

**MATTHEW SCHNEIDER**  
**[6904-1]**

**TRANSCRIPT OF INTERVIEW WITH MATTHEW SCHNEIDER**  
**DATE: 11/14/2017**

**Sgt. Moody: Sergeant Moody**  
**Ofc. Schneider: Officer Schneider**  
**Ofc. Zigmont: Officer Zigmont**  
**Audio File: Schneider PSU Interview**

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Sgt. Moody: All right, Sargent Moody here with Officer Schneider, ID Number 12251. And his peer rep, Officer Wes Zigmont. Today's date is November 14, 2017, and the time is 12:00 hours. We're at the PSU conference table, conducting the interview. Do you have any questions before we get started? We reviewed the NOI, the allegations, and all the evidence presented. Do you have any questions on that?

Ofc. Schneider: No, sir.

Sgt. Moody: Okay, so my first question is, you reviewed all the reports, the video, everything. Was that all accurate?

Ofc. Schneider: Uh, it was.

Sgt. Moody: Okay. So how long have you been with GPD then?

Ofc. Schneider: It'll be 15 years next week.

Sgt. Moody: Okay, so 15. So on July 26, the event when this took place, what was your current shift and assignment?

Ofc. Schneider: I believe I was working 1:00 pm to 11:00 pm, assigned to the neighborhood response squad out of the Gateway Sector.

Sgt. Moody: Okay, and what hours did you work?

Ofc. Schneider: I believe it was 1:00 to 11:00 that day. Our schedule changes...

Sgt. Moody: Okay.

Ofc. Schneider: ...just about on a weekly basis.

Sgt. Moody: Okay, so at the time that this event took place and to summarize, it was July 26<sup>th</sup>, about 19:00, 19:30 hours. With your contact with Johnny Wheatcroft, you were riding a two-man unit, correct?

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1 Ofc. Schneider: Correct.

2 Sgt. Moody: And who were you with?

3 Ofc. Schneider: Mark Lindsay.

4 Sgt. Moody: Okay, and who was driving?

5 Ofc. Schneider: I was.

6 Sgt. Moody: And can you explain to me what led up to your traffic stop?

7 Ofc. Schneider: We were patrolling the Motel 6 parking lot. That's been a focus of our squad for  
8 the past several years, just because of the high amount of crime in the area. I had  
9 entered into the parking lot from I believe it was Glenn.

10 Sgt. Moody: Okay.

11 Ofc. Schneider: Coming westbound. Made an immediate right hand or north-bound turn in that  
12 east parking lot. Originally I had to stop my patrol vehicle because there was  
13 another car in front of ours. There was a guy, if I remember correctly, I think he  
14 was getting a small child out of the car seat, kind of blocking the parking lot.  
15 After he was done and out of the way, I continued northbound and made a left  
16 hand or westbound turn in that north alleyway to travel towards the center of the  
17 parking lot.

18 Sgt. Moody: Okay?

19 Ofc. Schneider: It was at that time that I made a left hand turn into the center of the parking lot to  
20 travel back south towards the, I guess which would be where the office is. As I  
21 was looking to my left, prior to making the turn, I observed the four-door vehicle  
22 that was seen on the vehicle in its turn, coming into the parking lot. Obviously  
23 I've had a chance to watch that video and I mean, I don't know how to explain it.  
24 I remember as I was making my turn I noticed that it didn't use its turn signal, and  
25 I actually said something to Mark Lindsay. I don't recall exactly what I said, but I  
26 said something about the vehicle not using a turn signal. At that point I was  
27 coming southbound through that center lot. The suspect vehicle was coming  
28 northbound. He had stopped his vehicle and immediately backed into, and I don't

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1 remember it was the first or second spot on the east side of that center parking lot.

2 Sgt. Moody: Uh huh?

3 Ofc. Schneider: I continued south towards the vehicle and put on my spotlight towards the front,  
4 what would have been the front of the suspect vehicle and made contact at the  
5 passenger side.

6 Sgt. Moody: Okay. Okay, so the, from where your vehicle is located, you saw a vehicle come  
7 in. He turned in. So the probable cause that you're using for the stop is a failure  
8 to signal prior to a turn, correct?

9 Ofc. Schneider: Correct.

10 Sgt. Moody: Okay. Did the vehicle, when it was already through it, did, I mean in the turn,  
11 was it, did you make the stop based on that you didn't see the signal after it was  
12 turned into the driveway?

13 Ofc. Schneider: I, I mean, obviously I've had four months to think about this. I've replayed it time  
14 and time again. I remember mak.... as, even before I made my turn I had looked  
15 to the left, because it's rare, rare that we actually continue west out onto 59<sup>th</sup>  
16 Drive.

