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IN THE MATTER OF SPOKANE POLICE DEPARTMENT
RESIGNATION OF CHIEF FRANK STRAUB

INTERVIEW OF

TIM SCHWERING

TAKEN ON

TUESDAY, MARCH 15, 2016

5:07 P.M.

SPOKANE PUBLIC SAFETY BUILDING

1100 WEST MALLON

SPOKANE, WASHIINGTON 99260

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INTERVIEW CONDUCTED BY

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1 **INTERVIEW OF**
2 **TIM SCHWERING**

3 **TAKEN ON**
4 **TUESDAY, MARCH 15, 2016**
5 **5:07 P.M.**

6
7 **MS. CAPPEL:** Okay. So today's date is March 15th,
8 2016, and it is 5:07 p.m. I'm here with Tim Schwering,
9 who's the director of strategic initiatives, I think is your
10 title.

11 **MR. SCHWERING:** It is.

12 **MS. CAPPEL:** My name's Kris Cappel. I'm with the
13 Seabold Group. Before I get started, Tim, as you can see,
14 I'm recording the interview. Do I have your permission to
15 record the interview?

16 **MR. SCHWERING:** You do.

17 **MS. CAPPEL:** All right. Let me explain a little
18 bit about what I've been asked to do. My firm has been
19 hired by the city of Spokane to conduct an investigation
20 around several issues related to former Chief Straub. And
21 my role in this investigation is that of fact-finder. I'm
22 an attorney, but I don't practice. I don't do these
23 investigations as an attorney, so I wasn't hired as a
24 lawyer, and I won't be giving legal advice. Okay?

25 The other thing that's slightly unusual about this

1 investigation is there's a high degree of interest, public
2 interest, in -- in the investigation, and so it's -- it's
3 virtually guaranteed that someone's going to request request
4 a copy of my work product --

5 **MR. SCHWERING:** Absolutely.

6 **MS. CAPPEL:** -- which will include all of the
7 transcripts of the interviews that I've conducted. So I
8 just want to make sure that everyone I meet with understands
9 that and -- and that they're still ready to go forward.

10 **MR. SCHWERING:** Absolutely.

11 **MS. CAPPEL:** Okay. Let's start with when you were
12 hired by the city and in what role.

13 **MR. SCHWERING:** I was hired by the city on -- I
14 started August 5th of 2013 as the director of strategic
15 initiatives. My initial -- when I was hired, I was -- the
16 role was to be setting up an asset forfeiture unit. And
17 that changed fairly -- that changed by almost August 8th, I
18 think.

19 **MS. CAPPEL:** Okay.

20 **MR. SCHWERING:** And it -- it morphed into the --
21 the department basically had been split into thirds, where
22 you had a -- you know, you had, in essence, a patrol
23 division, you had an investigations division, and then, in
24 essence, you had everything else. So I was put in charge of
25 fleet records, internal affairs, IA, budget.

1 And then I brought Sarah Lynds, who's the deputy
2 director of strategic initiatives. I brought her in. I
3 don't know remember the specific date. She's probably been
4 here about two years. And her -- she was from Moss Adams,
5 so she was going to be much better at the finance aspect
6 than I was. And frankly, there was just too much to do, so
7 I brought her in. And that's basically kind of we went from
8 there.

9 When I first started, the command structure was
10 set up much differently than when Frank, or Chief Straub,
11 left. There's myself, Selby Smith. At the end, Selby Smith
12 was in charge of investigations. Rick Dobrow was the
13 assistant chief over patrol, and then Sarah Lynds was the in
14 essence, the acting director of business services.

15 **MS. CAPPEL:** And that was the structure at the
16 time that Straub left the city.

17 **MR. SCHWERING:** Yes, ma'am.

18 **MS. CAPPEL:** So when you were first -- did you
19 know Frank Straub before you took this position in 2013?

20 **MR. SCHWERING:** I -- I had met him a few times, I
21 think, I believe, like, a Rotary event and, like, a few of
22 the events around town, and that's how we got to know each
23 other. I didn't know him. I knew him not -- not very well
24 at all.

25 It was just a case of we would talk about --

1 because, you know, coming from the federal level,
2 I knew SPD, and we would have -- just have conversations
3 about SPD, and then the conversation then turned to would
4 you ever be interested in working for SPD, which initially I
5 -- I think I said no.

6 And then it turned -- but it turned into, you
7 know, we had very good discussions on kind of the direction
8 he wanted to take SPD and kind of what his vision was. And
9 I had been a federal defender for about 10 years, and I was
10 ready for a change, so it was a -- it was a good move, I
11 felt, on my part.

12 **MS. CAPPEL:** And you were an investigator at the
13 federal defender's?

14 **MR. SCHWERING:** Yes.

15 **MS. CAPPEL:** Did you supervise people?

16 **MR. SCHWERING:** No. I did not supervise.

17 **MS. CAPPEL:** When he was describing sort of his
18 vision and the direction he wanted to go, generally what --
19 what was he trying to accomplish?

20 **MR. SCHWERING:** Well, the -- the issue with the
21 police department, as everyone was aware of, was the Otto
22 Zehm/Karl Thompson issue and that, you know, he -- and he
23 described it as, in essence, that, you know, Anne
24 Kirkpatrick had come in, and that had not really not turned
25 the department around like, I think, the community wanted it

1 to be turned around and that he was brought in.

2 And he had a mandate from the mayor that we're
3 going to push things forward and, you know, that my role
4 would be fairly narrow. It would be dealing with, you know,
5 business services, but basically setting up an asset
6 forfeiture unit and getting more aggressive with that.

7 **MS. CAPPEL:** And the -- the desire to set up an
8 asset forfeiture -- was that just civil, or criminal and
9 civil?

10 **MR. SCHWERING:** That changed a few times. I mean,
11 it was initially criminal, but they were looking at
12 potentially civil, but we were going to start with criminal.

13 **MS. CAPPEL:** And so that was sort of the limited
14 function that he entertained when he first hired you?

15 **MR. SCHWERING:** Correct.

16 **MS. CAPPEL:** Was the title the same as it is now?
17 Or did they hire you as a different --

18 **MR. SCHWERING:** I think I was hired as a -- it
19 might have been deputy director of tactical. I can't
20 remember. It was deputy director of tactical and strategic,
21 tactical, whatever initiatives is, and that was for three
22 months. So it was very -- and he had said that I would be a
23 director pretty much right from the start, but this was the
24 easier way to get the ball rolling.

25 **MS. CAPPEL:** So even before you accepted the

1 position, he had said that he was going to eventually get
2 you to a director position.

3 **MR. SCHWERING:** Yeah. That was kind of the -- the
4 assumption, that there would be a -- I'd be a director.

5 **MS. CAPPEL:** Did he also say that your areas of
6 responsibility would definitely grow?

7 **MR. SCHWERING:** No. I mean, it was we had -- now,
8 before I started, or after?

9 **MS. CAPPEL:** Before.

10 **MR. SCHWERING:** Before. No, I mean, basically, we
11 talked about -- yeah, we talked about the asset forfeiture
12 unit, basically kind of what, you know, what I was
13 interested in and what he was looking for. And I think it
14 was primarily the asset forfeiture. Again, I had a -- my
15 now three-year-old was just a few months old, so I was
16 working on not a lot of sleep at the time, so.

17 **MS. CAPPEL:** Okay. Who did you report to in the
18 beginning?

19 **MR. SCHWERING:** Technically, on paper it was Joe
20 Walker, but it was basically he was always I'm going to
21 report -- basically is I was reporting to Frank.

22 **MS. CAPPEL:** Okay.

23 **MR. SCHWERING:** Because I think there was -- there
24 was kind of a confusion, I think, among most people within
25 SPD on -- especially now looking back now on it, I didn't

1 know any better when I first started but, I mean, I think
2 that the director thing was kind of a new -- bringing in
3 civilian directors was kind of a new thing for people, and
4 so they weren't quite sure really what to do with me.

5 **MS. CAPPEL:** When you first started in August of
6 2013, were you attending executive meetings?

7 **MR. SCHWERING:** Yes.

8 **MS. CAPPEL:** And so was that from the beginning
9 that you --

10 **MR. SCHWERING:** That was right from the get-go.
11 We used to have exec meetings. They started as command
12 staff meetings, where you had captains and above. It was
13 every day at 8:00 we'd have a meeting first thing after the
14 shoot. And we had -- so we had captains, yeah, captains and
15 above, along with legal counsel Mary Muramatsu was in those
16 meetings. And that lasted for probably about, I'd say, a
17 year maybe?

18 **MS. CAPPEL:** And then it converted to these once a
19 week?

20 **MR. SCHWERING:** And it converted to the exec --
21 just exec meetings, where it was just -- I'm trying to
22 remember when that switch was, because there was a time
23 where it was -- you know, I had -- I think it was fairly
24 quick, because it was sort of August, because you had -- Joe
25 Walker, I think, was the first to go. And he demoted

1 himself down. And then I want to say Carly Cortright got
2 moved to city hall. And then it was just Brad -- Brad
3 Arleth and Craig Meidl.

4 And then Frank wanted to eliminate the commander -
5 - Frank, I think it was, commander is what it was. And so
6 then Brad got rolled back to a captain, and then it was just
7 Craig Meidl, myself and Frank. And then Meidl rolled
8 himself back, I believe, in January of 2014. And then it
9 was just Frank and myself. And Monique Cotton was also
10 there. She was -- she was the director of communications
11 in, like, the PIO.

12 **MS. CAPPEL:** And was she holding that position at
13 the time you started with the city?

14 **MR. SCHWERING:** Yes. Yes.

15 **MS. CAPPEL:** The meetings that you mentioned, the
16 command staff meetings that included captains and above, you
17 mentioned that Mary Muramatsu --

18 **MR. SCHWERING:** Muramatsu.

19 **MS. CAPPEL:** Did she attend every day?

20 **MR. SCHWERING:** Most every day. She was there
21 quite a bit. She was pretty involved in the command staff
22 when I first started. I mean, we went to -- you know, Frank
23 had known, apparently, Charlie Beck fairly well, and so he
24 had sent a contingent to L.A. to review LAPD's policies and
25 procedures. We spoke with their IG, spoke with a number of

1 people within LAPD, and Mary came on that trip with me,
2 along with Craig Meidl. And then Ben Krauss, I believe, was
3 there as well on the trip.

4 **MS. CAPPEL:** And what was the purpose of looking
5 at how L.A. was doing, what they were doing?

6 **MR. SCHWERING:** Basically, looking at their model
7 and just see how -- basically, first off, I think the idea
8 was to see how a really professional police department is
9 run and then to see, you know, get ideas and just see, in
10 essence, how -- because there was also the -- the -- in the
11 -- in the background was there -- this was just the whole
12 time when we were going through the ombudsman ordinance as
13 far as independent oversight and what that would look like.

14 And, you know, there was all these questions going
15 on, because, you know, when -- there was a big discussion on
16 what, you know. People wanted independent oversight. And
17 the question was, well, how -- how do we -- how do you get
18 the independence? But then how do you make it work
19 correctly?

20 And so -- and there were all sorts of different
21 opinions on -- and you're sitting in meeting after meeting
22 with it seemed like the entire city discussing these sort of
23 things.

24 And that was part of that trip, too, us going down
25 to see how the inspector general worked and just, you know,

1 get an idea of how -- how it operated, and also make
2 contacts down there so when we had questions, we would call.
3 And Frank was great with that. I mean, he knew people
4 around the country, so if you ever had a question, he would
5 also refer you to somebody that probably knew the answer.

6 **MS. CAPPEL:** Okay. Was he also thinking of
7 modeling the organizational structure of Spokane PD on the
8 model, the organizational structure of LA?

9 **MR. SCHWERING:** Great question. I don't -- that's
10 a -- that's a mystery. If you ever did a public records
11 request on the emails that were sent on the org charts,
12 those could be -- I always referred to it as if you wanted
13 to describe org charts within SPD, it was kind of like if
14 you could always reference an airplane movie, remember, when
15 it's crash landing and it says gate 12, gate 13, gate 14.

16 That's basically kind of what it was, because we'd
17 move up to an org chart, you know, just be catching up, and
18 then we'd move to a different org chart, because it was kind
19 of all over the place.

20 I think we sent out -- or he sent out three org
21 charts in one day in December of 2013. So it was kind of
22 that was never a -- that never seemed to be set in stone.

23 **MS. CAPPEL:** So -- and -- and on that, because you
24 see I've got a couple of org charts in front of me, I have
25 no idea where in the iteration of org charts these

1 particular ones fell, but I'm going to see if you can help
2 me.

3 **MR. SCHWERING:** Sure. Can I peek?

4 **MS. CAPPEL:** Yeah. But before we go there, when
5 he's sending out these org charts, was he sending them out
6 for feedback, or was he saying this -- we're making this
7 change?

8 **MR. SCHWERING:** He would say we're making this
9 change. And he was -- he would have -- he would have Craig
10 Meidl basically do all those sorts of things for him. I
11 mean, he would say, and that was kind of what happened with
12 Dobrow, is that it was basically they would -- Frank would
13 come with -- you know, he would have an idea, or there would
14 be maybe some consensus that we're at a play.

15 And then once we pulled the trigger, a lot of
16 times they -- I think if it was more -- my personal opinion
17 was that if it was going to be potentially not received
18 well, you would have Craig send it out. And then Craig
19 owned it then.

20 **MS. CAPPEL:** Okay. So the two org charts I've
21 given you, one is dated 2013, and the other one is dated
22 2014. And the first area that I want to focus on is the
23 area of responsibility that Carly Cortright had as the
24 director. And was she a director already when you were
25 hired?

1 **MR. SCHWERING:** She was.

2 **MS. CAPPEL:** And so if you look at what's under
3 her column, is that consistent with what you recall she was
4 responsible for?

5 **MR. SCHWERING:** Yes. I think so. I mean, it was
6 -- she was up here. I wonder when she left. I can't
7 remember when she left.

