Confidential Recorded Interview Transcript

Interview Date: 08/19/24
IPR Case #: 2023-B-0069 and 2023-D-0070
IPR File Name: CmdrSchoening interview1 08-19-24
CmdrSchoening interview2 08-19-24
CmdrSchoening interview3 08-19-24
Complainant:

Investigator: Eric Koppang
Interviewed: Commander Franz Schoening

CLITHERO: That actually, that makes the phone look like a recorder.
ROBBINS: I don't know. It's just a app I have. I'm fancy like that.
ROGERS: Mm-hmm.
BERRY: And we will email you a copy of the transcript.
ROBBINS: Please, yes. Thank you.
KOPPANG: You guys ready?
CLITHERO: We are on the record.
KOPPANG: Oh, okay. My name is Internal Affairs Sergeant ERIC KOPPANG. The date is August 19, 2024, and the time is approximately 1:32 p.m. We're located within the Internal Affairs large conference room, and the persons present are Commander FRANZ SCHOENING, DPSST 41832. Is that right, sir?
SCHOENING: Correct.
KOPPANG: Attorney NICOLE ROBBINS, IPR Investigators CASEY CLITHERO, ANDREW PEASE, and ERIC BERRY, and City Attorney LISA ROGERS. We're here in regards to IPR Case Numbers 2023-B-0069 and 2023-B-0070, and there are multiple corresponding Case Numbers. Commander SCHOENING has been advised that his conduct and/or the conduct of any other Bureau member present during various 2020 Portland civil unrest events is the subject of this investigation. Commander SCHOENING has reviewed information necessary to be reasonably apprised of the nature of the allegations of the complaint. Commander SCHOENING has been informed that he is a witness member in the case, and that IPR Director ROSS CALDWELL is in charge of the investigation. I have advised Commander SCHOENING that he can have an attorney or advocate present during the interview, and Attorney NICOLE ROBBINS is here in that capacity. Commander SCHOENING, under the authority of Chief BOB DAY, I'm ordering you to answer all questions fully and truthfully. If you fail to respond fully and truthfully, you may be disciplined up to, and including dismissal. Do you understand, sir?
SCHOENING: I do.
KOPPANG: Okay. And I'll turn this over to the IPR investigators.
CLITHERO: Thank you. So, Commander SCHOENING, how long have you been with the Bureau?
SCHOENING: Since January of 2002.
CLITHERO: Okay. I know we have some of this information elsewhere, but just to keep it kinda neat and tidy, I'm gonna ask you for kind of a summary of your assignments and responsibilities during your time, and as brief as

you wanna make it.
SCHOENING: From 2002 to 2007 I was in patrol and Neighborhood Response Team as an officer. Promoted to sergeant in 2007. Accommodation Official and Mounted Patrol Unit, and again back to patrol. Promoted to lieutenant in 2017, if I remember correctly. Assigned to Chief's office as the executive officer, and transferred over to SRD as the RRT lieutenant team commander in about 2019. I think that was May of 2019, if I remember correctly. And then was there full time until the end of the summer of 2020. In the fall of 2020 I transferred over to our Narcotics and Organized Crime team, which is still within SRD. And then 2021 transferred to detective division as a lieutenant. Had a stent there as acting captain. Promoted to captain in 2022. Went to the training division, and then just in January of this year, I promoted to commander and moved back to SRD as the commander for SRD.
CLITHERO: Okay. Thank you. So what training have you received using the Incident Command System, ICS?
SCHOENING: Uh, let's see, all the ICS, 100, 200, 700, 800. I've taken the operations section chief's specific assignments, specific positions, specific training course. I've done a couple of their ICS courses. I went down to TEEKS for a week, Texas A&M Extension Service for a week long ICS course on emergency operation centers and management, and unifying command. I've done a couple other EOC-related classes across the years, and then Bureau training as well. We teach some of the ICS principals and patrol procedures and supervisor training and command training uptake in our CMIC course here with the Bureau. We also talk about ICS. And then some external public order classes where ICS is a component as well.
CLITHERO: Okay. Thank you. And you're aware the Bureau uses ICS to manage its response to protests?
SCHOENING: Yes.
CLITHERO: Okay. Thank you. So within ICS, what's your understanding of the duties of the Crowd Management Incident Commander at CMIC?
SCHOENING: They are the incident commander. They are responsible for setting the priorities, objectives, ensuring that the Incident Action Plan is drafted. I mean, they're ultimately responsible for everything, but they obviously, within the build-out of the ICS structure, there are people that have specific roles and tasks, and that stuff is delegated down to them. So primarily priorities, objectives, and signing off on the IAP, the Incident Action Plan.
CLITHERO: Thank you. And similarly, what's your understanding of the duties of the Operation Section Chief?
SCHOENING: So they're part of the general staff. They report to the incident commander. They're basically in charge of taking the incident commander's priorities and objectives, and operationalizing them during the event. They're also in charge of, during the planning process, identifying what tactical resources are necessary to meet the objectives of the event and identify those and then order those through logistics.
CLITHERO: Thank you. So our reports are read by a variety of folks inside, outside of law enforcement, civilians, and so some of these questions are gonna be fairly rudimentary.
SCHOENING: Sure.
CLITHERO: So that's why, in case you're curious. Who has more authority to direct that action be taken, the CMIC or the Operations Section Chief?
SCHOENING: I don't know that's a fair characterization or question. Everybody's got responsibility and authority in certain areas.
CLITHERO: Okay. So is it accurate to say that CMIC is responsible for identifying incident objectives and strategies, and the Ops Chief is responsible for determining appropriate tactics?
SCHOENING: Yes, generally speaking.
CLITHERO: Okay. So when you say everyone's got duties and responsibilities, is that kind of a fair summary as how you would answer that?
SCHOENING: I think it's how I did answer that.
CLITHERO: Mm, okay, gotcha. What training or experience did you receive with regard to RRT prior to the protests?
SCHOENING: Well, I guess I'll start with I was assigned to the Rapid Response Team in 2008 as a sergeant. I