17 Sgt. Moody: Uh huh?

18 Ofc. Schneider: Usually when we go and work the Motel 6 area, we'll patrol that center lot and the  
19 east lot. I remember prior to even making my turn when we came up to the west  
20 end of that east building, I had looked left and I mean, all I can tell you is I  
21 remember seeing it as it was in its turn, and not seeing the turn signal. And again,  
22 I mean, I look at that video and it doesn't look like it's possible. Um, I can just  
23 say that when I saw that vehicle, I know what I saw.

24 Sgt. Moody: Okay. Was it possible that you stopped the vehicle like after it came in, you  
25 know, that the, you know how the steering wheel turns and it will click the blinker  
26 off automatically?

27 Ofc. Schneider: Correct.

28 Sgt. Moody: Was it at that point, or could you see it actually...

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1 Ofc. Schneider: I...

2 Sgt. Moody: ...turning in?

3 Ofc. Schneider: I thought, I thought I saw the vehicle coming in over the, like the entrance to the,  
4 there's a big arch along that south center parking lot, and I, I just remember when  
5 I looked that direction, it almost looked like it was about halfway through its turn,  
6 coming through, like up into the driveway, through the arch.

7 Sgt. Moody: Okay. All right. [Whispering.] You uh, wind it up real quick? (?) [Computer  
8 chiming.]

9 Male Voice: You talking about this one, Sarge?

10 Sgt. Moody: Yeah. Back it up. Hit the forward arrow?

11 Male Voice: This one?

12 Sgt. Moody: Yep, that one. And hit the stop and get rid of this (unintelligible). Okay, so  
13 looking at the video, all right?

14 Ofc. Schneider: Yeah.

15 Sgt. Moody: I mean, I'm just, just looking at the video, all right? I mean, you can't see through  
16 that bottom level, all right? And at this point where the vehicle was, it's already  
17 you know, under the archway.

18 Ofc. Schneider: Yeah.

19 Sgt. Moody: So explain to me how the signal, how you could have seen the signal from where  
20 you're at. I mean, there's just, I'm just trying to give you the opportunity to...

21 Ofc. Schneider: Yeah.

22 Sgt. Moody: ...to explain, because there's just no way that you could see through at that angle  
23 of where it's at.

24 Ofc. Schneider: I, I mean...

25 Sgt. Moody: Unless you, the angle looks horrible. I'm not, I'm not going to lie.

26 Ofc. Schneider: Uh huh. That does not look favoring to me at all. Um, I mean, the wheels are  
27 already straight. Um, I remember making my turn and saying to Mark that the  
28 vehicle hadn't used its turn signal. Now, obviously you know, watching this, um,

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1                   yeah, it's not possible that I saw the violation. When I was out at the scene, I  
2                   mean, is it possible that from my perception it looked like he was still in his turn,  
3                   yeah, I, I mean, obviously that is the case, because from here, the wheels are  
4                   almost straight and I'm just getting ready to come around the corner. I remember,  
5                   I do remember telling Mark that the vehicle didn't use the signal. Um, I mean,  
6                   obviously I was mistaken. The [sigh] do you have the other camera angle?

7 Sgt. Moody:     Um...

8 Ofc. Schneider: From the motel?

9 Sgt. Moody:     No. So Pittman brought that up, that there was another camera angle that you  
10                  guys went and saw.

11 Ofc. Schneider: Yeah.

12 Sgt. Moody:     Um, and he explained that it didn't show, because it was more of a southerly...

13 Ofc. Schneider: Correct.

14 Sgt. Moody:     ...facing camera, right?

15 Ofc. Schneider: Yeah.

16 Sgt. Moody:     And he explained to me that you know, yeah, it didn't show the um, it didn't show  
17                  the car's signal prior to coming in, but that's not what's at question here is if the  
18                  camera could see it, is if you could see it.

19 Ofc. Schneider: I, Matt, honest to God, I really believed the day that it happened that I saw the no  
20                  signal, and that's why I said something to Mark, that's why we contacted the  
21                  vehicle. I don't have any explanation for this camera angle, I really don't.

22 Sgt. Moody:     Okay.

23 Ofc. Schneider: I mean, it looks, it looks terrible. It looks like I'm lying, and, I've been a part of  
24                  these before, you know it, I pride myself on being honest and having integrity.  
25                  I've never lied in an investigation, even when it's been a detriment to my career.  
26                  I, I don't have an explanation for this video. It, it doesn't look, it doesn't look  
27                  good.