8 **MS. CAPPEL:** It was in October of 2013.

9 **MR. SCHWERING:** So there wasn't a heck of a lot of
10 overlap between her and I. And the other thing that doesn't
11 really -- isn't reflected in all these org charts is the
12 amount of, like, little specialty projects that goes along
13 with everything.

14 Like, I know Carly was -- worked really well with
15 SHRX (phonetic), which is the local, interlocal agreement
16 with the county on IT. And so she spent a lot of time, I
17 think, working on that, because that was kind of a big mess,
18 because we were looking at installing a new CAD/RMS system.

19 But this is generally -- yeah, pretty much what we
20 had.

21 **MS. CAPPEL:** What you had.

22 **MR. SCHWERING:** The financial services - in
23 essence, what was happening, I think -- I believe at the
24 time was they were going to a centralized accounting, where
25 they took all the personnel from the different departments,

1 whether it's police, fire, what have you, and brought them
2 into city hall.

3 And so that was kind of during that time, and so I
4 don't know if that was -- so I don't know if she kind of
5 pushed that out, or I don't know what the process was with
6 that, but she was -- I know she was over records and
7 planning all that good stuff, so.

8 **MS. CAPPEL:** And when they were trying to
9 centralize the accounting function, did bodies actually move
10 to city hall?

11 **MR. SCHWERING:** I believe some bodies moved to
12 city hall. And then you had some people that were still
13 here, like the -- like Maria and some of those folks were
14 still here, but they were technically city -- city -- city
15 hall employees, not police employees, and they answered to
16 people at city hall, not here.

17 **MS. CAPPEL:** Okay.

18 **MR. SCHWERING:** Which kind of created a whole
19 mess, but we're -- we're not interested in that right now,
20 are we?

21 **MS. CAPPEL:** Okay. Not that particular mess, no.
22 And then this next one that I'm showing you dated 2014,
23 there's been considerable change. And one of the ones I
24 want to focus on is the number of areas that are now under
25 you as the director. And my first question is when did you

1 effectively become a director, and did it result in any
2 change in terms of salary or benefits?

3 **MR. SCHWERING:** Yeah. I got a pay -- pay bump.
4 It would have been in -- I honestly don't remember. It
5 would have been January of 2014, I think.

6 **MS. CAPPEL:** Okay.

7 **MR. SCHWERING:** Thereabouts. I mean, roughly
8 there. I mean, the thing to keep in mind with this is that
9 we were kind of -- I was kind of almost as an acting
10 director fairly quickly. I mean, it was kind of after Carly
11 left. It was -- it was really as an acting director,
12 basically.

13 **MS. CAPPEL:** Okay. So even though maybe this
14 hadn't happened, meaning the blocks hadn't been moved, but
15 you were effectively managing.

16 **MR. SCHWERING:** Yeah. And keep in mind the blocks
17 were -- were kind of moving around, because I know dispatch
18 got moved around quite a bit. You know, training was under
19 me for a while. Then it got moved under operations, so we
20 had, let's see, oversight, yeah, we had Karl here.

21 Because I had gone through -- like, we'll just
22 take the captain over professional oversight. So we -- I
23 started, and we had -- I had Rick Dobrow was the captain
24 there. Once Meidl rolled back, Dobrow became the assistant
25 chief.

1 And then I brought -- then it was Captain Carl
2 came in. Oh, no, sorry. It was Eric Olsen was going to be
3 the captain that I had really asked him to promote, if he
4 would, to come in as -- to be the captain. He was there for
5 a total of three weeks, and then he got yanked from me to go
6 over to investigations.

7 And then Captain Carl was downtown in the -- he
8 was doing the downtown precinct, and Frank moved her as the
9 captain of professional oversight. And that was, you know,
10 I can only -- I have some theories on why he did that, but
11 he never said anything specific to me.

12 And so -- and then so she then retired. And then
13 it just got to the point where I can't, because the problem
14 with the professional oversight is we were running to DOJ.
15 That's when they were here for the collab on reform, and the
16 problem was we were changing captains every time, you know,
17 the sun set, it seemed like.

18 **MS. CAPPEL:** Okay.

19 **MR. SCHWERING:** So I got to the point where I said
20 I -- I can't have somebody in that position where, you know,
21 the turnover is just getting too much. And so, in essence,
22 really, it was myself, and then Kathy Armstrong was
23 technically the administrative secretary on paper, but it
24 was basically she and I really ran the -- the DOJ.

25 I mean, she was much more than an administrative

1 secretary. She was really, I mean, almost like a deputy
2 director to a certain extent, because we were both running
3 that -- first, the review of getting them the documentation
4 and then as they were developing their reports and then now
5 as we're -- as we're implementing, so.

6 **MS. CAPPEL:** Is the -- whatever DOJ was doing, are
7 they done?

8 **MR. SCHWERING:** No. That's going to -- that's
9 going on. They came out with their findings in January
10 2014, and then they gave us a year and a half to get
11 everything done.

12 Now, we're having kind of a question right now as
13 far as the cultural audit, because that was kind of the big
14 thing, too, is like when that came out with the Use of Force
15 Commission, it recommended doing a cultural audit. And then
16 DOJ said, well, that sounds like a great idea, you should do
17 that.

18 And then that was kind of the question is how
19 exactly does that look. And you had different opinions on
20 different things, and you had people saying you should do
21 this or do that. And it was kind of -- you know, my concern
22 was I want to make sure that we're doing something that, you
23 know, that's a product that everyone's going to say, all
24 right, that's a -- that's a valid product at the end of the
25 day, that you're not going to have people that are going to

1 be saying, well, this is, you know, bullshit or whatever.

2 **MS. CAPPEL:** Nonsense.

3 **MR. SCHWERING:** Yeah.

4 **MS. CAPPEL:** Okay.

5 **MR. SCHWERING:** So -- and so that's basically kind
6 of where we're at right now is looking at doing a true
7 cultural audit. And that's where DOJ's really coming back
8 in, because you have a lot of interest around the country in
9 doing these cultural audits. So I think they're going to --
10 I think they're -- last I heard, they're going to extend
11 that about six months, so a full two years to implement
12 everything.

13 **MS. CAPPEL:** Okay. So the reason I'm showing you
14 these two -- these two org charts in particular is you
15 notice on the 2014, Carly disappears altogether.

16 **MR. SCHWERING:** Correct.

17 **MS. CAPPEL:** Do you know what's -- what's behind
18 that, why she is suddenly nowhere on this org chart?

19 **MR. SCHWERING:** She was already in city hall is my
20 understanding. By 2014, she would have been in city hall.
21 Especially, yeah, wait a minute. This -- this gives you the
22 exact example of why the org charts were so difficult to
23 keep track of, because you see this is an org chart from
24 2014 updated 10/19 of 2013. So, I mean, they were just -- I
25 mean, we literally could have had a person full-time just

1 pumping out org charts, because they were just -- seemed
2 like they were constantly changed and updated.

3 But I think she left. And you might -- you might
4 be able to answer this, but she left at some point. I
5 wasn't here very long when she went over to city hall. I
6 think it was to implement the 311 program.

7 **MS. CAPPEL:** Did Chief Straub talk to you about
8 the circumstances of Carly going to city hall on a special
9 project?

10 **MR. SCHWERING:** Well, yes, because it was -- he
11 had said that they had had conversations that it was, you
12 know, in her best interest to move on to city hall, that
13 this would be a great -- and this is what -- this is what
14 was related to me, how he related to me, was that, you know,
15 he told her that this would be a great opportunity, that
16 this would be, you know, a point in her career where she
17 could get to that's been launched like this. She could be
18 kind of on the national stage, if you will.

19 And that was kind of my first clue, if you will,
20 that something was a bit off. Because then you talk with
21 Carly, and you would kind of mention city hall or somebody
22 like that, and it would be -- it was clear that there was,
23 like, whatever he was telling her versus what, you know, he
24 was telling other people were two different things.

25 And I think Craig Meidl would have been in those

1 discussions as well, and it was -- so there was -- there was
2 a definite disconnect. And it got to the point where, you
3 know, because this kept coming up, and I don't know -- I
4 don't -- I don't know what those conversations were, so I
5 can't comment on those. I just know that he kept saying
6 that she'll be going over to city hall, and she seems to be
7 sitting there really not aware that she's going to city
8 hall.

9 And so it finally got to the point it's, like,
10 well, are you not communicating effectively? Or, all right,
11 I was trying to put as politely as possible, but it's, like,
12 you clearly have a disconnect here, so.

13 **MS. CAPPEL:** So you're saying that Carly didn't
14 understand she was going to city hall?

15 **MR. SCHWERING:** That was my impression. I mean,
16 she -- she might have understood that.

17 **MS. CAPPEL:** Okay.

18 **MR. SCHWERING:** I mean, I still remember there was
19 a -- I think we were doing a Use of Force -- we would give
20 the Use of Force presentations, give them updates -- and I
21 remember Frank had given a -- it was at -- it was in the
22 city hall, city council chambers. And I still remember her
23 specifically, because I was sitting on the left-hand side,
24 kind of more in the middle. I remember Carly was up towards
25 the front.

1 And Frank mentioned basically implementing a
2 director of strategic initiatives. And I remember -- I
3 don't know -- I didn't know the players that well at the
4 time, but I remember whoever Carly was sitting next to at
5 the time turned and looked at that, whoever she was sitting
6 next to, and kind of gave a quizzical look of, like, what
7 the hell is that? Because that was the first time she had
8 heard of it, so.

9 **MS. CAPPEL:** So that position of director of
10 strategic initiatives didn't exist at the time you were
11 hired? He had to do something to create it?

12 **MR. SCHWERING:** And this goes back to the city
13 code, because they came up with these. Basically, the
14 police department was turned into a division, and so per
15 city code, and this is still somewhat confusing to me to a
16 certain extent, but if you have a division, you can have
17 more appointed positions. You can have a director. And so
18 I think the police department has -- have no departments
19 underneath it.

20 But basically, so, like, strategic -- for example,
21 director of operations. Operations would be, then, a
22 department. Specialized police services would be a
23 department. Strategic initiatives would be a department.
24 And each department gets two appointed positions. So, in
25 essence, I think we have, I think, a total of 16 or 18

1 appointed positions within the police department.

2 Now, whether they were filled or out at any given
3 time is up for debate. I think, like, we have a director of
4 communications and not, like, a PIO function, like dispatch
5 communications. That's never been filled in the time I've
6 been here, so.

7 **MS. CAPPEL:** Okay. So back to Carly ever so
8 briefly, did -- did Chief Straub indicate that it was her
9 decision or his decision, or did he say?

10 **MR. SCHWERING:** You know, it was basically his
11 decision. It was -- how he framed it, if I remember
12 correctly, was that he was saying that it was -- he wanted
13 her to go to city hall, but he was trying to get it so she
14 could see that she wanted to go to city hall. Do you see
15 what I'm saying? And that's an idiotic way to put it, but
16 it's -- it's -- that's what, in essence, it -- it was.

17 I mean, when I think -- and that was sometimes
18 Frank's -- not his strong suit or something. I mean, and
19 that's -- that's where he's kind of an interesting fellow,
20 because sometimes he could have very direct conversations
21 with people, and then other times he couldn't seem to have a
22 direct conversation to save his life. And so it was kind of
23 this yin and yang, so.

24 **MS. CAPPEL:** Had you noticed or observed any
25 conflict between Carly and Chief Straub up to the time

1 before she went to city hall?

2 **MR. SCHWERING:** No.

3 **MS. CAPPEL:** Had you see anything where it looked
4 like he was upset with her for any reason?

5 **MR. SCHWERING:** No. Because I -- and I'm pretty
6 sure -- I'm pretty sure that's the case, because I didn't
7 really get -- he didn't -- when I first started, he didn't
8 really have any, like, major blow-ups in front of me,
9 because those would -- those you'd remember, so. I don't I
10 was never -- I'm not saying it didn't happen, but it was
11 never in my presence.

12 **MS. CAPPEL:** Did you ever see her emotional or in
13 tears before she transferred to city hall?

14 **MR. SCHWERING:** No. But again, I didn't -- we
15 didn't know each other very well. And she was always nice
16 to me, and I always tried to be nice to her, but it's, like,
17 I didn't know her that well, so it was, like, she's not
18 going to come to me saying that she's being treated poorly,
19 because I'm the new guy, and what do I know?

20 **MS. CAPPEL:** Do you remember any meeting -- and
21 this might have been before your time; I'm not sure -- but
22 any meeting where he made sort of subtle threats about the
23 security of her job, along with Joe Walker?

24 **MR. SCHWERING:** No. I mean, because Joe -- I
25 don't think Joe ever had his job threatened that I recall.

1 I mean, Joe wanted -- what Joe told -- I mean, I remember
2 Joe saying that he was -- they were working a lot of hours,
3 and he didn't want to be working those hours.

4 Because Frank did have -- I mean, it was kind of
5 an expectation that you're -- you're on all the time. So if
6 he sends you a text at 10:00 at night, he's going to want an
7 answer here pretty quick. And -- and I think Joe and again,
8 I was still -- it's kind of like being the new guy, like, in
9 the middle of a, you know, shit storm, where you're not sure
10 exactly where things are landing at any given moment.

11 But I -- you know, with Joe I don't think -- he
12 never said anything to me that he wanted to -- during that
13 time, that it was that Frank was being -- threatening his
14 job. I think it was that Joe wanted to -- he didn't like
15 the pace at which things were going, and he wanted to -- to
16 roll back.

17 **MS. CAPPEL:** Okay. Did anyone at city hall talk
18 to you about bringing Carly over to work on this 311
19 project?

20 **MR. SCHWERING:** That could have happened. I don't
21 remember, frankly, because it wasn't -- that was so out of
22 my -- I mean, it was somebody that I didn't really know that
23 well on some scope that I -- I don't want to say I didn't
24 care about 311, but it was kind of outside where I was
25 concerned about, so I didn't really pay much attention.