attended onboarding training with the Rapid Response Team when I joined. Throughout the years that I was assigned to RRT we would generally hold training at least once or twice a year, in-service training. I guess I'm not sure, you want me to get to that in more detail? Do you have specific questions or areas that you're interested in?
CLITHERO: No. Yeah, just generally.
SCHOENING: Okay.
CLITHERO: And what training did you receive or experience did you have regarding the role of RRT lieutenant or field commander?
SCHOENING: So it's a combination of triangulated RRT, which I think I explained, and then mentioned that with ICS. And as the RRT lieutenant for operational purposes, I was probably something akin to, you know, a group supervisor or a branch director when we deployed under ICS to these events.
CLITHERO: Mm-hmm. Thank you. When you discuss your role during the protests, do you say RRT Lieutenant or do you say RRT Field Commander? We've heard it kind of both ways.
SCHOENING: It goes both ways.
CLITHERO: Thank you. What are the general duties of RRT Lieutenant?
SCHOENING: In what context?
CLITHERO: During the protests, what's the RRT Lieutenant out there doing in the field?
SCHOENING: So generally speaking, they're managing Rapid Response Team Squads. Sometimes their Mobile Field Corp Squads, or other agency teams are operating, assisting us during the event, and Command also kind of overseeing or coordinating their efforts as well.
CLITHERO: Okay. In that role, do you have kind of eyes-on RRT, MFFS? Are you in the field, kind of - how close are you, I guess would be the question.
SCHOENING: Depends, (inaudible - 00:08:50).
CLITHERO: Okay. Is there a lot of variance? I'm thinking like, you know, 2020 in the protest environment, there were probably a lotta nights that kinda looked the same, or what were you kinda generally doing?
SCHOENING: So there was a lot of variance. I would say there were times when you were on the ground on foot, you know, behind a couple of RRT squads or other tactical resources out there. There were times when you're sitting in a truck blocks away from where things might be happening individually because your span of control and the level of management you're involved in is broader, so you may have multiple squads out there doing things in different locations at the same time, and you can't be in the same place as them. So it just depended on what was happening on that given night for that specific event.
CLITHERO: Okay. Thank you. I think there'll be some questions down the line about specific evenings of protests to get some of the steps. Move on with the more general stuff here. Do you have a sense of how many nights you worked as an RRT squad leader? I'm sorry, as the field commander during the protests?
SCHOENING: A lot.
CLITHERO: Okay.
SCHOENING: I would say from May 29th through at least September it was most nights during the week. After September when I transitioned to more of a detached role it was less frequently, and in 2021 it was even less so.
CLITHERO: Okay. How does a squad leader typically interface with the RRT Lieutenant?
ROBBINS: Can I clarify? Maybe he knows, but what do you mean by squad leader?
CLITHERO: Sorry, RRT squad leader. Is that the person overseeing the given squad of Rapid Response Team?
SCHOENING: It would depend. There are times you have conversations face to face. There are times you have it over the radio, and times you have it over the phone, depending on the context and the needs.
CLITHERO: Was it most commonly one or the other, or one of the three?
SCHOENING: No, I'd say it was spread out.
CLITHERO: Okay. And do the CMIC and/or operations chief have the authority to order the RRT Lieutenant to take action?
SCHOENING: Generally speaking, I would say yes. My experience is the CMICs are usually captains or