28 Sgt. Moody:     Okay. So I just want to clarify your statement over the last couple minutes of

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1 what you said, okay? Um, let me just kind of back brief it. You, you're saying  
2 that yes, you saw the turn violation when he was coming into the, off of Glenn  
3 Drive into the private drive, you saw that there was no, that the driver failed to  
4 signal prior to turning.

5 Ofc. Schneider: I thought I did.

6 Sgt. Moody: Okay. And then, but what you're saying is through the video, it looks like yes,  
7 you did not see that, but that's what I want to clarify is in, and I understand what  
8 you're saying is that you believe what that, what you saw was a blinker violation.  
9 Um, I just want to make sure that that, your statement, that's what it is. I don't  
10 want to misinterpret, because you kind of said a little bit different things between  
11 the two statements. So clarify...

12 Ofc. Schneider: I, I believe that I saw the violation. The very next day, um, I believe it was Lacey  
13 that went into the lieutenant's office and had brought up the fact, brought up this  
14 video. So I had talked to Lieutenant Montgomery about it. He had asked if I had,  
15 you know, basically same thing, to describe this. How did, you know, at what  
16 point were you in the parking lot when you saw the violation, and immediately I  
17 started second guessing myself, and that's the reason why later that same day I  
18 went to the Motel 6 to look at the cameras and different angles, um, just because  
19 of you know, when I saw that video, I mean, I, I immediately started second  
20 guessing myself. Um, I thought when I first saw the vehicle that it was turning in  
21 to the driveway from Glenn. I mean, other, if it were any other case, the, you  
22 know a consensual stop, whatever it may be, it would have, I, I mean, I wouldn't  
23 have told the driver that, I wouldn't have, it would have been approached  
24 differently.

25 Sgt. Moody: Okay.

26 Ofc. Schneider: Um, I mean, I, I remember as we were turning, I thought I saw the violation.

27 Sgt. Moody: Okay. When you say you, so do you not, are you saying that you don't remember  
28 seeing the violation at all now?

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1 Ofc. Schneider: No, I...

2 Sgt. Moody: Are you saying you thought, and you, the two words that I'm getting is you  
3 thought and that you believed. So those are two, they're not very direct, and yes  
4 and no answers.

5 Ofc. Schneider: So, I thought and believed, the reason that I say that is because now I'm looking at  
6 the video, and I'm, you know, obviously it, it shows that I did not see the  
7 violation. I thought when we made the stop, I could have swore I saw the blinker  
8 not being on.

9 Sgt. Moody: Okay.

10 Ofc. Schneider: And the vehicle in its turn.

11 Sgt. Moody: Okay. All right. Okay, um, so moving on with, we'll keep going on. Once you  
12 came up, you saw the violation, you determine you're going to do a traffic stop,  
13 you discuss it with Lindsay, um, you didn't use any overhead red and blue lights.

14 Ofc. Schneider: No.

15 Sgt. Moody: And what was the reason for that?

16 Ofc. Schneider: Um, just the fact that they had, when we were coming head to head, they had  
17 stopped and backed into that parking spot. Um, it was more of I wanted to keep  
18 my eyes on the vehicle, and I, I didn't articulate anything to the effect of you  
19 know, it was possibly a stolen vehicle based on their actions. I didn't articulate  
20 any of that at the time. Um, just the fact that it's a high, a high crime area, um, I  
21 used my spotlight. I mean, I don't have an excuse for not using my red and blue  
22 lights.

23 Sgt. Moody: Uh huh.

24 Ofc. Schneider: It's just I, I didn't put them on.

25 Sgt. Moody: Um, so why did you make contact with the passenger and not the driver?

26 Ofc. Schneider: Um, just based off of where I parked the patrol vehicle. It was closer for me to  
27 talk to the passenger than to walk in front of the suspect vehicle. Um, that, that's  
28 the only reason.

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1 Sgt. Moody: Okay. As soon as you made the approach to the window, the passenger front  
2 window, it was rolled down. Um, the vehicle was occupied by multiple people.  
3 Uh, you asked and then you demanded for everyone's ID. What was the basis for  
4 that?

5 Ofc. Schneider: So, I think I explained to the driver the reason for the stop. And I read the  
6 criminal report, and part of Sergeant Flossman's report, it said on the body cam it  
7 showed that Johnny's seatbelt was on? I don't remember his seatbelt ever being  
8 on. I do remember it almost looked like he, the seatbelt was over his right arm,  
9 almost um, I mean for lack of a better term like he was like basically put his arm  
10 through and hugged the seatbelt.