1 **MS. CAPPEL:** Okay. And then, finally, on the --
2 on Carly, did Chief Straub speak disparagingly of Carly in
3 your presence?

4 **MR. SCHWERING:** Not really. I mean, he had a
5 certain way about him that was -- he would say kind of
6 snippy things about people. But once you figured out he did
7 it to everybody, then it became kind of just you would kind
8 of go in one ear and out the other. He was kind of a --
9 yeah, he was -- he was an interesting fellow in that regard.

10 I don't recall anything specific about Carly that
11 he said. I'm sure he probably did.

12 **MS. CAPPEL:** Okay.

13 **MR. SCHWERING:** But I don't -- I couldn't remember
14 any specific --

15 **MS. CAPPEL:** Any details.

16 **MR. SCHWERING:** -- comments that he said.

17 **MS. CAPPEL:** Any comments about him not being
18 happy with her pushing back on the way he was spending
19 money? Did that come up?

20 **MR. SCHWERING:** No. That -- and, no, that would
21 have been either before my time or not. Because that was
22 the thing. I mean, we were moving -- it was all going to a
23 centralized format, so it wasn't a case of -- and again,
24 that -- that was a whole other mess, but, I mean, it was a
25 case that was city hall was really -- was really getting a

1 handle on the spending in all the departments, you know,
2 especially police and water -- or police and fire and water
3 and everything.

4 So they're bringing all that personnel in, so it
5 wasn't a case of -- like planning. I think planning was
6 already dissolved by the time I got here. So all that went
7 away. So I don't recall any conversations about the money
8 aspect.

9 **MS. CAPPEL:** Okay. And then once Carly moved over
10 to city hall, did -- did you have much to do with her after
11 that?

12 **MR. SCHWERING:** Huh-uh. I mean, I'd see her over
13 there and I'd say hello and --

14 **MS. CAPPEL:** Has she ever given you any sense that
15 she felt like she was pushed out by Straub?

16 **MR. SCHWERING:** We had conversations. You know,
17 kind of once I'd been here a while and kind of saw some of
18 how when Frank would -- on his bad days it was, like, you
19 know, kind of like, oh, okay.

20 And so she and I -- and I can't remember any
21 specific conversation, but, yeah, it was somewhat unclear to
22 me why she -- if she didn't want to go, why she would have
23 wanted to go at that point to probably get away from him if
24 he was -- if -- if she had worked here for a long time,
25 which she did, and I think she did a good job, and if Frank

1 was, well, doing -- doing things --

2 **MS. CAPPEL:** Not happy.

3 **MR. SCHWERING:** -- or not happy, I mean, it would
4 have been -- it's -- that's not a fun environment to be in,
5 so I could see why she would have wanted to move to city
6 hall.

7 **MS. CAPPEL:** Okay. So I'm going to go backwards
8 in time, and I'm going to start with putting this aside.
9 This September 18th letter, well, it eventually made its way
10 to Nancy Isserlis. Here's a copy of it for you.

11 So this letter is signed by everybody on the then
12 executive team.

13 **MR. SCHWERING:** Correct.

14 **MS. CAPPEL:** Can you tell me, as far as you know,
15 what triggered the decision to draft this letter? And what
16 was the process?

17 **MR. SCHWERING:** I mean, for me, really, it was the
18 -- really, where everything, like, where this -- the
19 beginning of the end, and this is kind of what we had said
20 almost the "day of" it happened, was there was a March 31st
21 incident -- instance -- incident over in Selby Smith's
22 office over in the Gardner Building. And it was Selby, it
23 was Rick Dobrow, it was Mark Griffiths, Monique Cotton. I
24 think that was it.

25 **MS. CAPPEL:** Eric Olsen.

1 **MR. SCHWERING:** Eric Olsen. Thank you.

2 **MS. CAPPEL:** Anne Griffiths.

3 **MR. SCHWERING:** Anne -- Anne Griffiths. And so in
4 essence what happened, and it was a case of -- and when you
5 look back on it, it's almost comical to have a discussion of
6 what's been blown up over two hours of overtime, but
7 basically Mark had done two hours of overtime that one of
8 the -- that his captain approved.

9 And then Dan Torok, who was over, I believe, still
10 patrol operations, questioned the overtime and brought that
11 directly to Frank. And Frank wasn't -- Frank lost his mind
12 over it, apparently. I don't know -- I wasn't in some of
13 those meetings, so I don't know what triggered the full
14 blow-up.

15 **MS. CAPPEL:** But you heard about it afterwards.

16 **MR. SCHWERING:** Well, and it was the case of --
17 because it was right after -- it was on a Tuesday, and we
18 always have CompStat Tuesday mornings. And so it was -- and
19 a lot of times we would have, then, as an executive staff,
20 we would, after the meeting broke, we would go into Selby's
21 office and, you know, discuss anything.

22 And it was -- we were walking in there, and I -- I
23 didn't -- I was talking to somebody else. As they started
24 walking in, I turned and saw everyone was walking in there.
25 I said, oh, I must need to be going in there. And I think

1 it was Selby that turned to me and said, you don't want to
2 be part of this. It's, like, perfect, because I have a
3 meeting to go to anyway, so off I went.

4 Anyway, it was a case of that I got a text, I
5 think, from -- gosh, who was it? It might have been Craig
6 Meidl, like, in the next 20 minutes asking if I was okay,
7 you know, question mark. And --

8 **MS. CAPPEL:** Meidl wasn't in there, was he?

9 **MR. SCHWERING:** No. But it was -- apparently, the
10 yelling was loud enough where people inside the Gardner
11 Building could hear him going off on the people in that
12 room.

13 **MS. CAPPEL:** Okay. So what's the next thing you
14 learn about that?

15 **MR. SCHWERING:** So the next thing --

16 **MS. CAPPEL:** How did that get us to September
17 18th?

18 **MR. SCHWERING:** So basically, then it goes -- so
19 it goes from -- then I talk to Selby afterwards, and
20 basically, it was, you know, he and I have a conversation
21 about that. And he said, in essence -- to me it was a case
22 that he was so caught off guard that Frank was losing his
23 mind, and Frank lost his mind.

24 And he just -- he couldn't -- his brain couldn't
25 catch up to what was going on, because he had never seen --

1 I mean, this guy worked for DEA for, you know, however many
2 years as a, you know, professional, and he was just
3 completely taken aback that Frank was going off on these
4 folks. So he basically kind of sat there flat-footed, to a
5 certain extent. And then it was kind of, like, well, that's
6 weird.

7 And so it was -- and I had usually -- I had my
8 office down here by that point, and that was a --

9 **MS. CAPPEL:** "Here" being the Public Safety
10 Building?

11 **MR. SCHWERING:** No "here" being -- because I used
12 to be down in what was called Mahogany Row, where the chief
13 and everyone sits, and I decided to move down to this area,
14 which is the IA, you know, the professional oversight area.
15 So my office is right up here. So that was a tactical issue
16 on my part, because if Frank was having a bad day, you just
17 kind of avoided him, and it was just -- I got -- was able to
18 get more work done that way.

19 And so it was -- that would have been on a
20 Tuesday, and I think it was Wednesday that we had -- so we
21 would have in-services on Wednesdays and Fridays, whenever
22 in-service was scheduled. And so there were times where he
23 would want his executive staff there for the first hour, so
24 if there were any questions, that people could ask us
25 directly.

1 And I got there, and it was out at the academy.
2 And I -- I still remember this very clearly is that I saw
3 Monique, and she was kind of teary-eyed, and I asked how she
4 was doing. And she said -- basically, she was kind of teary
5 and in a brief moment said, you know, that she was basically
6 -- he had said, you know, you -- that he had threatened to -
7 - he was yelling at her. He said you fucked me. He said
8 that you shoved -- shoved it up my ass and broke it off.
9 And she was clearly upset.

10 And, you know, and so, and then, but it was
11 literally, like, she says this to me, and then we have to
12 walk into this meeting. And so I talked with -- and I think
13 at the time, and I'm not -- you'd have to ask Monique,
14 because I think I said, do you want to do anything at this
15 point? And it was basically no. And then we went into the
16 meeting, because we didn't really have time to talk about
17 it. We were into the in-service, because we didn't have
18 time to talk about it.

19 And then I talked with -- because I think she --
20 because we were always running around having meetings, so I
21 didn't get to see her until much later. In that time I
22 talked to Selby and mentioned it to him, and he had heard
23 about it, and he was, obviously, there. He was -- he was in
24 agreement with what she had said.

25 And -- and so I think I also talked -- told Mary

1 Muramatsu, who is our legal counsel, like, you know, this
2 this is what Monique told me, you know, this is obviously is
3 an EEO issue, for God's sakes, and basically just kind of,
4 you know, just talked to her about that.

5 And I went to Monique's office and said if you
6 want to file a complaint, you can go down to city hall right
7 now. And she declined. She said -- she said she didn't
8 want to. I know Selby Smith did the same thing. He said,
9 if you want to go down, it's a clear violation. If you feel
10 harassed or what have you, I'll -- I'll walk you down or
11 we'll drive down together. And she said no to him as well.

12 And so shortly thereafter, it was -- I had called,
13 or he had -- I can't remember who called who at this time,
14 but basically I had a -- I had a meeting, then, with Gavin
15 Cooley, how is the city CFO. I think it was still that
16 week. It would have been either that Friday or probably
17 that next Monday.

18 Because it was a case of, you know, Monique didn't
19 want to make a complaint, and so it was kind of like, well,
20 I can't -- how does this work? Because I'm -- you know, I'm
21 technically IA, and I'm oversight for the department, but I
22 can't -- how does that work if I --

23 And it was probably the question for Mary is how
24 do I do it -- if I was going to do an investigation, how in
25 the world do I do an investigation of my boss? So,

1 obviously, we need to have city hall involved in this.

2 And so I -- I talked to Gavin. So we had -- he
3 was probably the person that at the time I'd had the -- the
4 -- I knew the best on the mayor's cabinet, because we'd he
5 had -- we had worked through a lot of the, you know, the
6 financial issues, things like that. And he was always
7 really responsive on kind of, you know, my questions or any
8 concerns, and he was really good to deal with.

9 So I met with him and just said, you know, you
10 have a -- a giant liability with your chief of police. I
11 mean, he's saying, you know, and I basically gave him a
12 brief rundown of what happened with Monique. And then, you
13 know, we talked about it. And then, shortly thereafter he
14 had -- at some point he had told Theresa Sanders --

15 **MS. CAPPEL:** Gavin told her?

16 **MR. SCHWERING:** Gavin told her. And that's when
17 both Sarah Lynds and I started -- I think they were every
18 other week meetings with Theresa Sanders, basically just
19 keeping her in the loop on kind of just general department
20 business and also Frank business. And so --

21 **MS. CAPPEL:** Did those become biweekly because of
22 this incident on the 31st?

23 **MR. SCHWERING:** Yes. I want to -- I want to say
24 so, because it was a case of -- because that was kind of the
25 issue is I had met with Theresa when I first started,

1 because it was a case of, you know, technically a mayoral
2 appointee, so I wanted to be -- and, you know, we've got a
3 lot of, I mean, as you can see from the boxes, there's a lot
4 going on in this department. And so I wanted to make sure
5 not only does my direct supervisor know -- Frank -- but also
6 the city administrator, so everyone's on the same page.

7 So I'd been keeping her up-to-date on, you know,
8 whether, you know, whether there was something benign in
9 fleet or whether there was something that it was, you know,
10 the DOJ implementation or anything in between. Body cameras
11 is another big project we were working on.

12 And I -- I start having those meetings with her,
13 and then Frank didn't seem -- I don't think he specifically
14 told me not to have the meetings, but he made it pretty
15 clear that he wasn't happy that I was meeting with her by
16 myself. So I -- you know, it was kind of one of those
17 things where I was just like, well, I'm not in the mood to
18 have any argument about this at this point, so we just kind
19 of -- we kind of ceased the meetings.

20 And then once this happened, it was kind of clear
21 that there needed to be more lines of communication with
22 city hall, and Sarah Lynds was in agreement with that. And
23 Sarah and I, obviously, have a lot of overlap with our
24 departments, and so she and I would just meet with her, you
25 know, basically, every other week.

1 And we'd talk about, you know, whether it's
2 finance issues, whether it's IT issues, body cameras,
3 whatever the business of the day was, along with, you know,
4 kind of updating her on --

5 **MS. CAPPEL:** On Frank's line.

6 **MR. SCHWERING:** On Frank watch, if you will.

7 **MS. CAPPEL:** So let me back up to the conversation
8 you were having with Gavin. Did he direct you in any way?
9 Did he make any suggestions or --

10 **MR. SCHWERING:** No. I believe he said he was
11 going to talk with Theresa about it. And it was -- it was
12 one of those things where I felt, you know, it was kind of
13 and that's why I went to him is that, you know, it was a
14 delicate -- it's kind of, you know, how do you tell a
15 cabinet level person on the same level as your boss that
16 your boss is sort of, you know, might be flaming out?

17 And so it's kind of like, jeez, this is a -- I
18 wish I -- I wish this wasn't happening. But, in essence, it
19 was kind of one of those things where, you know, you have
20 this giant problem.

21 And you also, with -- you have to take Monique's
22 interest into consideration, because it was one of those
23 things where it's, like, she doesn't want to make a
24 complaint. So, you know, does that -- and you look at that
25 and it's, like, does that affect her career? I mean, if

1 that comes public, obviously, you know, it did, and look
2 what happened.

3 And so you -- I was really trying to be careful
4 with that as well, making sure that stayed -- you know, if
5 she wanted privacy on that, I was going to give her privacy
6 on that. If she didn't want to file a complaint, I'm not
7 going to push that.

8 But on the other hand, you also had a chief of
9 police, who's in charge of, you know, 300 commission folks
10 along with all the civilian personnel here. If you have a
11 problem there, you want to make sure that city hall's aware
12 of it.