commanders, and so just by the hierarchical nature of our organization, they can give me an order, or they can give a lieutenant order as the IC. They could, generally it's not how we'd necessarily flow.
CLITHERO: Okay. Thank you. So in the field, how do tactics such as things like dynamics and deployment of less lethal munitions, how do those decisions come to be made? Who authorizes it and makes that call?
SCHOENING: Can we narrow that down? Can you break that question into pieces?
BERRY: (Inaudible - 00:12:06).
CLITHERO: Yeah. Sure. You know, who orders a dynamic, if a dynamic is needed?
SCHOENING: Generally speaking, that would be the sergeant.
CLITHERO: You might have a better understanding of what the context of some of the more operational questions if you wanna just - I think if there's a big gap you could drive a bus through I'm good handing off.
BERRY: Well so, Commander SCHOENING, we've been talking to a number of members about how the Bureau practices of crowd control. And a lot of the questions we've been asking for this (inaudible - 00:12:48) RRT and Field Commander position, as well as other agencies out there. And different people have talked about the responsibilities of CMIC, kind of identifying higher level strategies, operation, the goals, and the purpose of the interview is - what's that?
ROGERS: You might wanna speak up.
BERRY: Okay. Thank you. So what we are trying to understand is how those higher level goals and strategies of the CMIC translated to actions on the ground. And so one of the things that we hope to get a sense of is to understand what the difference is essentially between the strategies identified by the CMIC and the actual tactics carried out by Crowd Control squads in the field. And so if it's productive to go through tactic by tactic, we can certainly do that, but I wonder if maybe we could start with a broader question. Tell me the process by which a strategy, a strategic goal identified by the CMIC results in actions that were taken on the ground.
SCHOENING: Sure. So I think, you know, part of the issue is your question had a lot of pieces there that are very different answers.
BERRY: Mm-hmm.
SCHOENING: So, you know, I think to your question, ERIC, generally the CMIC will again write the objectives and have the priorities established for the event. Depending on what's happening, there's generally between the CMIC and the Operations Section Chief, they somehow come to a conclusion on what needs to happen, what action needs to be taken. And the Operations Section Chief would basically pass some kind of direction or mission out to the field resources to address the issue that needs to be resolved. If there's, you know, wanton destruction of property going on at Fourth and Jefferson, they may say, "I need you to move resources in there and address that and make arrests if possible." So that's the kind of direction that would come out of the Incident Command Post based on the IC's objectives of holding people accountable, arresting people for breaking the property, and the priorities of, you know, potentially addressing property destruction. So it comes down through the chain most frequently, depending on the size and scope of the event. In 2020 we usually had a full IMT and a lot of resources in the field with the Field Commander. That would usually come down to a Field Commander or RRT Lieutenant or a Mobile Field Force Lieutenant, you name it, and, you know, we would try to figure out - and I was in that role quite a bit. We would try to figure out what resources we need to make that happen. And so I may ask for a couple of RRT squads and some field direct resources, and/or potentially UC resources, whatever it is, I'd ask for those resources to get mobilized and come to this location to make this thing happen. Once the boots on the ground get there, and a Field Lieutenant may or may not be there on the ground with them, some of those decisions get made at that level. Like, you know, if we're gonna use a dynamic, that's gonna most likely be a squad leader or a supervisor saying, "This is what I need to do to move my squad from Position A to Position B, and to intervene in the criminal conduct happening." Ultimately, the uses of force themselves, the applications of force, are largely driven by the officer. So whether pushing someone with a baton, hitting someone with a baton, use of a less lethal munition, those are largely drive by the operator themselves or the individual officer, not so much by a supervisor or lieutenant or IC. There are limited circumstances, especially when it comes to like chemical agents where it might be, you know, the Field Commander or the Operations Section Chief directing that broader