11 Sgt. Moody: Okay.

12 Ofc. Schneider: I don't ever recall it actually being on though. I asked for the IDs to document  
13 who I was...

14 Sgt. Moody: Uh huh.

15 Ofc. Schneider: ...talking with. I don't think I collected the driver's ID. I think that was Mark.

16 Sgt. Moody: Okay.

17 Ofc. Schneider: And I took the, I believe I took the female in the back seat, I think I took her ID as  
18 well.

19 Sgt. Moody: Okay, um, so if, so the video it does show the guy, the driver, he doesn't, or he  
20 does have his um, seatbelt on. So with him being seat belted in, are you, do you  
21 know...

22 Ofc. Schneider: The driver or the passenger?

23 Sgt. Moody: Or I'm sorry, the passenger.

24 Ofc. Schneider: I don't...

25 Sgt. Moody: The passenger and the driver both had their belts on.

26 Ofc. Schneider: Okay.

27 Sgt. Moody: At least initially when you walked up.

28 Ofc. Schneider: Okay.

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1 Sgt. Moody: So based on that information, I mean, what was presented then and there, could  
2 you get or demand his ID?

3 Ofc. Schneider: Um, the passenger?

4 Sgt. Moody: Uh huh?

5 Ofc. Schneider: No.

6 Sgt. Moody: All right. Okay. Um, Okay, so once we go to that position, explain your contact  
7 with Johnny from there.

8 Ofc. Schneider: So um, we kind of went back and forth. I had asked for his ID. He originally I  
9 believe told me that he didn't have ID on him. Um, I collected the back seat, the  
10 female in the back Anya, I could, I got her ID. Johnny and I kind of went back  
11 and forth. I, I explained to him you know that there was a traffic stop, I wanted to  
12 collect their IDs. He refused to give it to me. At that point I walked to the back  
13 of the vehicle and put out the license plate of the vehicle. And as I was walking  
14 back towards Johnny's door, the front passenger door, he had a backpack that was  
15 originally in between his feet on the front driver, or passenger side, floorboard.  
16 Had it up on his lap and he was reaching into it. I told him, because he had told  
17 me he didn't have an ID, I didn't want him reaching in the bag. And I think he  
18 said he was sorry and put the bag down. Um, immediately after that, he kind of  
19 turned his, so if I'm Johnny, he turned his body towards the left. And I remember  
20 him looking up at me and he started reaching into the area in between the seat and  
21 the center console, kind of diving down into that area. I think at that point I  
22 opened his door and um, I was able to grab onto his right arm, and pull it back.  
23 As I had Johnny's right arm, he, his whole like upper body, but mostly, from what  
24 I could tell, was his right arm. He was tensing up. I told him not to fight. I told  
25 him he was going to be tased if he decided to do that. I don't remember exactly  
26 what he had said at that point. I had called Mark who was over by the driver,  
27 around to me. I know I told Mark at one point that it was my feeling that he was  
28 going to fight based off of how he was just super argumentative, tensing his body

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1 up, the fact that he was reaching first into the backpack but then into the center  
2 console had me more concerned. I know at one point I took my taser out and I  
3 think it was on the back of his right shoulder. I didn't tase him at that time. when  
4 Mark came around, I put my taser away I think, and he ended up deploying his  
5 taser. Same, I believe it was the same area. I continued telling Johnny to relax his  
6 arm, not tense up. At one point I know Mark did a drive stun on Johnny and  
7 that's when I remember basically everybody in the car, minus the driver, I don't  
8 think he really was screaming or yelling, but everybody else in the car started  
9 screaming, yelling. I tried to take Johnny out of the car. As we were doing that, I  
10 remember seeing out of the corner of my eye from the middle of the back seat,  
11 Anya, come through the front seat. Not all the way through, but her upper body  
12 with her arm, um, she had the, I believe it was a white plastic grocery-style bag in  
13 her hand. And I just remember her swinging it towards us. At the time, I knew  
14 she swung it towards us, but I did not realize that it had hit Mark. I just remember  
15 as I was struggling with Johnny, I remember Mark was no longer there. I had  
16 taken a step back towards the back of the vehicle, and it was at that point that I  
17 deployed my taser the first time...

18 Sgt. Moody: Okay.

19 Ofc. Schneider: ...with the probes into Johnny.

20 Sgt. Moody: Okay. So continue. Once you deployed your taser and Lindsay was down. What  
21 happened?

22 Ofc. Schneider: I think Fernandez came over. I know Fernandez deployed his taser. I have no  
23 idea when he did it. He had basically stepped in front of me. I was trying to keep  
24 an eye on everybody else in the vehicle. The two kids were screaming. Trying to  
25 keep an eye on Mark. I remember at one point I looked back at Mark and he was  
26 laying between the two vehicles, almost on the white line, on his back. His arms  
27 were out to his side, and his head was, or his eyes were closed. So, wasn't  
28 moving. I had no idea at that point what had happened to Mark. I didn't realize

