SCHOENBERG: Yeah.



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WOOLERY: Whose decision was it to impound it?

SCHOENBERG: I think all of ours.

WOOLERY: Why do you feel your conduct and language used during this incident was professional and acceptable?

SCHOENBERG: Since we were dealing with known gang members from the MS-13 gang, it, it's often used to show that we're not gonna be verbally pushed around, or that—I don't know how to word it. I mean dealing with them you have to lower yourself to their level to talk the way that they do so that they can understand who we are and kind of what—to get our point across. Oftentimes it can work as a de-escalation so that we're not verbally pushed around by them, called names, all that sort of stuff, which is often a sign of weakness towards them, if they can outwit us and do that sort of stuff.

WOOLERY: Sure. How did you know that they were confirmed or known gang members?

SCHOENBERG: Previous to that—walking up—he had the one and the three on him, on his arms. I saw the one. Just them talking, once we got them out, they're, they had an extensive history of violent crimes. I believe even running them, one was Attempt to Elude and/or Obstruction, Assault 3, which would be most likely on an officer. So based on that information and him talking, that he's good at fighting, if we didn't have the badge, he'd fuck us up and all that sort of stuff. I believe it was professional to use the language that we used.

WOOLERY: Okay. And what, what do you know about MS-13?

SCHOENBERG: The Mata Stutress [sic], El Salvadores. They're a very violent gang, an El Salvadorian gang. They're known for being hot-tempered and quick-triggered and they're a dangerous gang.

WOOLERY: Okay. And have you ever dealt with either the driver or passenger before?

SCHOENBERG: No.

WOOLERY: What about since?

SCHOENBERG: No.

WOOLERY: Is there anything about this incident I did not ask you that you think I need to know?

IOENBERG: Yeah. Once we got back to the holding cell with [REDACTED] he was very apologetic. We were able to talk normally and politely with each other, he apologized several times.



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We talked about his, I think his little girl. Just his demeanor completely changed once we got him away from his friend. We were able to talk peacefully and civilly at that point.

WOOLERY: What did he, what do you attribute this change in demeanor to?

SCHOENBERG: I think the fact that he was in custody and just, I think that's it. Once we got him away from his friend, he wasn't trying to be tough anymore.

WOOLERY: Anything *else* about this incident I did not ask you, you think I need to know?

SCHOENBERG: I believe these two never complained at any point, the way that we conducted ourselves, and I do believe the person that *did* complain was the defense attorney, and that. So...

WOOLERY: And you actually reminded me of a question I meant to ask you. Did [REDACTED] ever complain about any pain or injury to his arm?

SCHOENBERG: No.

WOOLERY: What about from being handcuffed or, or anything associated with that?

SCHOENBERG: No.

WOOLERY: Anything *else* you'd like to add to your statement? Officer Severance?

SEVERANCE: Officer Schoengard [sic], during the course of performing your duties as a police officer, do you have frequent contacts with gang members?

SCHOENBERG: Yes.

SEVERANCE: Based upon your experience and contacts with gang members, are profanities part of their normal verbal communications?

SCHOENBERG: Often, yes.

SEVERANCE: In dealing with gang members in Seattle, do you believe that the use of profanities by police officers is necessary to effectively communicate...

SCHOENBERG: Yes.

SEVERANCE: ...with these people?

SCHOENBERG: Yes.



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SEVERANCE: Do you think the used of profanities is necessary to maintain control of such a situation and accomplish law enforcement purpose?

SCHOENBERG: Yes.

SEVERANCE: Do you believe that the use of profanities is necessary to de-escalate such situations and avoid turning it into a Use of Force incident?

SCHOENBERG: Yes.

SEVERANCE: I'm showing you the 2.7 form, officer. What was the date of this incident?

SCHOENBERG: 3/11/2010.

SEVERANCE: And on what date was the complaint filed?

SCHOENBERG: 8/26/2010.

SEVERANCE: Is that a span of more than five months?

SCHOENBERG: Yes.

SEVERANCE: You, you've already answered some of these. Do MS-13 gang members have a reputation for being armed?

SCHOENBERG: Yes.

SEVERANCE: For being dangerous?

SCHOENBERG: Yes.

SEVERANCE: Are MS-13 gang members believed to have been responsible for murders?

SCHOENBERG: Yes.

SEVERANCE: If someone told you they were an MS-13 gang member, would that cause you to take extra precautions in dealing with him?