13 So you had to -- it was the balancing act of
14 privacy for Monique, but also making sure that they were
15 aware that they had a huge liability with Frank in that, you
16 know, you can't be -- I mean, you can't say that to anybody
17 but, you know, don't be saying that to your PIO, for God's
18 sakes.

19 **MS. CAPPEL:** Now, when you were referencing to
20 Gavin that you thought he was creating a liability -- he,
21 being Straub, was creating a liability for the city, were
22 you just thinking about that meeting on the 31st? Or did
23 you have other things in mind?

24 **MR. SCHWERING:** That was kind of the -- that
25 meeting was kind of the exclamation point on Frank, if you

1 will. I mean, because Frank would have -- I mean, we would
2 joke in our executive staff meetings, because we went, you
3 know, months where it was like we would -- because our
4 executive staff meetings were at 9:00 on Monday mornings.
5 And we got to the point where we would meet actually in this
6 very room with just the executive staff without Frank. And
7 we would kind of make sure --

8 **MS. CAPPEL:** Before?

9 **MR. SCHWERING:** Beforehand. So we're all on the
10 same page. Because we'd kind of joke. And somebody made
11 the joke of who's going to get the ace of spades, who's
12 going to get killed by Frank today. And it was -- and it
13 would be over anything. It was just a case, I think, if
14 Frank ever felt threatened or was in a bad mood or -- or
15 whatever. Whatever he might be feeling, it would be, you
16 know, that person would just get almost embarrassed.

17 I mean, and I -- the best example I can give is,
18 you know, there was an investigations case on, you know,
19 where a wiretap might be used. And Selby said, I don't
20 think this is the case to do it, because it was -- you know,
21 I can't remember the details, but basically he said this
22 isn't the case to be doing it on.

23 And this is the guy who's worked for DEA for, you
24 know, 25 years. He knows wiretaps backwards and forwards.
25 And you get Frank, who, you know, has been, arguably, an

1 administrator for -- for most of his career, and he's trying
2 to tell Selby how to do wiretaps and almost belittling him
3 in front of the rest of us.

4 And it's like and so it was those types of things.
5 And it's like, okay, Frank's not happy with this. And it
6 wouldn't necessarily come from any place of reason, to a
7 certain extent. It would just be, you know, Selby's the
8 person I'm going to just behead today, and that's going to
9 be it.

10 **MS. CAPPEL:** So you said it was the exclamation
11 point on -- on Frank. What's sort of the next step in the
12 scheme of things, when it's clear that city hall is now
13 aware of this incident on the 31st?

14 **MR. SCHWERING:** So, in essence, what happened
15 after the 31st was, you know, we -- so I had the
16 conversation with Gavin and we had the conversation with
17 Theresa Sanders. And then -- and I -- this time I'm not
18 entirely positive, I don't know the specific dates, but I
19 believe it was in April there was an investigation done by
20 the city attorney's office.

21 And so they called in everyone that was involved
22 in that meeting on the 31st, to my understanding. And they
23 also called me in. And, you know, basically I told them the
24 same thing I told Gavin, is that you have a liability on
25 your hands and, you know, gave them the Monique example and

1 gave them, I believe, other examples of just him, you know,
2 kind of being inappropriate or just being -- like, he was --
3 basically, it was something was off.

4 I mean, he would have these blow-ups that would be
5 over -- I mean, some things, you know, might be reasonable
6 to be upset about, but he would just go, you know, bad shit
7 over certain things that didn't need to, I mean, that would
8 have been -- you could have had a conversation that didn't
9 need to either belittle somebody or, you know, scream at
10 somebody or things like that.

11 **MS. CAPPEL:** So the -- and who from city hall --
12 or who from the city attorney's office did you meet with?

13 **MR. SCHWERING:** I met with Nancy Isserlis and Erin
14 Jacobson.

15 **MS. CAPPEL:** And you thought it was sometime in
16 April.

17 **MR. SCHWERING:** It would have been in April,
18 because it was fairly shortly after -- yeah, it would have
19 been fairly -- it was fairly shortly after the March 31st
20 incident, so I'm guessing April. It could be May, as late
21 as May, but right around in that timeframe.

22 **MS. CAPPEL:** And you -- one of the things you told
23 them was what you knew about the March 31st incident. And
24 you commented that you thought they had a liability on their
25 hands. And then you also gave them some other examples of -

1 -

2 **MR. SCHWERING:** Yes. I told them about Monique
3 afterwards and talked with her about this and said, you
4 know, basically told them the same things I told Gavin. And
5 I can't remember all the other examples I gave, but it was
6 basically -- I mean, in a nutshell it was that, you know,
7 Frank would -- you know, Frank would be good for a while,
8 and then Frank would then lose his mind over something and
9 he would, you know.

10 And CompStat meetings would be the greatest -- the
11 best example I could give you, because he would have --
12 basically, you would have -- it would basically be at this
13 table where you'd have all the command staff sitting here,
14 and you'd have all the captains around, and, you know, you'd
15 be going through this report and, you know, the captains, in
16 essence, couldn't be captains, really. They were just
17 constantly worried about CompStat on getting a question out
18 of --

19 And I'll give you a specific example. There had
20 been an assault on a -- on a transgender woman in January of
21 2013, and we had been notified. It was -- it was -- it was
22 an assault, but it was on a transgender person, and
23 basically, it got to the point where someone from Boots
24 Bakery, where it happened, was also in the area of where the
25 Center for Justice and kind of all the -- the advocate

1 groups are at.

2 And I don't remember the timeline. Oh, actually,
3 I do. It was Blaine, Blaine Stum, who is with the Human
4 Rights Commission, knew the person who'd been assaulted and
5 basically made some phone calls. And so I was made -- I
6 think Frank got a phone call that it had happened, so he
7 sent us an email on I think it was, like, Saturday night or
8 Sunday that this had happened. And I remember, because it
9 was Super Bowl Sunday.

10 So I had called. I'd responded. I'd sent an
11 email saying that, you know, I'm on it. And I called the
12 owner of Boots Bakery. And I think I called -- I think I
13 called for a fact Rick Eichstaedt, I think, just people that
14 were -- no, it wouldn't have been Rick; it was Blaine I
15 talked to -- and basically said that, you know, we're
16 looking into this and, you know, we're on it.

17 But again, it's Super Bowl Sunday, so I -- we
18 really can't -- I mean, we can't send anybody out right now,
19 because it's, like, 20 minutes before the Super Bowl's going
20 to start, so God knows how we're going to find anybody to do
21 the investigation, for obvious reasons.

22 But anyway, so then Monday morning rolls around
23 and, you know, Frank lost his mind over that we didn't
24 respond like we should have. I mean, and he said you should
25 have responded to that incident like we responded -- like we

1 respond to an officer involved shooting, like, which was,
2 like, I mean, it's a tragedy that happened, but it's also an
3 assault. I mean, how many assaults happen during the course
4 of the day in the city, and we can't respond like that. And
5 so it was an odd, very odd response.

6 But then at CompStat, he just went -- he would
7 just eviscerate people on, basically, their response to that
8 incident. And, you know, we had an investigations captain,
9 Eric Olsen, who he was just grilling on, you know, what
10 happened, what, you know, the facts of the case, to the
11 point of where he said, well, which way did they run after
12 they assaulted? And that was -- then it became a joke.
13 It's, like, well, which way did they go?

14 It's, like, you're a captain over investigations,
15 and you're going to in the CompStat tell the chief of police
16 which way they ran? First off, who cares? I mean, at this
17 point, at this level, who cares which way they ran? But
18 then Eric got eviscerated for not knowing which way they
19 ran.

20 And so that really went to the detail of what --
21 and it -- it wasn't anything that was really pertinent, but
22 it's always something that could be just out of nowhere that
23 they would have to know, otherwise they'd get eviscerated.

24 Keith Cummings is a great example of somebody who,
25 I think, did a great job on the north side, but he didn't do

1 CompStat really well. I mean, he didn't -- he didn't
2 articulate the way Frank wanted, and so he yanked him out of
3 there and put Craig up there, so.

4 **MS. CAPPEL:** Okay. So back to the meeting with
5 Nancy and Erin. Did they explain the purpose of them
6 wanting to meet with you?

7 **MR. SCHWERING:** Yeah. I mean, it was pretty clear
8 that it was over the March 31st incident.

9 **MS. CAPPEL:** And -- and you said it was an
10 investigation. Did they tell you they were doing an
11 investigation?

12 **MR. SCHWERING:** I don't -- I assume they did, but,
13 I mean, that's semantics. I mean --

14 **MS. CAPPEL:** You -- you thought that's what they
15 were doing.

16 **MR. SCHWERING:** Yeah. I mean, that's -- you're
17 interviewing people, finding out what happened at an event,
18 which, I mean, you're in the business, that's usually an
19 investigation.

20 **MS. CAPPEL:** Did they -- did either one of them
21 take any notes, to your recollection?

22 **MR. SCHWERING:** No. No notes were taken.

23 **MS. CAPPEL:** Did you notice that?

24 **MR. SCHWERING:** I did.

25 **MS. CAPPEL:** And what -- what did you think about

1 that?

2 **MR. SCHWERING:** That's -- I just felt they were on
3 a kind of fact-finding mission that was going to be all
4 verbal, and that was going to be the extent of it.

5 **MS. CAPPEL:** Okay. Did they share with you what
6 their next steps were or how they -- what they were going to
7 do with the information they were collecting?

8 **MR. SCHWERING:** I don't think they did. So that
9 was kind of the question of where -- because it kind of
10 ended, and then it was just kind of we're in this no man's
11 land where we weren't really sure what was going on because
12 -- I mean, we'd -- I think there had been a moment where
13 Frank -- where we assumed Frank had been talked to, because
14 his behavior kind of changed very dramatically very quickly.

15 But we were never really notified specifically
16 what happened. And probably rightfully so, to a certain
17 extent, at least. I mean, to be told what your -- I mean,
18 if there's a disciplinary issue with your supervisor,
19 they're going to tell a subordinate what that was. So I
20 didn't really have too much of an issue with that.

21 **MS. CAPPEL:** Okay. Do you know if Frank met on a
22 regular basis with Theresa like you did?

23 **MR. SCHWERING:** I don't think he did. I mean, it
24 was a case of I think they had a scheduled meeting every
25 week after -- so, like, the mayor has his cabinet meetings

1 on Tuesdays and Thursdays at 9, and Frank was supposed to
2 meet one of those days. Tuesdays or Thursdays they were
3 going to meet, like, at 10 a.m., I think. According to
4 Theresa, that Frank usually had something else going on, so
5 they didn't usually meet.

6 **MS. CAPPEL:** Do you know if Frank had any kind of
7 standing meetings with the mayor? One-on-one as opposed to

8 **MR. SCHWERING:** No. And that's from -- that's
9 kind of what from Frank was. I mean, Frank's -- I think
10 where Frank would get frustrated is that he would have -- he
11 didn't seem to have direct contact with the mayor. It would
12 be pretty much through Theresa. That was kind of his -- he
13 wanted to be able to have direct meetings with the mayor,
14 and I know he did from time to time, but it wasn't on a
15 regular basis, which I think he would have wanted.

16 **MS. CAPPEL:** Before the March 31st blow-up, as you
17 will, had you shared with Theresa any concerns you had about
18 Straub? So going back, basically, from when you first
19 started meeting with her.

20 **MR. SCHWERING:** Yeah. I'm pretty sure we did,
21 because it was kind of -- it was kind of the -- and I think
22 this was kind -- and I think everyone -- everyone was aware
23 of Frank. I mean, because Frank had some great traits. I
24 mean, he -- he was -- you know, obviously knew a lot of
25 people around the country. He was well-connected. He had

1 great ideas. But he also had some deficits, and sometimes
2 that was dealing with interpersonal relationships.

3 And I think Gavin probably put it the best, is
4 like, you know, people -- people know Frank. Frank's an
5 asshole, but he's our asshole. And that was -- that was
6 kind of, I think, the view held by city hall is that, yeah,
7 he's kind of an ass, but, you know, he's not creating that -
8 - it's not -- I don't think they quite realized it was at
9 that level that it was.

10 **MS. CAPPEL:** So when you were sharing things with
11 Theresa, do you remember what kinds of things you were
12 raising with her before this March 31st incident?

13 **MR. SCHWERING:** My biggest issues with Frank
14 before that issue would have been that we vacillated greatly
15 on what the plans were, because, you know -- and the org
16 charts are a great example. I mean, we sent out org charts,
17 you know, at the beginning, every week, every Monday, we get
18 a new org chart, apparently.

19 But -- and I'm being facetious to a certain extent
20 with that, but, I mean, it was kind of -- the target was
21 always changing. We had, you know, whether it's DOJ stuff,
22 how we're going to be doing that. Or, you know, with body
23 cameras was another big one where we're doing one thing
24 another day, and then we're doing another thing another day.

25 We looked at a real time crime center, you know,

1 and I spent a ton of time getting that ready to go, did the
2 presentation. And -- and I remember this one time
3 specifically. It was over, if you've been in the Public
4 Safety Building where you first come in, he had said on a
5 basically, a Tuesday when if we're going to do this, we can
6 put the real time crime center in there.

7 And so by Wednesday we were walking by there after
8 lunch and I said, Well, I can get these guys moved out over
9 probably to the Gardner Building, because that's where I
10 believe all the -- the intel guys are at. And he kind of
11 looked at me and said, well, why would you do that? And I
12 said, because you want the real time crime center. He said,
13 did I say that? Like, yeah. He's like, well, let's hold
14 off on it, then.

15 And so that was where -- that for me was kind of
16 the frustrating thing, because then he would -- he'd
17 vacillate, and then if you couldn't guess the right thing
18 that he was thinking that day, he would sometimes lose his
19 mind, so.