1 right away that he had gotten hit by that bag or even that there was anything in the  
2 bag. Fernandez went hands-on with Johnny, and Johnny continued struggling,  
3 physically resisting, kind of just flailing his body all over, kicking his legs. I  
4 know Fernandez tried pulling him towards the west, so out of the, out of the front  
5 passenger's seat. I remember the kid, or one of the kids, the older kid I believe,  
6 was screaming that he was wrapped up in the seat belt. I think he actually, I think  
7 it was the kid that kind of came through the front seat and unwrapped him.  
8 Fernandez was able to, I think at that point, he was actually able to stand him up.  
9 Johnny continued fighting, not, not listening. He was taken down to the ground  
10 again. He continued kicking. I want to say that's when Jeff showed up. I don't  
11 remember if I told Jeff to get Mark out of the way, or, or how, what exactly I said,  
12 but I know Jeff went to Mark and kind of got him out of the area. Johnny was on  
13 the ground. Still everybody in the car, minus the driver. I didn't really hear or  
14 have any contact with him. Everybody's still yelling and screaming. There's a lot  
15 going on. It was at that point, I know I drive stunned Johnny another time. I  
16 don't remember if it was when he was standing up, or if he was on the ground.  
17 Basically his head is facing east, right in the center of the two vehicles. So his  
18 head's facing the building where Mark was originally laying. Fernandez is  
19 towards his upper body, still struggling with him. I was towards the west, so by  
20 Johnny's feet. He was still kind of making the, like a scissor-kicking motion.  
21 Kicking at me, still struggling, and it was at that point that I delivered one kick to  
22 his groin. Now obviously I watched the body cam footage later that night. When  
23 I delivered the kick, I had no clue he was handcuffed. Obviously after watching  
24 it, yeah, he was handcuffed. After the kick, he stopped and didn't say anything.  
25 And it was a couple seconds later, I don't know if that's when Roy got there to  
26 take the female in custody. Other people started arriving. Johnny again started  
27 kicking, screaming more, flailing his body. I know at one point, I don't know  
28 how I hurt my hand, but I mean it wasn't like a bad injury. I know, and I didn't

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1 see it on, or I did see it on there. At one point, as he was kicking his legs, he hit  
2 me in the hand, the hand that I had my taser in. So he was still continuing to fight.  
3 And it was at that point that I kind of moved kind of around the, what would have  
4 been the passenger side of the suspect vehicle, and then drive stunned him again,  
5 as he was continuing to fight. And I believe it was, it was like upper, below the  
6 waist, but upper um, butt cheek area. And he again stopped. It was Officer  
7 Vasquez and I think Glen Dor were there. We were, I was kind of disengaged  
8 from Johnny at that time just because of the small space. They were trying to take  
9 control of him as he was still kind of kicking and flailing around and fighting.  
10 And he started screaming, basically screaming again. I think he was screaming  
11 something about his arm. And that's when I put my weight on his legs to try to  
12 prevent him from further kicking, and you hear me in my body cam video telling  
13 him if he's going to continue fighting, he's going to get it again. I was done  
14 fucking around with him. At that, or shortly after that is when we were able to get  
15 him up and put him in a patrol car.

16 Sgt. Moody: Okay. When, at what point during all that was Johnny under arrest?

17 Ofc. Schneider: At what point?

18 Sgt. Moody: Uh huh.

19 Ofc. Schneider: Um, I mean, I would say he, we went to detain him when I went hands on with  
20 him for, it was right after the backpack, puts the backpack down, turns his body  
21 and starts reaching into that center console.

22 Sgt. Moody: Okay.

23 Ofc. Schneider: I didn't know if he was going for a gun, a knife, I had no clue.

24 Sgt. Moody: Okay.

25 Ofc. Schneider: So...

26 Sgt. Moody: So why were you detaining him at that point?

27 Ofc. Schneider: I didn't want him to shoot me.

28 Sgt. Moody: So for officer safety purposes?

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1 Ofc. Schneider: Yeah, absolutely. Just the fact that he was just argumentative the whole time, his  
2 actions, his tensing up. I had no idea what he would have went into the backpack  
3 for, when that was kind of out of play during the initial contact. I mean, he  
4 complied when I told him to put the bag down. And it was right after that that he  
5 kind of turns his body and starts reaching into that, the area between the seat and  
6 the center console.

7 Sgt. Moody: Okay. So he's booked for resisting arrest, and ag assault on police. And the ag  
8 assault was when, in the criminal report you say you were kicked in the legs?