based use of force that's more indiscriminate so it's coordinated with all the different resources out in the field.
BERRY: That's excellent. And I think I recall within the version of 0635.10 that was in effect in 2020, there are kind of specific authorities reserved to the CMIC, except the approval of the use of riot control agents that I think is one of them? Does that sound accurate to you?
SCHOENING: The directives have changed quite a bit since 2020.
BERRY: 2020, yeah.
SCHOENING: And so without looking at the directive that was in effect during 2020, I would have a hard time answering definitely. I think some of those tools were also authorized for individual users under exigent circumstances.
BERRY: Under exigent circumstances. But generally speaking, it's gonna be the CMIC who directs the proceedings at that time.
SCHOENING: Generally speaking.
BERRY: Okay. And I think, do I remember right, and I don't want to put you on the spot too badly about a directive that's no longer in effect. I think wasn't the dispersal itself, wasn't that under the authority of the CMIC? They make the determination of where you're going?
SCHOENING: I'd have to look at the directives.
BERRY: Yeah, fair enough. No, (inaudible - 00:17:45) do that. I wonder, can you talk a little a bit about the process by which instructions come down from the IMT to the actual squads? Like is it gonna be the ops section talking to you on the radio, or how is that information conveyed?
SCHOENING: Generally speaking, again, as we're talking generalities, yes. The Operations Section Chief is going to take that information, the objectives, all that, and operationalize those and give you a mission. In the field, it generally happens over the radio. There are times it happens over the phone, and there are times whenever the Operations Section Chief has stepped out of the room and they're doing something else, and the IC has to get on and take that role, because again, ultimately if those roles aren't filled, the Incident Commander owns all of them. So, but generally speaking, it was the Operations Section Chief.
BERRY: All right. And I understand, a lot happens out there -
SCHOENING: Mm-hmm.
BERRY: - and things changed from night to night. So it sounds like, generally speaking, it's the Ops person gettin' on the radio and call them over to you as the Field Commander?
SCHOENING: Correct.
BERRY: And then you would get on the radio and issue instructions for various squad leaders?
SCHOENING: Over the phone, or face to face.
BERRY: Okay. And that's something that we've talked about with other people as well, just methods of communication during the protests. People have identified the radio a lot as getting used, and other people have talked about having telephone and text message conversations. Can you think of anything other than radio, phone, text, in terms of ways to communicate out there?
SCHOENING: Again, face to face.
BERRY: Face to face. Thank you. I hadn't thought about that.
SCHOENING: Yeah, and I don't recall a lot of text messages, though.
BERRY: Mostly phone -
SCHOENING: Correct.
BERRY: - or face to face.
SCHOENING: Yeah.
BERRY: And generally speaking, is there kind of a set of information you're gonna convey on the radio, a kind of information you're gonna convey on the telephone, or can you make that distinction?
SCHOENING: I can't make that distinction. It was very situational.
BERRY: Okay. I'll tell you what other people have described to us is, generally speaking, orders come out on the radio, and then if a Squad or the Field Commander has concerns about the instructions given, they might call in

to the Ops person or CMIC person.
SCHOENING: Sure.
BERRY: Is that correct?
SCHOENING: That did happen, yes.
BERRY: Okay. So have you yourself done that? Like received radio orders and then make a phone call in to the IMT to talk about the nature of the orders?
SCHOENING: Yes.
BERRY: Okay. Excellent. That's great for that. I think we're makin' good progress. Okay. And this'll be another one of these dumb-sounding questions we gotta ask you about ICS. So in terms of layers of staff between you and the CMIC, is it accurate to say it's just the Ops person between you and the CMIC?
SCHOENING: Again, it's situational.
BERRY: Mm-hmm.
SCHOENING: I would say largely for 2020, the summer of 2020 particularly, that was my experience. But it depends on the size and scope of the incident and what resources are assigned.
BERRY: So you might have like a Deputy CMIC or additional (inaudible - 00:20:56).
SCHOENING: Deputy Ops Chief, or yeah, there might be a Public Order Branch Director that also has an RRT Lieutenant underneath that, and a Mobile Field person kinda under that. Just, you'd have to look at the actual org chart for the Incident Action Plan for that specific night to answer that for sure.
BERRY: Excellent. And I think I understood you to say this before. I just wanna confirm my understanding. In the nights that you were workin' as Field Commander out there, is it accurate to say you most often received your instructions from the Ops Chief?
SCHOENING: Most often, yes.
BERRY: Most often. All right. Are you able to say during - sticking with the 2020 protests, how often you had direct contact with the CMIC?
SCHOENING: It's a hard question to answer also.
BERRY: Yeah, I realize we're four years gone.
SCHOENING: It was four years ago, and I mean, I may have a lot of contact with the CMIC, you know, during the initial hour or two of the operational period where I'm just checking in on stuff and asking questions or getting additional information. As the operational tempo increases and we break into more of the structured management, it generally flowed through the Operations Section Chief. But again, there may be times where the phone call or whatever happens was also occurring. And towards the end of the event there was not a frequent for me to talk directly to the IC kind of as the debrief feedback cycle as we're wrappin' things up. So it kind of ebbed and flowed throughout the night.
BERRY: I understand. All right. Goin' back into the dumb-sounding questions. So in our review of records, we've identified yourself and CLARK and STAINBROOK as folks who helped position the RRT Command. Does that sound accurate to you?
SCHOENING: I believe we all - I guess as the RRT Team Commander or as RRT Lieutenants?
BERRY: Well that's the conversation I wanted to have about you. Who was a team commander and who may've been, I think the detached lieutenant. Is that the correct term?
SCHOENING: Correct.
BERRY: Okay. Yeah.
SCHOENING: So the Rapid Response Team Commander is the full-time lieutenant assigned to SRD that oversees the administration of the team. So that was JEFF NIYA until 2018 when I stepped in and took over the team, when the whole Niiya-gate scandal took off.
BERRY: Yeah.
SCHOENING: Which was later found to be unfounded. I was the team commander from - I'm sorry, '19, 2019. I stepped in '19 to '20. And then JEFF NIIYA came back at the end of the summer of 2020 as the team commander, and then he resigned and went to Boise. JAKE CLARK took over as the team commander. When RRT was