SCHOENBERG: Yes.

SEVERANCE: If you observed an MS-13 gang member in a vehicle, making furtive movements, would that cause you to be concerned for your own safety?



Statement of: Officer Brett Schoenberg
Transcribed by: J. Wicklund (RSW 0031)
Taken by: Sergeant Randy Woolery

SCHOENBERG: Yes.

SEVERANCE: And once again, during this contact, did [REDACTED] ever indicate in any way that he was offended by the language used by the officers at the scene?

SCHOENBERG: No.

SEVERANCE: Do you recall, were there any citizens around the scene of the stop?

SCHOENBERG: No.

SEVERANCE: I have no further questions.

WOOLERY: Do you know what the result of the Reckless Driving ticket was?

SCHOENBERG: I don't. He, he was booked...

WOOLERY: Were you able...

SCHOENBERG: ...but I don't know anything further than that.

WOOLERY: Do you know if he was charged or were you ever called into court?

SCHOENBERG: No.

WOOLERY: Officer Severance?

SEVERANCE: Nothing.

WOOLERY: Is there anything further *you* would like to add to *your* statement? To maintain confidentiality of this investigation, you are advised not to disclose the information discussed during your interview, except with your representative or attorney. Do you understand?

SCHOENBERG: Yes.

WOOLERY: This completes the interview. The time is now 2017 hrs. The date remains October 18th, 2010.

Seattle Police Department - OPA Investigation Section
In-Person Interview Guide

I am Sgt. Wodery of the Seattle Police Department. The date is 10-18-10, and the time is 1949 hrs. The File Number is 10-0385. I am interviewing Off. Schwenberg a Named Employee Witness Other: . Also present is Off. Severance and . (Note role/position - e.g. guild rep, attorney)

(If no others present) Is it your decision to proceed without representation? Yes No

- This interview is taking place at Suite 1640 Seattle Municipal Tower Other:

- Please state your name and spell your last name. (Start with the interviewee, ask each person present)

- This interview is documented by a: Recording Court Reporter/Stenographer Other:

(Interviewee) Schwenberg. Do you understand this interview is being recorded, and agree to be recorded? Yes No (Other persons present) Severance, do you understand this interview is being recorded and agree to be recorded? Yes No

- Sworn Employees: Have you received copies of the Garrity Advisement and the Seattle Police Officer's Bill of Rights outlined in your collective bargaining agreement, and do you understand them? Yes No
Have you received notification of the allegation(s) made in the complaint? Yes No

Civilian Employees: Have you received a copy of the Garrity Advisement, and do you understand it?
 Yes No Have you received notification of the allegation(s) made in the complaint? Yes No

- All Employees: Under the authority of the Chief of the Seattle Police Department you are hereby ordered to answer all questions asked of you truthfully and completely. Failure to do so may result in discipline up to and including termination. Do you understand? Yes No

- Sworn Employee Witness: You are advised that you are being questioned as a witness, and should your answers reveal violations of Seattle Police Department rules and/or regulations, the interview will be stopped. You will be advised that your status has changed to that of Named Employee, and you will receive a new notification and interview date. Do you understand? Yes No

- Civilian Employee Witness: You are advised that you are being questioned as a witness, and should your answers reveal violations of Seattle Police Department rules and/or regulations, the interview will be stopped. You will be allowed a reasonable amount of time to arrange representation from your bargaining unit and/or attorney. You will receive new notification that your status has been changed to that of "Named Employee". Do you understand? Yes No

Ask questions/conduct interview.

- Before concluding the interview, ask, "Is there anything further you would like to add to your statement?"

To maintain confidentiality of this investigation, you are advised not to disclose the information discussed during your interview, except with your representative or attorney. Do you understand? Yes No

This completes the interview. The time is 2017 hrs. The date is 10-18-10

ADMINISTRATIVE INVESTIGATION INTERVIEW TAPE RECEIPT

OPA-IS File No. 10-0385

I have received 1 "in-person" interview audio tape(s) of Mr. Schoenberg
(Employee)
regarding the above referenced OPA-IS administrative investigation.

List other items provided to the employee or bargaining unit representative, e.g., copies of documents, etc.

1. _____
2. _____
3. _____
4. _____

Received by:

Signature

X M. A. Lawrence

Date:

10-18-10

Witnessed by:

Signature

[Signature]

Date:

10-18-10