9 Ofc. Schneider: Yes.

10 Sgt. Moody: Okay, when did that happen?

11 Ofc. Schneider: I don't, I don't remember if it was in the beginning or the end. I know, I mean I  
12 know he was kicking his legs throughout. I can't tell you at what point. I know I  
13 was hit in the legs. I, I can't honestly tell you like when it happened because there  
14 was so much...

15 Sgt. Moody: Okay.

16 Ofc. Schneider: ...so much going on.

17 Sgt. Moody: All right. Um, can you hand me that stack of papers over there, please?

18 Ofc. Schneider: Yeah.

19 Sgt. Moody: Show you the taser report there. Okay, so on this one, uh, we'll go to Sequence  
20 Number 10.

21 Ofc. Schneider: Okay.

22 Sgt. Moody: Okay? So here's Sequence 9. You drive stun him here, okay? And then here's  
23 Sequence 10. You have one second of completed connection with him...

24 Ofc. Schneider: Okay?

25 Sgt. Moody: ...drive stunning him? And that's when he, he's right here in this position in the  
26 car. And he's, he's handcuffed at this point. And if you want to watch the video  
27 and see it, kind of live motion, um, I just want you to explain at the, for this drive  
28 stun, why you delivered the drive stun on this. [Train whistle.] What he was

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1 doing, what his actions were.

2 Ofc. Schneider: Okay. Can, can I watch the video? [Trian whistle.]

3 Sgt. Moody: Yeah. [Pause.] [Distant train whistle.]

4 Video replay: *Let, let's pull him out and search him real good. He, (unintelligible). You guys*  
5 *staying here?*

6 Ofc. Schneider: Fast forward it?

7 Sgt. Moody: This is 2:35:06 is the time on this one.

8 Male Voice: What was the time?

9 Sgt. Moody: 2:35:06.

10 Male Voice: Okay, (unintelligible).

11 Video replay: *[Fast forward, audio garbled.]*

12 Ofc. Schneider: Okay, go ahead and play it live.

13 Video replay: *Oh man, what the fuck is wrong with you?*

14 *Relax.*

15 *I am. Ow, stop.*

16 *(Unintelligible) motherfucker.*

17 *He (unintelligible).*

18 *Ow. [Sound of repeated taser.]*

19 *[Yelling, screaming.]*

20 *Ow, ow!*

21 *[Yelling, screaming.]*

22 *[Child crying.]*

23 *He's not doing nothing.*

24 *[Child crying.]*

25 *Ow, ow!*

26 *[Yelling, screaming.]*

27 *Daddy!*

28 Sgt. Moody: So Fernandez is handcuffing him right now.

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1 Video replay: *[Child crying.]*  
2 *Stay there, buddy.*  
3 *Please stop, please stop.*  
4 *Okay, stop doing that to me.*  
5 *Stop.*  
6 *[Yelling, screaming.]*  
7 *[Child crying.]*  
8 *[Radio dispatch.]*  
9 *This is stupid.*  
10 *Daddy.*

11 Sgt. Moody: So you're drive stunning him here. It stops. And then play and then you deliver  
12 it, right here.

13 Video replay: *[Sound of taser.]*

14 Ofc. Schneider: I, I mean, from everything that was going on, he I mean, my explanation would be  
15 he was still actively tensing up. I mean, obviously at that point he wasn't kicking.  
16 I, honestly, like with everybody screaming in the car and so much going on, um...

17 Sgt. Moody: Okay.

18 Ofc. Schneider: I didn't know he was handcuffed at that point.

19 Sgt. Moody: Okay.

20 Ofc. Schneider: There was just, there was just, there was just so much yelling and screaming, and  
21 um, the kids were hysterical. Um, there was just so much going on. I, from my  
22 perception is, he was still doing what he was doing up until this point.

23 Sgt. Moody: Okay. All right, anything else?

24 Ofc. Schneider: That's it.

25 Sgt. Moody: Okay. When and who got handcuffs on Johnny, for your recollection?

26 Ofc. Schneider: Fernandez was the only one there I believe. And again, I, I honestly can't tell you  
27 at what exact point he got the handcuffs on. I know even towards the end when  
28 he was still on the ground, where Mark was originally laying, I remember he was

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1 still fighting. So I can't honestly like pinpoint an exact time of when the  
2 handcuffs went on.

3 Sgt. Moody: Okay.

4 Ofc. Schneider: Just because of him flailing around. My attention being drawn to the vehicle. My  
5 attention being drawn to Mark. Um, Fernandez struggling, trying to direct the  
6 other people coming in, the other officers coming in, you know, to detain Anya.  
7 Um, trying to get the kids to calm down, get them out of the area. Um, I mean,  
8 there was just so much, there was so much going on. I honestly had no idea at  
9 what point he went into handcuffs.