reconstituted this year, RICK STAINBROOK took over as team commander.
BERRY: Mm-hmm.
SCHOENING: Now throughout the time, he usually had at least a couple of detached RRT lieutenants who would also serve in that field commander or RRT lieutenant role.
BERRY: Mm-hmm.
SCHOENING: And that did include NICK STAINBROOK, TIM ROBINSON, JAKE CLARK, JEFF NIIYA, myself, and I'm probably missin' one or two.
BERRY: Fair enough. Fair enough.
SCHOENING: So.
BERRY: So the time period within like paragraph 192, related to investigations is May 29 through November 16th of 2020. And I just wanna make sure I understand what you're sayin' to me. During that time period, May 29 to 11/16, were you acting as a detached lieutenant? Were you one of the detached lieutenants for RRT?
SCHOENING: I was the Team Commander from May of 2020 to, I wanna say September of 2020.
BERRY: Okay.
SCHOENING: It might've been October. When I transitioned to NOC, I remained as a detached member through the end of the team in June of '21.
BERRY: Thank you for bearing with me through all of that. I'm gonna talk a little bit, before we get into your interactions with specific CMICs, we're gonna talk a little bit about briefings and debriefings in the protests. Other folks we've talked to have talked about there are briefings before - and this is during the 2020 time.
SCHOENING: Yeah.
BERRY: There were briefings before the Bureau would start responding to protest activity on a daily basis. Is that correct?
SCHOENING: Yes.
BERRY: And folks had described, there's the IMT staff in their location, and then there are the operational elements of RRT out at Southeast. And there would be a Zoom conference between the IMT and the Squad Leaders and the Field Commander? Does that sound right to you?
SCHOENING: Yes.
BERRY: Okay. And then the Squad Leaders and other Field Commanders we've talked to have talked about them taking that information after the briefing and relaying to the squads themselves. That sound right?
SCHOENING: Yes.
BERRY: Okay.
SCHOENING: But to clarify, there were a lot more people not on the Zoom briefing with the staff. Everybody who was attached to the event, like who was a supervisor and someone in the Chief's office would also give us Zoom briefings.
BERRY: Okay. So it would be the IMT, the Squad Leader, Chief's Office staff.
SCHOENING: Anybody who was working the event that night, and sometimes who would just want to be informed about the events that night had the opportunity to get on a Zoom link and listen to the briefing. It wasn't like a one-way.
BERRY: One-way. I gotcha.
SCHOENING: Yeah.
BERRY: Yeah. And then can you describe, or was there a system for kind of debriefing on a nightly basis how the response to the protests went that night?
SCHOENING: I would say it was a little hit and miss. I would say it was more depending on who was working and what had happened, the debrief would be more intentional or not. Sometimes it was literally just gas at the pumps, fillin' up, and the IC would, you know, swing over and just wanted to see people as they're comin' in the door and chat and check in and debrief. Sometimes it was a phone call. Sometimes it was emails.
BERRY: Yeah. And in terms of - I should've asked you when we were still on the briefings. In terms of documentation that was kind of related to briefings or debriefings, any kind of document get written up?

SCHOENING: That wasn't my area -
BERRY: Fair enough.
SCHOENING: - of responsibilities I had.
BERRY: Yeah. And then you're not alone. Other folks we've talked to have described a less formal process of debriefings. Is it accurate to say the debriefing process kinda depended on who was working as a CMIC that night?
SCHOENING: And also what happened that night.
BERRY: How bad of a night it was. I gotcha.
SCHOENING: Yeah. Sorry, yes.
BERRY: Yeah. Excellent. Thank you. Okay. Well, fellas, I think we're ready to move into specific nights. Do you wanna start with PASSADORE?
PEASE: Sure. So here's my first question, is if you could describe for me what it was like working for Captain PASSADORE during those protests?
SCHOENING: In what way?
PEASE: Well, as he's the Incident Commander, how did you find his, I guess, leadership style, his direction, how he dealt with issues or concerns?
SCHOENING: I would say, generally speaking, TONY PASSADORE was less experienced than some of the other Incident Commanders, so there was a little bit more education, sometimes more conversations around his intent for the incident or how he managed the incident, or what he was asking for during the incident.
PEASE: Okay.
SCHOENING: That's the extent of how I'd characterize it.
PEASE: Okay. So I guess in relation to that, did you have any direct conversations with him in reference to - 'cause it sounds like you were saying he had maybe less experience in dealing with some of these things. Whether it was yourself or maybe you and another field commander and/or squad leaders, did you guys ever have a talk with him? Or did anybody that you know have conversations with him directly or indirectly related to how that was going, and/or maybe how it was affecting squads or RRT in the field in general?
SCHOENING: I don't recall ever having a conversation like that with him.
PEASE: Okay.
SCHOENING: I had a lot of conversations, again about specific things during the events.
PEASE: Okay.
SCHOENING: But nothing where I was, I guess, generally speaking about his management style or issues.
PEASE: Okay. Okay. When you guys had those debriefs, did you ever discuss directions or actions that maybe he asked or directed you guys that were maybe of concern during any specific nights that you can think of?
SCHOENING: I don't recall. No.
PEASE: Okay.
SCHOENING: Havin' that kind of conversation.
PEASE: Okay. So I don't think we gave you one of these, but I just wanted to go ahead and - let's see here. This is an FDCR that you wrote for the 26th. And it looks like it was starting from the night of 25th going into the 26th. And I didn't know if, just off-hand if maybe that night stuck out to you at all. It looks like there was some stuff going on and you got called in by Captain PASSADORE. Does that -
BERRY: Pease can I interrupt you?
PEASE: Yeah, go ahead.
BERRY: Okay. If we're gonna talk about June 25th, I just want to ask if you recall that, just that night -
SCHOENING: Correct.
BERRY: - for this interview. It's I think the same thing. But do you remember doing this -
SCHOENING: Mm.
BERRY: - deposition, so I figured I'd give you a copy of that.
ROBBINS: What is this? Sorry.
SCHOENING: A deposition, transcript or declaration. I guess how many questions do you have about June 26th.