20 **MS. CAPPEL:** Okay. In any of the conversations
21 with Theresa before the -- I'm using the March 31st as sort
22 of the cutoff -- did you talk to her about being concerned
23 that people were afraid of things like retaliation or
24 harassment or bullying?

25 **MR. SCHWERING:** I don't -- I mean, he was a -- I

1 mean, I think everyone knew he was a bully. I don't think
2 we ever spoke specifically, because I -- part of it was I
3 wouldn't have been there for -- like, the thing I could
4 think of with -- if it with -- Carly had felt that way, it
5 was in those meetings.

6 But by that point, I mean, everyone knew that he
7 was a bully, but I don't think I gave any specifics on,
8 like, any necessarily true harassment issues that I was
9 concerned about. It was more just the bullying. I know
10 it's a fine line between the two, but it was kind of -- I
11 mean, it was --

12 And -- and also understand that we were kind of
13 SPD was in a -- in a very interesting position at the time,
14 because they were -- you know, they had gone through the
15 Otto Zehm and stuff, they'd gone through a couple of chiefs
16 where there was just -- it was kind of one stumble after
17 another.

18 And then Frank comes in like he's the second
19 coming of Christ to a certain extent, and he was given a lot
20 of latitude. And so it was kind of like, you know, I'm not
21 -- I'm certainly not going to sit there and say you might
22 have an issue here, unless I was dead certain we had an
23 issue, because, I mean, again, he was -- he had a lot of
24 latitude, he knew a lot of people.

25 But he also made clear that, I mean, if you -- if

1 you weren't on, he -- he would crush people, if necessary.

2 **MS. CAPPEL:** Did you notice any trends or themes
3 with the people that he crushed? And to be more specific,
4 did it tend to be the older staff or more than women, more
5 women than men?

6 **MR. SCHWERING:** No. He was an equal opportunity
7 person in that regard. I mean, it was -- you know, and it's
8 -- you know, I don't know if it -- I don't know what his --
9 what his demons are. But, I mean, it would be, like, things
10 would be going along just fine, and then something would
11 happen where he would lose his mind over stuff.

12 You know, Joe Walker's a great point. And he was
13 fixated on Joe because, you know, Joe rolled back, and he
14 felt that that was kind of a betrayal on Joe's part. And,
15 boy, if you -- that was one thing. And that was where Frank
16 was always -- I think that was his kind of Achilles heel to
17 a certain extent.

18 I don't know if that was from his background in
19 Minneapolis or what else happened in his personal career,
20 but he was always concerned that, basically, people were out
21 to get him, like, you know, people are going to come after
22 me, you know, this and that.

23 I remember -- well, we can talk about that later,
24 but he was always concerned that people were out to get him.
25 And if people were out to get him, they needed to be dealt

1 with. And, you know, like Joe Walker, you know, we created
2 that civil enforcement unit under Selby Smith over at
3 Gardner Building and, you know, we had to have -- there was
4 this big push to make sure a lieutenant was running it.

5 And we -- it was basically -- and he said in front
6 of both me and Rick Dobrow that it was basically this is,
7 you know, our chance, if you will. That was his chance to
8 put his, and it was basically -- that's a quote of putting
9 his foot on Joe's neck. And basically, we can watch him
10 here and, basically, just ramp up the pressure on him, which
11 was -- I mean, and it turned -- I mean it was kind -- and
12 then it put Selby in a top position, because we were trying
13 to create a new unit with somebody who didn't want to be
14 there.

15 And he was -- it was just -- it was a bizarre way
16 of doing things, because it was, like, Joe -- I mean, even
17 if, let's say, Joe was out to get him, he's a lieutenant.
18 Put him out in the field somewhere and just let him do his
19 thing. If he says things about you, it's, like, well,
20 you're the chief of police. I mean, people are always going
21 to say negative things about you, so.

22 **MS. CAPPEL:** Other than Joe, were there other
23 people that sort of got in Frank's cross-hairs?

24 **MR. SCHWERING:** You would get -- Monique was
25 probably another person that he would -- that was an odd

1 relationship, because there were times when they seemed to
2 be, you know, very close. I mean not in a -- in a weird
3 sense, but, I mean, they were -- they were -- you know, they
4 would go to events together as far as -- and she was and
5 rightfully so, basically, but the communications director
6 should, so they were always spending a lot of time together.

7 But then there would be times when she wasn't
8 around, where he would just talk just horribly about her and
9 just -- and he would just be annoyed by her. And so it
10 would be, you know, that she would be -- I can't remember
11 what all he did. I don't think he did anything specifically
12 with her. I think he moved -- because that was the thing is
13 he'd move -- if he didn't like what you -- if he didn't you
14 or he was mad at you, he would move you.

15 That was how he would solve problems. Well, we're
16 just going to move people or we're going to take things away
17 from them. And so I think he took volunteer services away
18 from her, but I'm not -- but I'm not sure. I -- I honestly
19 don't remember what happened there.

20 But basically, it was, you know, Frank's deal was
21 that if he was mad at you, he was going to -- he was going
22 to let you know he was mad, but he would do it really in a
23 passive aggressive way.

24 **MS. CAPPEL:** Did he move her to city hall -- her
25 being, excuse me, Monique, before she transferred to parks?

1 **MR. SCHWERING:** Well, and that's a whole weird
2 time period, too, because there was a case of that he was he
3 said he was tired of dealing with Monique and tired of her
4 drama and wanted her over in city hall to basically -- and I
5 think she was going to be the communications director for
6 both police and fire. You know, basically, she'd be in city
7 hall and kind of out of his hair.

8 She was -- but in -- again, it was like a Carly
9 Cortright scenario, where I don't think -- where he said he
10 would have these conversations with her that this is going
11 to be a great career move for you. And you would talk with
12 Monique, and you would get the impression that she's not on
13 the same page or that she -- this is not a conversation that
14 she'd had -- she's had with him.

15 And so that kind of went back and forth for a
16 while. Then suddenly, she's over in city hall. And then
17 the next thing you know, she's -- she's back. And then he
18 said, I wouldn't -- I wouldn't put somebody over in city
19 hall if they were my worst enemy. So okay.

20 And so she's back. And then, I -- I honestly
21 don't remember the time of that, and you'd probably have
22 that information, but it was -- she was over in city hall a
23 very short period of time before she went back.

24 **MS. CAPPEL:** And the things that he would sway,
25 some of the disparaging things, did he ever talk about her

1 personal life?

2 **MR. SCHWERING:** I think he talked about -- he made
3 some comment about her and Mark at some point. They were --
4 because the understanding was that they were dating. I
5 mean, they didn't announce to the world that they were
6 dating, so I never asked them.

7 **MS. CAPPEL:** They did announce or did not?

8 **MR. SCHWERING:** They did not. They did not.

9 **MS. CAPPEL:** Did not.

10 **MR. SCHWERING:** So I never asked her. I never
11 asked him. But I think he made -- he made a comment, I
12 think, one time about the two of them together. But I don't
13 -- I don't remember what that was, specifically. It was
14 something about -- because it would have been something
15 about whether -- if -- it was some reference that he could
16 roll over or she could roll over and ask Mark himself at
17 night or something like that. It was some -- some offhand
18 comment that he made.

19 **MS. CAPPEL:** Did he ever give you the impression
20 that he was interested in Monique outside of a professional
21 relationship?

22 **MR. SCHWERING:** No.

23 **MS. CAPPEL:** Did he -- do you know if he tried to
24 socialize with her outside of work?

25 **MR. SCHWERING:** Don't know. I mean, because I

1 never socialize. I mean, it was -- because that was the
2 thing with Frank is that he would try to bring people into
3 his circle, and then it was usually turned into a disaster.
4 And so it was -- and if you can kind of see that almost,
5 that was one of the first things I learned when I got here.
6 It's, like, hm, that seems like a horrible idea.

7 So we never -- I never went out with him socially.
8 We would see other -- like, if we had, like, his wife and my
9 wife had mutual friends, so if there was something like a
10 gathering or something like that, we would -- I would run
11 into him, and that was fine there. But as a -- two couples
12 never went out together. So I will ask my first wife,
13 frankly. It was just, didn't care.

14 **MS. CAPPEL:** Okay. Did you ever see him touch
15 Monique in a way that you thought was unprofessional or
16 inappropriate?

17 **MR. SCHWERING:** No.

18 **MS. CAPPEL:** Did Monique ever share with you that
19 he had tried to touch her in a way that was inappropriate?

20 **MR. SCHWERING:** No.

21 **MS. CAPPEL:** Did any female staff in the
22 department share with you that Frank made them physically
23 uncomfortable or that he had done things that they thought
24 was inappropriate?

25 **MR. SCHWERING:** No. I mean, he was kind of -- no.

1 I mean, he just was kind -- he was -- I don't want to say
2 weird around -- I mean, no. There's not anything specific.
3 I mean, he was just sometimes a different -- he was kind of
4 socially awkward. And I think it was probably socially
5 awkward with both women and men. So I mean it was -- he
6 would just be odd sometimes, where you wouldn't understand
7 what he was doing.

8 **MS. CAPPEL:** Okay. So back to the conversation
9 you had with Theresa before the March 31st incident, you
10 shared concerns, but they seemed to be primarily operational
11 concerns and some mention of maybe some bullying activity.
12 Do you remember ever discussing thoughts using terms like
13 discrimination or harassment, retaliation?

14 **MR. SCHWERING:** Oh, I'm sure we would talk about
15 retaliation, too, because it would have been. I think I
16 told her about the whole asset -- or the -- the civil
17 enforcement unit with Joe and explained kind of what Frank's
18 thought process was on that.

19 **MS. CAPPEL:** What would be Theresa's response when
20 you took -- when you told her things like that?

21 **MR. SCHWERING:** That was the thing. She was
22 always very -- I mean, I always had great conversations with
23 Theresa, and she would take the information in. It wasn't a
24 case that she would discount it or anything like that. She
25 would just -- I would tell her the information, and she

1 would take the information in. And where it went from
2 there, I wasn't sure. And that was --

3 **MS. CAPPEL:** Did she ever say what she planned to
4 do, if anything, to follow up?

5 **MR. SCHWERING:** No. And that's kind of where we
6 got to the point of the letter was, I think, we were having
7 conversations, and it would -- and that was the thing with
8 Frank, though, is he'd go through periods where he would be
9 fine, everything would be very mellow. And then he would
10 blow up again at somebody.

11 And it was just -- and it got it was getting to
12 the point where you're kind of getting to the almost
13 critical mass. And it got to an issue of a -- I think it
14 was a command -- no, it was a senior staff meeting. And we
15 were having a discussion on YPI, which is the youth police
16 initiative. And he was concerned that people -- that
17 officers weren't showing up at these YPI events on -- on
18 shift.

19 And, you know, our officers are running, you know.
20 They usually have calls stacked up, so everyone in the room
21 understood that you're not going to YPI unless you have,
22 like, scheduled on your calendar. And so was -- and so Dan
23 Torok was the person, actually, who said -- he made the
24 comment to Frank of, well, do you think that officers -- do
25 you think that's the only opportunity for officers to

1 interact with the public in a positive light?

2 That's not a verbatim quote, but in essence that
3 was the -- that was the -- the gist of the -- the comment.
4 And Frank got -- you could see it. I mean, you could just
5 see the dark clouds roll in, and he started getting pissed.
6 And he said -- and I can't remember how the conversation
7 went, but it was basically, you know, Dan was pointing out
8 that, you know, the officers every day have, you know,
9 community outreach where they, you know, help, you know,
10 help a kid, help someone. I mean, they help people.

11 And Frank was not interested in hearing that. He
12 wanted to hear why officers weren't going to YPI, because
13 that's kind of the sanctioned event of the department. And
14 so after the meeting, it was again that we go into Selby's
15 office, and Frank was not happy. He was very angry at Torok
16 and basically wanted him to get -- wanted him to be moved.
17 I don't know where he wanted to move him, but basically he
18 wanted him moved.

19 And that was how he dealt with things is he would
20 just move people. And that was -- at that stage in the
21 game, it was really the role of the executive staff of,
22 like, Dobrow, Smith, myself and Lynds was how do we -- how
23 do we do a -- how do we contain this?

24 It was basically what's -- you know, we'd talk him
25 out of it, say, you know, let's not move Dan right now, or

1 what have you, and just to keep the operation moving
2 smoothly. Because it really got to the point of you would
3 have people that would have, you know, you'd have people
4 that had five different supervisors in the course of the
5 year that had no -- I mean, or they might not know who their
6 supervisor was.

7 I mean, I remember talking to somebody in traffic
8 who said, I don't know who our lieutenant is, which is, you
9 know, in some respect you're a paramilitary organization.
10 That's terrifying if you don't know who your lieutenant is.
11 And I -- and I said that, and I didn't really blame them,
12 because there had been so much movement. It's like, no,
13 that's a fair -- that's a fair statement.

14 And so it really got to the point that the
15 executive staff was really trying to maintain some sort of
16 just semblance of organization with -- with the department
17 that, you know, we were just trying to make sure that Frank
18 wasn't going to be moving people hither, nether and yon.

19 **MS. CAPPEL:** So how does that -- I'm not sure how
20 we got there, but --

21 **MR. SCHWERING:** So that was -- so basically, we
22 started seeing -- we -- we talked about kind of the mellow
23 times, and then there was the -- the other times where he
24 would start getting -- blowing up at people, basically,
25 during the public executions, if you will, at people in

1 meetings.

2 And -- and so that's when we really ramped up, and
3 I think we were going to start meeting weekly, then, with
4 Theresa kind of, you know, saying, you know, talking about
5 concerns. And I -- and I -- I don't honestly -- and I
6 didn't -- you know, I should have taken notes in those
7 meetings, but I didn't takes notes. Sarah Lynds was always
8 with me, and she would be -- if you have or have not already
9 talked with her, she should be a good one to know specifics
10 as well in those meetings.