10 Sgt. Moody: Okay. Uh, did, like I said, these questions are already prewritten, so we're kind of  
11 rehashing. But if you have anything to add. So my questions is, once Johnny is  
12 on the ground and he's laying on his stomach, did he kick you, you said he kicked  
13 at you then, right?

14 Ofc. Schneider: Yes.

15 Sgt. Moody: And that was in the hand, the ta... your...

16 Ofc. Schneider: I know from watching the video, I think it was from when he was on the ground.  
17 Because you kind of see my hand fly back. You actually see him kick my hand. I  
18 mean, he was still, the whole time he was kicking and fighting and just flailing  
19 around.

20 Sgt. Moody: Okay. And did you kick Johnny in the groin?

21 Ofc. Schneider: I did. Yes.

22 Sgt. Moody: And how many times did you kick him?

23 Ofc. Schneider: One time.

24 Sgt. Moody: And the, so on the video I was watching, the Motel 6, it looks like you kick him  
25 twice. Do you remember kicking him a second time?

26 Ofc. Schneider: I 100% kicked him one time.

27 Sgt. Moody: Okay. And what was his resistance level at that point, when you did deliver that  
28 kick?

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1 Ofc. Schneider: He was still, still actively fighting.

2 Sgt. Moody: Okay.

3 Ofc. Schneider: I mean, you could see it on my, from my camera angle, kicking his legs, and it  
4 wasn't just like a, a kicking just to kick like to get away, it was, he was actively  
5 fighting with us.

6 Sgt. Moody: Okay. All right. Did you kick him in the groin on purpose?

7 Ofc. Schneider: So basically the kick to the groin, I didn't have like a forethought of, "Oh, I'm  
8 going to kick this guy in the balls." I, were I was standing was basically in  
9 between if you could picture his legs, I was in between his legs, and that was the  
10 only option that I had at that point to stop him from physically fighting with us.

11 Sgt. Moody: Okay.

12 Ofc. Schneider: I mean, I, I, yeah, I kicked him in the groin.

13 Sgt. Moody: Okay. And then you, so you didn't kick him on purpose then, yes or no?

14 Ofc. Schneider: Did I kick him on purpose?

15 Sgt. Moody: In the groin.

16 Ofc. Schneider: Yes, I kicked him on purpose in the groin.

17 Sgt. Moody: Okay. All right. Um, and then you already said this as well. You drive stunned  
18 him in the buttocks. It was kind of lower butt cheek. He refers it to being tased  
19 and he was kicked the balls and tased in the taint region for he said 30 seconds.  
20 But obviously with the records it wasn't that long. But um, can you explain again  
21 why, and clarify why at that point, after he was kicking and you d... you deliver  
22 the drive stun after, you kicked him in the groin, and then you delivered the drive  
23 stun.

24 Ofc. Schneider: So the, I mean, the time between the two. I don't know what the time was, but it  
25 was several seconds had already gone by, and I think, I'm almost positive it was  
26 his upper butt cheek area, like somewhere in this I don't know...

27 Sgt. Moody: Up by his hip sort of?

28 Ofc. Schneider: Yeah, but below his hip.

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1 Sgt. Moody: Okay.

2 Ofc. Schneider: He was still actively kicking. Uh, he was still fighting that whole time, and at that  
3 point my, my feeling was like we've let this go on way too long. Um, you know,  
4 Mark was obviously knocked out. I didn't know. I know he had been hit, but I  
5 didn't know you know, what that looked like. I didn't know if he was okay. It, I  
6 felt that I was following my training the best I could. And it was, it was apparent  
7 to me at that time that we needed to end that fight. Period. There was no other  
8 way. My taser, the first deployment I didn't feel worked. I don't know if I  
9 actually, if it actually connected on the five second um, deployment, but he still,  
10 he sill was fighting throughout the entire time. You know I, I think back of going  
11 over this whole use of force continuum, the officer presence didn't work. The,  
12 giving him verbal commands didn't work. The drive stun, the original drive stun  
13 didn't work. The drive suns that I did didn't work. The deployments didn't work.  
14 He was still throughout the entire time, kicking, fighting, physically resisting.  
15 Um, using force against everybody that was on scene. The yelling and screaming  
16 obviously escalated things. I didn't feel that my taser did any justice to you know,  
17 him stopping, you know fighting with us, so I went to the next step, and that's  
18 when I delivered the kick. And then obviously after that I tried the drive stun  
19 again in a different area, and still continued.

20 Sgt. Moody: Were you aiming with that drive stun?

21 Ofc. Schneider: Right where I put the, right where I put it, the upper, I want to say it was upper,  
22 like below his hip, upper butt cheek...