PEASE: Well it's just more, I guess kind of a general overview of like - 'cause it doesn't appear initially maybe like you were working, and then maybe you got called in. So I just kinda guess I wanted some sort of clarification as to like how did you end up being there and maybe what was your role and what was going on.
SCHOENING: Is that the only question you've got, or I guess these are both pretty big documents.
PEASE: Mm-hmm. Yeah.
SCHOENING: And if you had a lot of questions, I'd like to review these before we (inaudible - 00:32:30).
PEASE: You're more than welcome to -
BERRY: The main thing that we would want to ask you about is not so much the details from your own actions or orders you made to other people. What we are wanting to understand is your interactions with then Captain PASSADORE during that evening. And in my read of at least the initial part of your deposition, you talked about not having been at work that night and getting called by PASSADORE. I wanted to clarify the nature of his role that night, 'cause it sounds like he was just a captain up North, not a CIMC, but then he became IC for that response. The main thing we hope to talk to you about is just your memory of your contact with PASSADORE but, so if you feel comfortable talkin' about that.
ROBBINS: Can we have just a few minutes to read through this?
BERRY: Of course. Yeah.
ROBBINS: Okay. So we'll just go off for a little bit -
BERRY: Mm-hmm.
ROBBINS: - and see what we have.
BERRY: Okay. Time's approximately 2:04.
BERRY: The time is approximately 2:17, and we are recording.
PEASE: Okay. So before we had gone off record for a moment, kind of was asking about the night of June 25th, going into June 26th. And so I guess leading into that, were you working that night to begin with?
SCHOENING: I was not.
PEASE: Okay. And then can you explain to me what took place as far as you getting called into work. It sounds like you may've received a phone call, if you could talk about that.
SCHOENING: Sure. So as I recall, and based on my review of these documents -
PEASE: Mm-hmm.
SCHOENING: - at this point in June, we had demobilized RRT for the most part.
PEASE: Okay.
SCHOENING: We were back to doing normal patrol duties. I would still be RRT Team Commander June 26th.
PEASE: Okay.
SCHOENING: This event at North Precinct, I don't remember if it was a planned event or spontaneous, but either way, it didn't rise to the level of activating RRT resources.
PEASE: Okay.
SCHOENING: My recollection is that TONY PASSADORE was the captain of North Precinct -
PEASE: Okay.
SCHOENING: - and this event happened at North Precinct. My recollection is the event was bigger and more violent than perhaps they had anticipated.
PEASE: Okay.
SCHOENING: And he called me as the RRT Team Commander, asking if there was a way for RRT to assist North Precinct's response to this event, and also I think just to generally ask about my experience and then if I had any ideas on how he could more effectively manage this event.
PEASE: Okay. And then, so did you end up responding and/or like activating any part of RRT or how did that work out?
SCHOENING: I did respond.
PEASE: Okay.
SCHOENING: And I did ask for any on-duty RRT resources to respond to the scene.