11 But basically, once it started ramping up, because
12 there was another instance that I'm trying to remember --

13 **MS. CAPPEL:** Well, before we go there --

14 **MR. SCHWERING:** Sure.

15 **MS. CAPPEL:** The senior staff meeting that you
16 described just a minute ago where he wanted to move Torok,
17 when did that meeting occur? Was that after the March 31st?

18 **MR. SCHWERING:** Yeah. It would have been -- it
19 would have been in the summertime.

20 **MS. CAPPEL:** Okay. So that's one other thing.

21 **MR. SCHWERING:** Yeah. So that was kind of the
22 impetus of when we're getting to the letter.

23 **MS. CAPPEL:** And so there was a period of time
24 where you mentioned it seemed like he -- his demeanor
25 changed for the good.

1 **MR. SCHWERING:** Right. Because there was a --
2 there was a day where he came back and -- from city hall,
3 and it was kind of the -- you know, now since it turned into
4 Frank watch to a certain extent, it's like, you know, you'd
5 -- you know, Sarah's down there, and so I'd, you know, call
6 her up and be, like, how's he doing today? And, you know,
7 Selby would be over in the Gardner Building. He's called
8 me. Have you talked to Frank today?

9 And there was a day that he came back from city
10 hall, and he was very -- he was joking, and he went into one
11 of our accountant's offices, Angie Chermungo (phonetic),
12 and, like, put his feet up and started joking with her.
13 And, I mean, that was not -- I mean, you would have thought
14 the man had a stroke, because he never acted that way.

15 And so I was, like, oh, somebody -- somebody
16 probably had that conversation. So after that, it was he
17 was a different -- he really toned it down, and it was kind
18 of very, very mellow. But then those mellow times only last
19 for so long before the storm clouds rolled in. And then you
20 start seeing that, and Dan's issue was one of them.

21 And I know there was a couple of other ones, but
22 it's basically, you know, we're kind of getting back to that
23 area again. And I remember Justin Lundgren and I had, you
24 know, kind of a conversation about, you know, really what to
25 do about this.

1 And I said -- and I can't remember who brought it
2 up, but I was -- I think it was me who said I'm thinking
3 about basically just putting this in writing. And, you
4 know, he and I talked about that. And I think they, you
5 know, I think they agreed that they were going to do a
6 letter as well.

7 And so what happened is Frank was at a -- I think
8 he was on vacation. He was on a family vacation, I believe.
9 And we had a labor-management meeting, and basically at that
10 labor-management meeting, they had a discussion. We had
11 basically a discussion on Frank, and they -- I think that's
12 when they gave us their letter, and they went through
13 everything.

14 And I had said, you know, is there anything? And
15 I specifically said, I mean, are you feeling -- feeling
16 threatened right now? I mean, do we need to do anything
17 immediately? And the answer was no. And so I took their
18 letter, and then we as an executive team drafted our own
19 letter, basically saying that we foresee this.

20 And my thought process was is that we would give
21 this to Nancy Isserlis kind of as a privileged communication
22 as attorney-client. I didn't want to -- this was, you know,
23 these were obviously very serious concerns, and so I kind of
24 wanted to put that under kind of the attorney-client
25 privilege umbrella and then let --

1 **MS. CAPPEL:** Can I ask you, did you have the
2 Lieutenant and Captain Association letter when you -- when
3 the executive team drafted theirs?

4 **MR. SCHWERING:** I believe they had that. I
5 believe they brought that to the meeting, if I remember
6 correctly. I could be wrong on that.

7 **MS. CAPPEL:** Okay.

8 **MR. SCHWERING:** Sarah would know as well.

9 **MS. CAPPEL:** Who -- who drafted the -- the
10 September 18th letter that's signed by the executive team?

11 **MR. SCHWERING:** We did. I mean, we kind of kicked
12 -- we actually came back in here, and we all kind of circled
13 around and went through everything and kind of went through
14 the notes.

15 **MS. CAPPEL:** The four of you?

16 **MR. SCHWERING:** The -- was Rick in there? It was
17 Sarah, myself, and Selby. And then I don't know if Rick was
18 in there at the time. Basically, then, we passed it around
19 to make sure everyone -- the issue was is we wanted to make
20 sure that as far as, like, the bullet points.

21 If one -- you know, if I remembered -- if three of
22 us remembered X --

23 **MS. CAPPEL:** It went in?

24 **MR. SCHWERING:** But, no. No, if three of us
25 remembered X and one person didn't remember it happening, it

1 didn't go in. So we wanted to make sure that if we're all
2 four signing this thing, that each -- every person
3 remembered, can give a specific example of each bullet
4 point.

5 **MS. CAPPEL:** Okay. Did you document anywhere what
6 the specific incidents are that each of these bullets refers
7 to?

8 **MR. SCHWERING:** No, we didn't. Because that was
9 the question. It was like -- and that's why we did it just
10 as kind of -- we did this as an initial, you know, we're
11 going to put this in writing so you're aware of it, but --
12 and that's why we put "please advise" at the end.

13 If they want -- if they wanted to do another
14 investigation, if they wanted -- we didn't know. We didn't
15 want to force their hand. It's, like, this is what we know.
16 If you want to come talk to us, you're more than welcome to.
17 But it was kind of a case of it's in your hands how you want
18 to deal with it.

19 **MS. CAPPEL:** So your -- your September 18th letter
20 references a meeting on September 10th with the mayor and
21 the city administrator?

22 **MR. SCHWERING:** Mm-hmm.

23 **MS. CAPPEL:** It's the second paragraph.

24 **MR. SCHWERING:** Yes.

25 **MS. CAPPEL:** Did you attend that September 10th

1 meeting?

2 **MR. SCHWERING:** I did.

3 **MS. CAPPEL:** Do you -- what do you recall happened
4 at that meeting?

5 **MR. SCHWERING:** That was -- that meeting happened
6 from -- that started from, I think, conversations from our -
7 - that Sarah Lynds and myself would have with Theresa, is
8 that again you felt -- because we were letting her know that
9 basically, again, feels like we're reaching critical mass
10 again.

11 And so she had made the comment that it would be a
12 good idea if she met with both captains and lieutenants as
13 kind of a pressure valve release to a certain extent, to let
14 them at least vent their concerns. And it was kind of under
15 the guise of a budget meeting. Everyone knew it wasn't a
16 budget meeting. We talked about a budget for about 10
17 minutes, and then we went to the real issue.

18 So I know they met with them, I think, believe,
19 ahead of time. They also met with the guild to see if they
20 had any concerns. And then they met with us. I think we
21 were the final -- final group.

22 **MS. CAPPEL:** And did you share details of concerns
23 you had with Straub at the September 10th meeting?

24 **MR. SCHWERING:** Yes.

25 **MS. CAPPEL:** What was the mayor's reaction, as far

1 as you could tell?

2 **MR. SCHWERING:** I think the mayor was -- yeah, he
3 -- obviously, I don't think it was something he wanted to
4 hear about his chief of police, but it was -- you know,
5 again, he listened, and he took in all the information.
6 And, yeah, he said -- you know, basically, I think what he
7 was saying is that had he just received a letter from the
8 Captains and Lieutenants Association, he -- he would have
9 needed to do an investigation.

10 The fact that he received it from them as well as,
11 basically, Frank's people that he brought in meant that he
12 did not -- I mean, basically, it was, you know, if we're
13 saying the same thing, then we don't really need to do an
14 investigation. It just is what it is. And --

15 **MS. CAPPEL:** That's what the mayor's saying.

16 **MR. SCHWERING:** Yeah.

17 **MS. CAPPEL:** Did -- was there any discussion about
18 how they intended to proceed, what their -- what their next
19 steps were?

20 **MR. SCHWERING:** My understanding was they would
21 have a -- I want to say Frank was -- I can't -- I remember
22 Frank was gone for a week or two weeks, because he was on a
23 -- I think it was a week cruise. And so that would have
24 been -- no, he was here. He was back by that point, because
25 he was -- oh, yeah, how could I forget that? Because we had

1 called in for a budget meeting, and I was going to go down
2 and talk with Rick Dobrow, who was right next to the chief's
3 office. And I walked in there without looking to see who
4 was in there and saw Frank in there. And he was all beside
5 himself of, you know.

6 But he said, are you going to that meeting, too?
7 And I said, the budget meeting? And he said, Yeah, but it's
8 not a budget meeting. It's a meeting to -- they're going to
9 basically want you to say that I'm -- I can't remember how
10 he put it -- basically, a horrible boss.

11 And I said, Oh. And I just kind of feigned
12 ignorance to a certain extent, because I -- I mean, we were
13 about 10 minutes off for having to meet, and I didn't want
14 to get into that conversation with him at that point.

15 And so then he went -- and then he -- he was very
16 Nixonian, if you will, because he was very, you know, very
17 downcast. And he said, Well, I want you to remember who
18 brought you in here -- which I thought was funny, because it
19 was not like I was unemployed. I mean, I had a really good
20 job before and it's, like, I didn't ask for this, Frank.

21 But I chose not to say anything, and -- and then
22 so I just left. I was, like, I'm not even messing with
23 this. And I know he went on with Rick for a little while
24 longer on, you know, this is, you know, this is just witch
25 hunt, this is whatever. And then we went from there.

1 **MS. CAPPEL:** Okay. So back to September 10th as
2 the mayor and Theresa were closing out that meeting, did
3 they give you any sense of what they were going to do next?

4 **MR. SCHWERING:** They were going to -- my
5 understanding was they were going to meet with Frank that
6 following -- no, that's what it was. It would have been
7 super helpful if I would have kept notes on everything.

8 But what happened was that we had this meeting.
9 Frank -- that's when Frank went on his vacation, because he
10 was -- we had this. Frank goes on the vacation, because
11 that was -- it was a Thursday night. We had the meeting
12 with the mayor and Theresa and let them know what's going
13 on.

14 Friday morning we have in-service. And we go to
15 in-service out at the academy. We get called into the
16 cafeteria with just the exec staff. Frank asks how it went.
17 And it was kind of the -- the very political answer of, oh,
18 they were just asking how things were going, and we said we
19 just basically told them how it was going, which he took as
20 that it was going fine, which really wasn't the case, but.

21 And then he left for a vacation that following
22 Monday. He was -- I think, went on an Alaska cruise,
23 something like that. And then he got back that next week or
24 something like that, got back Sunday, and then they were --
25 they called him in Monday morning to meet with them.

1 **MS. CAPPEL:** Did you know they were going to call
2 him in that Monday?

3 **MR. SCHWERING:** Yes. Because we were all pretty
4 concerned about how they were. And I know I was concerned
5 and how Selby was concerned as far as this is a guy that's
6 wound pretty tight here, and we're talking some pretty heavy
7 issues here. So, you know, what -- what is the plan here?
8 Because I was concerned, you know.

9 You know, any number -- you know, I worked in the
10 federal defender for a number of years where people can lose
11 their minds over certain things, and this was a guy that's
12 wound really tight. And I -- I personally was very
13 concerned about it. And I had said I was concerned about my
14 safety. I was concerned about the safety of people here.
15 This guy has a firearm. I don't know -- I don't know how
16 he's going to react.

17 **MS. CAPPEL:** Did you -- what did you understand
18 they were going to say to Frank? I mean, it's been
19 described as a resignation where he wanted to, I don't know,
20 spend more time with his family.

21 **MR. SCHWERING:** Right.

22 **MS. CAPPEL:** And then it's also been described as
23 he was given the ultimatum, resign or be fired. Did you see
24 from anyone in city hall?

25 **MR. SCHWERING:** What I was told, I believe, after

1 the fact was that it was basically you are -- he was a --
2 you're going to be resigning. We're just kind of -- we can
3 craft a message together or we can just get the message out
4 ourselves, but.

5 **MS. CAPPEL:** But you learned that after that had
6 happened.

7 **MR. SCHWERING:** After the fact. Because it was
8 because we weren't sure. We still weren't sure what was
9 going to happen, in fact. Because I remember it was Sarah
10 Lynds, myself and Selby. We went and grabbed coffee when we
11 knew the mayor was going to be meeting with Frank, because
12 they brought Rick down to be in city hall, because they
13 wanted somebody with a firearm to be there just in case.

14 And so we were -- we just kind of sat and had
15 coffee and was kind of like, well, what the hell is going on
16 now, do you think? And as it happened, I think it was Selby
17 who saw Frank drive by, because he was driving home. So he
18 didn't -- we'd called. I think it was Rick that we talked
19 to and said it was done. And I can't remember at that time
20 if we knew he was -- what was happening. I don't know.

21 Because that was -- there was so much in play at
22 that point that I don't remember the specific timeline right
23 during that. But I know it was that he had had -- that
24 basically the -- they had had a conversation, whether it was
25 Frank and Theresa and the mayor, conversation didn't go

1 well, and Frank was very upset, and that Frank left. And
2 that -- and that was the issue that Rick said.

3 I was, like, well, did they, you know, how did it
4 go? And he's, like, I didn't know, even though he left,
5 because they kind of kept him over to the side in another
6 room, and Frank leaves. And so -- and I, you know, he was -
7 - he was very distraught, apparently. And I know he had he
8 was so distraught by the time he got home, I know he had,
9 like, run his car into his garage, so, like, he -- so he was
10 very upset.

11 Did you -- there was a press conference the
12 following day. Did you know there was going to be a press
13 conference?

14 **MR. SCHWERING:** No. Because that happened very
15 quickly. They had released -- because I was surprised they
16 hadn't -- I think at the press conference is when they
17 released this.

18 **MS. CAPPEL:** "This" being the September 18th
19 letter?

20 **MR. SCHWERING:** Mm-hmm.

21 **MS. CAPPEL:** And you -- you weren't aware that
22 that was what they were planning to do?

23 **MR. SCHWERING:** No.

24 **MS. CAPPEL:** Did Nancy Isserlis contact you
25 between the time that she received the letter September 18th

1 -- I'm assuming she got it the same date --

2 **MR. SCHWERING:** Mm-hmm.