23 Sgt. Moody: Okay.

24 Ofc. Schneider: ...area. That's exactly where I was trying to deploy it.

25 Sgt. Moody: Okay. In the criminal report in Officer Tolbert, her supplement, she indicated  
26 your statement that you believed you were kicked. Were you kicked?

27 Ofc. Schneider: I was kicked, yes.

28 Sgt. Moody: Okay.

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- 1 Ofc. Schneider: I mean, I know it's kind of, that's the scar um, I mean I know it's...
- 2 Sgt. Moody: Okay, well, we have pictures.
- 3 Ofc. Schneider: Okay.
- 4 Sgt. Moody: We have the photographs that they took out there on the scene.
- 5 Ofc. Schneider: Yeah.
- 6 Sgt. Moody: Okay. All right. It just said that this statement is that you believed you were  
7 kicked is how it's reading here.
- 8 Ofc. Schneider: No, I, I was definitely. I was kicked. I know I was kicked.
- 9 Sgt. Moody: Okay. That's, so after it's Code 4, you were speaking with Sergeant Bowzman.  
10 You reported all of your response resistance and at that point, why didn't you tell  
11 her about the kicks?
- 12 Ofc. Schneider: I, I honestly don't really remember talking to her. I remember talking to her about  
13 Mark.
- 14 Sgt. Moody: Uh huh?
- 15 Ofc. Schneider: I, I have no clue. There was, I mean, all I can tell you is there was the whole  
16 scenario was dynamic. There was a lot going on, a lot of people yelling and  
17 screaming. The kids, Mark being knocked out cold, um, I, I mean, I wasn't trying  
18 to hide it. I told Lacey what had happened.
- 19 Sgt. Moody: Uh huh?
- 20 Ofc. Schneider: Um, I definitely wasn't like trying to lie about that or...
- 21 Sgt. Moody: Uh huh?
- 22 Ofc. Schneider: ...hide the fact that I kicked him. I mean, I've maintained all along, "Yeah, I  
23 kicked him."
- 24 Sgt. Moody: Okay. I mean, are you aware that per policy, you're supposed to report any type  
25 of strikes?
- 26 Ofc. Schneider: Yeah, absolutely.
- 27 Sgt. Moody: Okay. To a supervisor.
- 28 Ofc. Schneider: Yeah.

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1 Sgt. Moody: Okay.

2 Ofc. Schneider: And I believe I told uh, Brian Gallagher.

3 Sgt. Moody: Okay.

4 Ofc. Schneider: I, I didn't realize that, I remember talking to Bowzman like a short time. I  
5 remember my concern at that point was on Mark.

6 Sgt. Moody: Uh huh?

7 Ofc. Schneider: And I was worried about him. I didn't realize that we even talked about the use of  
8 force or anything. I just remember at one point she's like, "Hey go check on your  
9 buddy Mark." I do remember specifically that, because then I left and I went over  
10 onto Glenn where Mark was being treated by fire.

11 Sgt. Moody: Okay. All right. That's all I have. Do you have anything to add?

12 Ofc. Schneider: Um, [sigh] look, I have some serious concerns. This has gone on for three and a  
13 half months. I, you know, I'm not trying to play the pity party or the victim here.  
14 But I, you know, I've lost a lot of sleep over this. I obviously every day go back  
15 and try to replay and hash out how things happened.

16 Sgt. Moody: Uh huh.

17 Ofc. Schneider: Um, you know, looking at the reason for the stop in that video, yeah, that does not  
18 look favorably to me. It, it doesn't. And the day after the incident when I was  
19 questioned on it? I immediately started second guessing myself. And that's why I  
20 went to the motel to look at the other camera angles. Like I said earlier, I've  
21 never like, I've never lied in an investigation. Absolutely not. And I know I can't  
22 [laughter] persuade you one way or the other. I mean, you look at the video and  
23 it, it clearly shows that from that angle I could not have seen the violation. And  
24 all I can tell you is, I remember as we were coming around the turn, I thought I  
25 saw the vehicle coming around the corner and not using, not use its turn signal.

26 Sgt. Moody: Okay.

27 Ofc. Schneider: I, you know, obviously you've had four months almost to think back about  
28 everything that happened and you know that's unsettling to me because you know,

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1 obviously, I know my job's on the line. I've heard a lot of rumors about you  
2 know, they're coming after me for integrity stuff, they're um, stuff like that. I,  
3 I'm just concerned.

4 Sgt. Moody: Okay. All right.

5 Ofc. Schneider: That's all I have.

6 Sgt. Moody: All right. All right, then that's it.

7 **END OF RECORDING**

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