PEASE: Okay.
SCHOENING: And I don't recall if I tried to activate any off-duty resources or not.
PEASE: Okay. Would there have been like any particular squad, or was it just kind of a whoever you could get ahold of at the time?
SCHOENING: It was whoever was working patrol shifts that evening.
PEASE: Okay. Do you have any general idea of approximately how many individuals you might've had?
SCHOENING: I don't.
PEASE: Okay.
ROBBINS: Can I stop you for just a second and ask you a question outside, LISA?
ROGERS: Yes.
BERRY: Time is approximately 2:23, back on the record.
PEASE: Okay. So my next question was gonna be in relation to any sort of direction or orders that Captain PASSADORE would've given you at the time. So I wanna make sure that I'm getting this right though. Was he kind of like the acting IC then at the time, or was he just kind of sitting as, you know, commander of the precinct at that time?
SCHOENING: So both.
PEASE: Okay.
SCHOENING: He was the precinct commander. So any time an event, whether it's patrol, call for service, or a protest, a spontaneous protest, or whatever it is -
PEASE: Mm-hmm.
SCHOENING: - grows to the size where enough resources are assigned to it, we manage it with ICS.
PEASE: Okay.
SCHOENING: So when it got big enough and involved enough resources, he stepped in as the incident commander.
PEASE: Okay. Did you have any issues or concerns with any of the orders or the direction that he provided you during that timeframe or at that night? Anything that even may've put you or your resources in any sort of danger or put you in a precarious situation that you can think of?
SCHOENING: No.
PEASE: Okay. All right. And then, so there was also another night that we wanted to talk about. It was August the 12th. And I don't know that I saw anything that showed that you were working, but does that date sound familiar to you at all or any sort of - and I can tell you that it would've been the last night that Captain PASSADORE worked as an IC.
SCHOENING: The date doesn't ring any bells for me.
PEASE: Okay.
SCHOENING: If you had more information -
PEASE: Sure.
SCHOENING: - about where and what happened, maybe.
PEASE: Okay. So from what we have learned, there was an incident out in front of, was it the Justice Center? Am I correct there? And there was a decision made to try and disperse the crowd from in front of that location. However, it didn't sound like there were maybe enough resources from RRT to maybe make that a viable option. But Captain PASSADORE apparently went ahead and made that order go through, and it caused some issues as far as injuries to RRT staff and some uses of force, you know, among the crowd as well. And so it ended up being, again the last night on record for us that Captain PASSADORE worked. Does any of that sound familiar at all? Did anybody even - come in. Oh, sorry.
SCHOENING: No, it does not sound familiar.
PEASE: Okay.
SCHOENING: Yet.
PEASE: Okay.
BERRY: Okay.

PEASE: So then, did anybody from command staff, whether it's the Chief's office, talk to you about anything concerning Captain PASSADORE and/or his leadership ability or how he was handling the protests?
SCHOENING: I don't remember any specific conversations between the Chief's office, or even the other CMICs and myself about TONY PASSADORE -
PEASE: Okay.
SCHOENING: - and his management. Certainly nothing that like was intentional as a conversation.
PEASE: Okay.
SCHOENING: Can I say for sure we didn't have passing conversations? No. But I don't remember anything significant.
PEASE: Okay. It does sound like we had a few individuals having some specific conversations, and that's why I'm asking.
SCHOENING: Okay.
PEASE: I believe was it AC RESCH?
BERRY: Did you ever have a conversation with RESCH about how well PASSADORE was doing assisting with IC?
SCHOENING: It doesn't ring any bells. I'm not gonna say it didn't happen, but you know, we had a lot of conversations with a lot of people about coworkers and years, and it was never anything that stood out to me as like a specific question, "Is he doing okay or not?"
BERRY: That's fair. That's fair.
SCHOENING: Or, "I've got an issue with TONY or not."
BERRY: Yeah. And a similar question with LOVELL. Did you ever have any conversation about how well PASSADORE was doing as the CMIC?
SCHOENING: No.
BERRY: With LOVELL? No?
SCHOENING: No. I'm more confident of that one.
BERRY: Fair enough.
SCHOENING: Yeah.
BERRY: And in terms of those are the folks we've heard about from the Chief's office, but have you ever had a conversation during 2020 with anyone from the Chief's office about PASSADORE, how well he was doing as the CMIC?
SCHOENING: I don't recall that. No.
BERRY: Mm-hmm. In our conversation with other people, folks have pointed to this night, August 12th, as kind of a outlier because people got hurt, and right after that PASSADORE was no longer working as a CMIC. Have you heard any kinda conversation from other RRT members about PASSADORE'S removal from that role as a CMIC?
SCHOENING: Again, nothing like an intentional conversation. I would say the general consensus was that people didn't love him as a CMIC, but no specific complaints that I can recall.
BERRY: Yeah, it's kinda the general consensus that other folks have talked about as well.
SCHOENING: Yeah.
BERRY: Yeah. (Inaudible - 00:05:20).
KOPPANG: ERIC, can you speak up please, sir?
BERRY: I can sure do my best. Yeah.
KOPPANG: Thank you.
BERRY: I've got one speaking voice though. Oh, okay. Well so you talked about not having a specific memory of talking to RESCH or LOVELL about how PASSADORE was doin' as a CMIC. I guess this is a little bit speculative, but is that the kinda conversation that was gonna stick out in your head, if a member of the Chief's office comes down to you and asks, "How's PASSADORE doin' as a CMIC?"
SCHOENING: Honestly, not necessarily. I mean, the number of just - you run into a chief, especially JAMI, she was out there a lot during 2020, you know, and she would come by and say, "How's it goin' tonight," and you'd just have a conversation about how the night was goin'. I mean, I remember sittin' down there one night and talkin'