3 **MS. CAPPEL:** -- and the Monday meeting where the
4 mayor and Theresa met with Chief Straub?

5 **MR. SCHWERING:** I don't think so. I honestly
6 don't remember on that one. I don't know. Because I had I
7 had handed these two to her, because there was a she was at
8 a CLE downtown. I went -- I remember calling her. She was
9 there. Drove over to her specifically and just handed both
10 letters to her.

11 **MS. CAPPEL:** Both the Captain and Lieutenants
12 letter and yours.

13 **MR. SCHWERING:** Mm-hmm. Because they had given
14 the -- the Captains and Lieutenants had given us the letter,
15 and so I had that in my possession. So I gave her both at
16 the same time.

17 **MS. CAPPEL:** And that was where she was off-site
18 at a CLE?

19 **MR. SCHWERING:** Mm-hmm.

20 **MS. CAPPEL:** Did you discuss with her what -- what
21 she was receiving?

22 **MR. SCHWERING:** Mm-hmm. Yeah. And exactly what
23 it was.

24 **MS. CAPPEL:** And what -- how did she react?

25 **MR. SCHWERING:** I think she just kind of shook her

1 head. I think she was just -- you know, I think she was, I
2 think, sad to a certain extent. I mean, I think we were all
3 sad.

4 I mean, here's this guy that we had brought in. I
5 say "we", but, you know, the city brought in kind of the --
6 the savior, if you will, of the -- the police department
7 that was having this spectacular crash and burn that was so
8 unnecessary. And I think I felt that way, and I'm -- you
9 know, I don't know what specifically Nancy felt, but I was
10 just, you know, for myself I was sad, because it's like I
11 didn't come over here for this. I didn't. You know, it's -
12 - I was just disappointed.

13 **MS. CAPPEL:** Had anyone from the city attorney's
14 office reached out to you before Straub departed the city to
15 talk to you about what you were seeing and hearing in the
16 police department?

17 **MR. SCHWERING:** No. I don't recall anybody
18 talking to me, because that was very -- because it was very
19 quick. So we had that meeting, and then he was gone for a
20 week, and I think they were trying to figure out what they
21 were going to do. I know I never had a meeting.

22 **MS. CAPPEL:** I mean at any time while you've been
23 at the city, has, like, Erin Jacobson or Mary Muramatsu
24 tried to talk to you about what was going on in the police
25 department, some of the issues with Straub?

1 **MR. SCHWERING:** No. I'd had -- I'd had
2 conversations with Mary where I've told her my concerns, and
3 she aware of those. And I think others had told her their
4 concerns.

5 Erin Jacobson -- I had had conversations with her
6 kind of just about, you know, just the way Frank operated.
7 And it was -- I can't remember, because we had had a
8 conversation about Frank, and it was just -- and I -- and I
9 honestly don't remember. Would have been after -- no, it
10 was before, because we all got brought in. Scratch that. I
11 apologize.

12 We had gotten brought in that we -- that he was on
13 a vacation and that -- "we" meaning his executive staff.
14 And I said -- they asked us if Frank could read the letters.

15 **MS. CAPPEL:** If he had or if he could?

16 **MR. SCHWERING:** If he could. And I -- because I
17 think it was a case of, well, I don't know if it was -- I
18 think it was that we didn't have any issues with him getting
19 the letters and reading the letters. But again, we were
20 concerned that it's, you know, if this is a public document,
21 you know, does that make this a bigger mess than it needs to
22 be?

23 Because again, there's the issue of, you know, the
24 whole Monique issue. You have all these issues of, like,
25 you know, let's let city hall handle this. And so we said

1 as long as -- you know, Frank can look at them, but we don't
2 want these, you know, given to him so he can have them so
3 they're not going to be released.

4 And that was kind of the conversation. I believe
5 that was the conversation when they said -- and that was
6 with Erin Jacobson and Nancy, I think, because it was in
7 Erin Jacobson's office, because I remember we all sat. And
8 that's when Erin had mentioned that they had had -- that's
9 kind of when, I think, the first that we had heard that
10 there -- that Frank had admitted having some sort of
11 inappropriate relationship with Monique.

12 **MS. CAPPEL:** Erin told you that?

13 **MR. SCHWERING:** Yeah. And so that was --

14 **MS. CAPPEL:** The whole E team?

15 **MR. SCHWERING:** Yeah. The whole executive part,
16 because that would have been Sarah, Rick, Selby and myself.
17 But I don't -- I mean, that was kind of just a -- I don't I
18 don't remember how that came up, because we were just having
19 -- I mean, there was a lot of kind of angst and just talking
20 about Frank and things like that. And that's kind of like
21 when that came up, is that -- that's when that was
22 mentioned.

23 **MS. CAPPEL:** Do you know if Frank was given copies
24 of the two letters to review?

25 **MR. SCHWERING:** I know he -- I know he reviewed

1 them. I don't know if he had copies.

2 **MS. CAPPEL:** Okay.

3 **MR. SCHWERING:** We were told he didn't have
4 copies, but, you know, I don't know.

5 **MS. CAPPEL:** But your concern was if he -- if you
6 gave him -- if they gave the letters to them, that they
7 would become public records?

8 **MR. SCHWERING:** Well, and not -- my biggest
9 concern, really, at this stage in the game was -- is, like,
10 I wasn't -- because I wasn't sure what we're going to do,
11 what's going to happen to Frank.

12 And so now we've -- we've basically drawn a line
13 in the sand, and I've now made this clear to both the
14 executive staff here and city hall of you got a guy that for
15 all intents and purposes is kind of unstable. So I'm a
16 little concerned that he has a firearm. That was my -- that
17 was my biggest concern during this whole thing.

18 And so my concern was if he looks at these, and
19 you guys are still -- I mean, if he looks at all this stuff
20 and was then going to try to, like, rebuild the
21 relationship, that's not going to happen. So it's either
22 going to be that, you know -- and I was already looking to
23 get out and leaving city hall entirely and leaving the city
24 entirely, because it's, like, this is an untenable
25 situation. Just is.

1 **MS. CAPPEL:** When you were talking to the mayor
2 and Theresa before the letters were drafted, did Monique
3 come up as a subject?

4 **MR. SCHWERING:** Sure she probably did. I can't
5 well, no, as far as during this -- during this time period?

6 **MS. CAPPEL:** Well, when you're -- on the 10th
7 you're, you know, under the auspices of having a budget
8 meeting, you're talking about Frank issues. Did Monique
9 come up as a Frank issue in that time?

10 **MR. SCHWERING:** Yeah. I mean, we talked about
11 Monique as far as getting her in a spot away from Frank.
12 That was kind of the issue that they were looking at,
13 because I think they initially looked at -- because
14 initially she was --

15 And -- and I wasn't privy to this, but kind of
16 what I was told secondhand was that, you know, she was going
17 to go and be the public safety communications director and
18 then it was going to be the fire communications director, I
19 think. And then all of a sudden she's going to parks. And
20 it was basically the idea was that she wasn't going to be
21 working there anymore.

22 And that was the thing. After -- shortly after
23 this incident, I mean, she just disappeared. I mean, she I
24 mean, she wasn't in the building. I mean, she was not to be
25 seen, so.

1 **MS. CAPPEL:** So I think I've -- I've confused the
2 timing of this. Let's go back to when Monique actually did
3 transfer. Did anyone from city hall talk to you about the
4 circumstances of her transferring? It was going to happen.

5 **MR. SCHWERING:** Yeah. It was going to happen.
6 And I think -- I think it came up in -- I know it would have
7 come up in our budget meetings with Theresa, because we were
8 talking about, you know, Sarah was wondering how they --
9 because you have the FTE assigned to police. What -- can we
10 fill that FTE, or how does that work?

11 And the -- I think the answer was that the FTE was
12 going to stay. We'll be funding that FTE still, but she'll
13 be over in parks, I believe, was how that was working. So I
14 know Sarah was kind of -- because we were looking at, you
15 know, that's a -- she filled a vital role within the
16 department, and we wanted to be able to fill that position
17 when we could.

18 **MS. CAPPEL:** And you think that the conversation
19 with Theresa about how financially the department was going
20 to handle her transfer.

21 **MR. SCHWERING:** Correct.

22 **MS. CAPPEL:** In the conversation with Theresa, did
23 Theresa mention that Monique had made claims of sexual
24 harassment?

25 **MR. SCHWERING:** I think she did, because I think

1 she had had -- I think that came up in discussions, because
2 I think she had taken notes during a phone call with
3 Monique. Yeah, it would have been right around that time.
4 She made -- she made some comment where it was that she then
5 gave those notes to either -- somebody in the city
6 attorney's office.

7 **MS. CAPPEL:** And do you -- best recollection of
8 when Theresa may have commented about the fact that she took
9 notes and that she gave them to the city attorney.

10 **MR. SCHWERING:** Great question. I'm not sure. It
11 was all --

12 **MS. CAPPEL:** Was it closer in time to Monique's
13 transfer or closer in time to when the chief departed?

14 **MR. SCHWERING:** I think it was closer in time to
15 the transfer.

16 **MS. CAPPEL:** And I think what your recollection
17 was, it was one of -- it was part of your biweekly meeting
18 with Theresa.

19 **MR. SCHWERING:** Correct.

20 **MS. CAPPEL:** And so was Sarah there also?

21 **MR. SCHWERING:** Mm-hmm.

22 **MS. CAPPEL:** And you're talking about how -- how
23 the transfer's going to get funded.

24 **MR. SCHWERING:** Correct.

25 **MS. CAPPEL:** And --

1 **MR. SCHWERING:** Yeah. It was basically is --
2 because she was going to remain in parks. Is parks picking
3 up? Is there an open FTE that then she will then be sliding
4 into, that parks will then be funding her salary, which
5 leaves, basically, our FTE open that we could then fill it
6 with somebody?

7 In essence, it was going to be that police would
8 still be funding that FTE, which I think is what happened
9 with Carly, too, because Carly was in our budget. She moved
10 to city hall to do 311, but she was still being paid out of
11 the police budget.

12 **MS. CAPPEL:** And beg your pardon for going back to
13 this --

14 **MR. SCHWERING:** No, no. That's fine.

15 **MS. CAPPEL:** Theresa, in that conversation about
16 how that position was going to be funded, may have commented
17 that Monique made allegations of sexual harassment and that
18 she had taken some kind of notes of the conversation with
19 Monique about that?

20 **MR. SCHWERING:** Mm-hmm.

21 **MS. CAPPEL:** And that she was going to give those
22 notes to the city attorney's office?

23 **MR. SCHWERING:** Yeah. That she had either already
24 given or was going to give notes to the -- the city
25 attorney.

1 **MS. CAPPEL:** Remember anything else she said about
2 the nature of Monique's claims?

3 **MR. SCHWERING:** No. I don't think she said
4 anything specific. Because I remember the -- the -- when I
5 -- the first time I really heard about it, I think, was in
6 the paper. It was the -- the ass grabbing, and he tried to
7 kiss her. I think that was the paper. That's the first
8 time I heard that.

9 **MS. CAPPEL:** So Theresa didn't give that little
10 detail?

11 **MR. SCHWERING:** No.

12 **MS. CAPPEL:** Did Theresa mention whether they were
13 going to look into those allegations in any way?

14 **MR. SCHWERING:** No. I don't think we discussed
15 that. Because again, I mean, the issue was that, you know,
16 we have Frank, who was a cabinet level person. I'm under
17 I'm kind of a -- I'm right below that in that outer -- outer
18 shell, if you will.

19 And so it was a case of I didn't, you know, I
20 wanted to give them information, but I didn't, you know,
21 it's somewhat inappropriate for me to then be saying, well,
22 what are you going to do about it as far as the discipline,
23 because that's my boss. And it just -- it was turning -- it
24 was basically here's the information. I'm going to give it
25 to you, and then you do with it whatever.

1 I mean, the only time I really started pushing
2 that issue was basically towards the end, because I was
3 concerned. You have a guy that, you know, clearly loses his
4 temper. Probably not a great person to be running around
5 with a firearm, if he's something, you know, that's going to
6 be negatively impacting his career or anything like that.

7 So that -- that was my -- when I really started
8 asking questions on, you know, is he going to get the
9 letter? What -- how is this going to look? You know, that
10 sort of thing.

11 **MS. CAPPEL:** Those are the questions of what are
12 you going to do.

13 **MR. SCHWERING:** That's when -- that's when I
14 really started pushing on it. It's right towards the end.
15 It's, like, how -- what are we doing here?

16 **MS. CAPPEL:** Back to when Theresa mentioned that
17 Monique had made sexual harassment claims. Did she ask you
18 any questions of whether you had seen anything like that or
19 had any information?

20 **MR. SCHWERING:** I don't think she did. And if she
21 would have, I would have said no, because I didn't -- I
22 mean, there was nothing as far as, like, sexual harassment
23 that it would have been. The only thing I would have told
24 her was of the March 31st incident, which was clearly sexual
25 harassment, because you talk -- I mean, you don't say you're

1 going to shove things up people's back end and break them
2 off.

3 But that was the first time that it was really
4 that I would be concerned that it was actually true sexual
5 harassment. What Monique claimed or what Monique said
6 happened I would have no -- I don't have no knowledge of.

7 **MS. CAPPEL:** Let's take a break.

8 **MR. SCHWERING:** Sounds good.

9 **(WHEREUPON, a brief break was taken.)**

10 **MS. CAPPEL:** We are back on the record, and I
11 neglected to say what time it was when we broke, but we --
12 I'd say about 10 minutes we broke?

13 **MR. SCHWERING:** Yeah. A 10-minute break.

14 **MS. CAPPEL:** So it was probably 6:35 we broke.
15 It's March 15th, 2016. I'm still with Tim Schwering. And
16 it's now 6:46.

17 So, Tim, with respect to concerns you had about
18 Chief Straub, did you ever take those concerns to anyone in
19 HR? And I'll give you some names. Either Heather Lowe,
20 Gita, or Megan?

21 **MR. SCHWERING:** So during this time, Heather's
22 husband, Jeff, worked for the police department as an entry
23 level police officer, so she had recused herself from all
24 matters police. So I never spoke to Heather about this
25 particular issue. Gita --

1 **MS. CAPPEL:** "This" being Frank Straub.

2 **MR. SCHWERING:** The Frank issue.

3 Gita had gone from the point person in HR for
4 police. Then she became the civils service chief examiner.
5 So she was gone. And then Megan had come in. I don't know
6 honestly remember when she came in, but she was very new,
7 and there's no way in the world she could have been updated
8 on Frank.

9 **MS. CAPPEL:** Okay.

10 **MR. SCHWERING:** So, no, personally I never updated
11 anybody in HR.

12 **MS. CAPPEL:** Okay. So the only person in the city
13 administration that you had sort of ongoing conversations
14 with would be Theresa --

15 **MR. SCHWERING:** Correct.

16 **MS. CAPPEL:** -- about Frank Straub related issues.

17 **MR. SCHWERING:** Yes. I had an initial
18 conversation with Gavin Cooley, and that led to
19 conversations with Theresa.

20 **MS. CAPPEL:** Do you know if Gavin Cooley was aware
21 of any of the Straub issues outside of the information you
22 gave him?

23 **MR. SCHWERING:** I think -- I'm pretty sure he was,
24 I mean, because that was kind of the general -- I couldn't
25 give you, point to any specific example where he said

1 something, but I think he was the one who said, you know,
2 Frank's an asshole, but he's our asshole. I think that was
3 -- I could attribute that quote to him.

4 And that was kind of the -- the general theme is
5 that Frank would, you know. He wasn't nice to people
6 sometimes and, you know, a guy that was it. I think that
7 was kind of the issue is they felt that, you know, he's a
8 jackass, but I don't think it -- I don't think they realized
9 it rose to the level that it did, in my understanding. But
10 I don't -- I couldn't say for -- for certain.

11 **MS. CAPPEL:** Okay. So one of the areas -- I'm
12 going to move on to a new topic. One of the areas that you
13 have responsibility over in the police department is
14 records.

15 **MR. SCHWERING:** Mm-hmm.

16 **MS. CAPPEL:** Does that include a public records
17 request that comes directly to the police department?

18 **MR. SCHWERING:** It can. I'll -- I'll be notified
19 on any -- any public records or press that comes to the
20 police department, we will get notified by Records, if it's
21 come to them, or by the city clerk's office, so Terri
22 Pfister, Laurie Fawnsorth.

23 **MS. CAPPEL:** And what's your understanding of the
24 process for responding to a public records request?

25 **MR. SCHWERING:** You know, it can be -- they can

1 you can request any document within the city, so it's
2 basically they come in and they -- if they want a document,
3 I usually as a general rule don't take notes, because I
4 can't usually read my handwriting anyway a week later.

5 But the city IT does an email search for anything
6 responsive, and then if you know of any other documents,
7 you're to find it. So what I'll usually do is if I know no
8 one in my department has it or if I think Records has it or
9 if I think someone else has it, I will make sure I forward
10 that email on to somebody just so they're aware of it.

11 And if I -- if I have something personally in my
12 possession that would be responsive, I would turn that over.

13 **MS. CAPPEL:** And in the case where you -- you know
14 of responsive records, to whom do you usually turn it over
15 to?

16 **MR. SCHWERING:** I would -- it's usually the person
17 that asks it. So if it's somebody from -- and as a general
18 rule when you get, like, public records request, for the
19 police, they usually want police reports, things like that.
20 That's within Records, so I don't have any, like, nothing
21 substantial there.

22 If it's usually coming from the city clerk's
23 office, then it could be something that, you know, do you
24 have any notes, do you have any, you know, other things that
25 could be related to this public records request outside of

1 the email that -- that city IT does a search for.

2 **MS. CAPPEL:** So you would send the records
3 directly to the city clerk.

4 **MR. SCHWERING:** Yeah. Or just hit Reply, here's
5 what I got, and send it on its way.

6 **MS. CAPPEL:** What is law's role in that process,
7 as far as you know, in terms of either notifying you or you
8 sending records to law that are responsive?

9 **MR. SCHWERING:** If there's a public records
10 request, I solely deal with the city clerk's office. I
11 don't deal with -- I don't think I've ever dealt with law
12 specifically, unless it's Mary Muramatsu.

13 When we were getting accredited, Mary was, you
14 know, really instrumental in making sure we were doing the
15 process correctly as far as, you know, what records we were
16 giving out, redactions, things like that. So she's been
17 really a godsend as far as helping with that, so. But as
18 far as with city hall legal, no.

19 **MS. CAPPEL:** So would it be unusual for you to
20 send a document that's responsive to a public records
21 request to -- to law instead of city clerk?

22 **MR. SCHWERING:** No. I'd always send it to the
23 city clerk.

24 **MS. CAPPEL:** Okay. So I'm going to show you three
25 public records requests that came in on August 18th, August

1 20th, and August 21st of 2015. And they were all submitted
2 by The Spokesman-Review. And if you'd take a moment to look
3 through them. And I know you get a lot of them, but do you
4 --

5 **MR. SCHWERING:** We do.

6 **MS. CAPPEL:** Do you recall receiving these
7 specific public records requests?

8 **MR. SCHWERING:** Yeah. I mean, these -- these look
9 generally familiar, because we were getting rumor during
10 this time. So we had the Inlander, we had the Spokesman.
11 We had -- it seemed like every citizen in Spokane was doing
12 public records requests on the Frank and Monique issues.

13 **MS. CAPPEL:** And did you get any calls from anyone
14 in law about producing certain records in response to --
15 public records requests relating to the Straub/Cotton?

16 **MR. SCHWERING:** Mary Muramatsu, who again is the
17 department legal advisor, came to me and said that she
18 thought that Captain Don Torok had a responsive record that
19 he had. He had received a text message from Frank
20 inadvertently that was supposed to be directed to Monique
21 that basically said "I love you." And so, okay.

22 And so I went right to Dan's office and said,
23 well, this is what Mary said. Do you -- do you have this
24 text? And it was on an old phone, so he had to power up his
25 phone, and there it was, the -- the text message.

1 So there was -- and I said, you know, how many
2 text messages do you -- because I think the records
3 requester was anything between Frank and Monique. And so
4 that would include -- so if it was, you know, Frank, Monique
5 and Dan or Frank, Monique and myself, it would still be
6 under that public records request. So it would still be
7 responsive.

8 So I said, do you have any other emails or
9 anything other text messages on this phone that include both
10 Frank and Monique? And he said he did. So we did a
11 basically what happened was that so I knew we had to do a
12 data dump, if you will, on his cell phone as far as dumping
13 the -- the text messages just from Monique -- or between
14 Monique and Frank that would have included him. And so even
15 though it was a whole group text, we still would have
16 included that.

17 And that was done, I think, either by either our -
18 - either our internal IT unit or city IT. I think it was
19 done by our internal unit, but I'm not positive on that.
20 But I knew the "I love you" one was sort of kind of a big
21 deal, so I took a picture of that from my personal -- or not
22 my -- my work cell phone, took pictures of the screen shots
23 of -- of that -- that text exchange between the three of
24 them.

25 And in essence, it was that, you know, there had

1 been a text exchange between Frank, Monique and Dan. And
2 then, you know, a certain amount of time passed, and Frank
3 sent Dan and Monique a text saying that "I love you, you're
4 my best friend, you always will be, we're a great team",
5 something to that effect.

6 Then shortly thereafter, Frank sends another
7 follow-up text saying that "I love you" to Dan or something
8 along those lines. So I thought that was, you know, fairly
9 important, so I took a picture of those, that -- that
10 section of -- of text messages and took a picture, saved it
11 to my phone, and then emailed it to Terri Pfister so she had
12 it.

13 **MS. CAPPEL:** So it was an attachment to an email
14 to Terri?

15 **MR. SCHWERING:** Correct.

16 **MS. CAPPEL:** Do you remember if you copied anyone
17 on the email to Terri?

18 **MR. SCHWERING:** I think it was just to Terri. If
19 it was -- because it would have probably been a -- well, it
20 wouldn't necessarily be just a reply, if I deleted that
21 email already. I'll look and find it.

22 **MS. CAPPEL:** Okay.

23 **MR. SCHWERING:** If it's in the mail.

24 **MS. CAPPEL:** And did anyone contact you after you
25 sent that image of that text exchange from city clerk's

1 office?

2 **MR. SCHWERING:** No. I don't think they did.

3 **MS. CAPPEL:** Did anyone from law contact you about
4 the --

5 **MR. SCHWERING:** No. I don't think so. And I
6 don't honestly -- I don't think so, because I asked the
7 question. So I think I followed up with Mary then later,
8 like, a few weeks later and said why, you know, if we turned
9 that in, why -- why wouldn't we be releasing that now? And
10 I think she was unsure as well.

11 I think I talked with -- then I followed up with
12 Terri Pfister. And I think she said that -- I think that's
13 when I found out at that point that law was going to be
14 reviewing all the text messages, so. And that it was, like,
15 okay, and so. Because I think they were concerned about
16 anything that might have been confidential or something in
17 nature that they wanted to -- to review it, so.

18 And then -- then that was -- my concern was is
19 that I had done my due diligence to make sure that they
20 received the information.

21 **MS. CAPPEL:** Okay. Do you recall if there were
22 any other documents that you became aware of that were
23 responsive to the Cotton/Straub public records request that
24 was provided to the city clerk?

25 **MR. SCHWERING:** I know emails would have been. I

1 think --

2 **MS. CAPPEL:** That you had took over.

3 **MR. SCHWERING:** Oh, that I had. No, no. That was
4 it. No. Because other people had taken notes and other
5 things like that that they had turned in, but I had nothing
6 else that was.

7 **MS. CAPPEL:** Did you -- is it your practice to
8 check your work phone for text messages that might be
9 responsive?

10 **MR. SCHWERING:** Yes. As a general rule, though, I
11 usually -- I mean, just because otherwise I just have
12 monstrous mountains of text messages that I can't find
13 anything, so I usually -- if I get a text message, I will
14 usually, if it's something that's pertinent, I'll usually
15 either write it down or follow-up with that person in an
16 email or call them. And then I'll delete the text message,
17 just because I can't have 5,000 text messages and --

18 **MS. CAPPEL:** Okay.

19 **MR. SCHWERING:** -- not be able to find anything.

20 **MS. CAPPEL:** Are you aware of any other phones
21 that were extracted or that text messages were retrieved
22 from as part of the response to public records requests
23 concerning Cotton and Straub?

24 **MR. SCHWERING:** I think, well, we had Monique's
25 phone that she had left when she went to parks. And we got

1 that, because she had left that in her office along with --
2 she had been given a body camera for media so they could see
3 it and whatnot.

4 So I took both of those out of her office, and
5 just as a kind of, I don't know, abundance of caution, just
6 plugged it in to see if the thing was -- give it, the TAR
7 unit, to plug in to see if anything was on there. And
8 basically, the phone had been reset to the factory settings,
9 so nothing was responsive on that.

10 **MS. CAPPEL:** Do you know if that was an automatic
11 rest or if someone manually did that?

12 **MR. SCHWERING:** You would have to had manually re-
13 do that. That would have been -- because that's an iPhone,
14 an i5 phone, so you would have to manually reset that thing.

15 **MS. CAPPEL:** And when you say "TAR", what does
16 that say?

17 **MR. SCHWERING:** TAR root. It's basically the --
18 think of it as police IT.

19 **MS. CAPPEL:** Okay. So when Monique transferred,
20 were you involved at all with her turning her phone back in,
21 her police issued phone? Do you know who was?

22 **MR. SCHWERING:** No one, because it was on her
23 desk. It was in -- I think it was in her -- because that
24 the question was where did that body camera go. So we had
25 the body camera. And so I went into her old office to see

1 if it was still there. And it was, along with her work cell
2 phone.

3 **MS. CAPPEL:** Do you have any idea who would have
4 auto deleted or, I'm sorry, who would have rest to --

5 **MR. SCHWERING:** No idea.

6 **MS. CAPPEL:** Do you have -- do you know who had
7 access to that phone?

8 **MR. SCHWERING:** Monique did. I mean, it would
9 have been in her office, so.

10 **MS. CAPPEL:** Okay. And when the police IT looked
11 at it, it had been completely wiped clean?

12 **MR. SCHWERING:** Mm-hmm.

13 **MS. CAPPEL:** All right. I think that's all I have
14 for you. Do you have any questions of me before we call it
15 a night?

16 **MR. SCHWERING:** I think we're good. Good memory.

17 **MS. CAPPEL:** All right. Thank you very much.

18 **MR. SCHWERING:** You bet.

19 **MS. CAPPEL:** It's 6:59, and we're going to stop
20 the recording.

21 **(WHEREUPON, the interview of Tim Schwering was**
22 **concluded at 6:59 p.m.)**

23 1

24

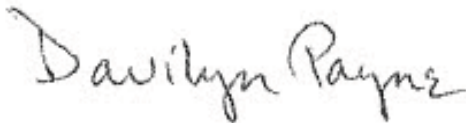
25

1 CERTIFICATE

2
3 I, Davilyn Payne, do hereby certify that I
4 reported all proceedings adduced in the foregoing matter
5 and that the foregoing transcript pages constitutes a
6 full, true and accurate record of said proceedings to the
7 best of my ability.

8
9 I further certify that I am neither related
10 to counsel or any party to the proceedings nor have any
11 interest in the outcome of the proceedings.

12
13 IN WITNESS HEREOF, I have hereunto set my
14 hand this 29th day of March, 2016.

15
16 

17
18 _____
19 Davilyn Payne
20
21
22
23
24
25

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