about what the heck else can we do to manage these. Do we just let them have the Justice Center? Like that's the kinda conversation that would occasionally happen. I don't recall anything where it was like, "We're evaluating TONY'S performance as a CMIC and considering removing him. Tell me what you think. How's he doing? What are his strengths and weaknesses?" I don't recall that as a conversation. Can I say that, you know, TONY never came up in those conversations? No. But it wasn't like anything more structured or formal than that.
BERRY: Okay. Sure. Excellent. Well just a very broad question, and I think you've been pretty clear already. Do you have any information about why PASSADORE was removed from the role of the CMIC?
SCHOENING: I don't. No.
BERRY: Excellent. And you talked about having a lotta contact with RESCH. Other folks have talked about her ridin' in the sound truck for quite a bit of the nights of the protest response. During your work during the protests, can you think of other chief's office staff you saw out there that you had contact with about the protests?
SCHOENING: I've seen Chief LOVELL once or twice during the summer of 2020. None of the other chiefs.
BERRY: Mm-hmm. Okay. And I'm just thinkin' (inaudible - 00:07:28).
CLITHERO: Sure. So you characterized your experience with PASSADORE'S level of training and experience (inaudible - 00:07:41). I don't wanna put words in your mouth. It sounded like there was concern there. Can you contrast that with DOBSON a little bit? We're (inaudible - 00:07:47).
SCHOENING: Yeah, and I mean, there were initially concerns. I guess I wouldn't characterize it that way. I'd say he had less experience as a Crowd Management Incident Commander. That's not to say he was inexperienced as a police officer, or even as an incident commander. He was a darned good police officer, and all my interactions with him in other situations have been fine. I would say public order policing or crowd management is a very specialized field. Historically, the Bureau hasn't done a great job investing in training and broadening the pool of people doing that work, they just rely on the same two or three. I think with 2020 particularly, a lot of people were thrown into that role that didn't have as deep of a background in that specific type of incident command as perhaps a CRAIG DOBSON or some others like, you know, myself or JEFF NIYA. So I think that's the context of Captain PASSADORE didn't have quite as much experience in that specific field. But it was initially a concern, it was just the reality. And that's the same with lots of different specialized policing. We have experts who were - a lot of experience and knowledge in that field, and we leaned on those folks to educate us, even when our responsibility or role, perhaps, or authority exceeds theirs, they're still the experts. We see it with the CERT team. You've got your CERT lieutenants and sergeants. You've got an incident commander, the CIC, but they're still gonna rely heavily on your CMT and CERT lieutenants to educate them as their managing an event on what is feasible, you know, a good idea or not a good idea, what their decision's gonna do to the event, how it flows. So it's sort of a similar context there.
CLITHERO: Thank you. I appreciate that.
SCHOENING: Yeah.
CLITHERO: From your own perspective working the field, how would you describe your experience working in a chain of command under Commander DOBSON in the CMIC role?
SCHOENING: He is probably the expert in the Bureau on public order policing. So I think, you know, his breadth of knowledge and experience just makes things a little faster and more efficient. You know, I think the contrast would be with Captain PASSADORE. I may have to spend more time on the phone or the radio explaining, you know, kinda what's happening, or painting the picture and helping him understand the consequences, or how his decision's gonna flow, or what might come out of that, versus with Commander DOBSON you're speaking the same language from the beginning, so just it flows a little more seamlessly.
CLITHERO: Okay. Thank you. We're gettin' to the place where I'm just wrappin' up here.
SCHOENING: Sure.
PEASE: Can I throw out a question while you're lookin' real quick?
CLITHERO: Sure.
PEASE: In reference to what you were just talkin' about a little bit with talkin' to Captain PASSADORE, I would assume on the phone, probably in reference to maybe some direction that he was providing, how did you find

him, as far as being receptive to the advice that you might be giving, as far as like, "Hey, I'm on the ground, this is what I see. This might work better, or this might not, what you're saying might not work." What would you say that you found him to be like?
SCHOENING: Again, I would just say it just took a little bit more time to paint the picture, explain the facts, explain how the facts line up with, you know, strategy or a tactic, or whatever it is.
PEASE: Mm-hmm.
SCHOENING: With CRAIG it was less so.
PEASE: Okay.
SCHOENING: You know, for example, the June 26th -
PEASE: Right.
SCHOENING: - event. Trying to use language and explain why the facts on the ground may meet the thresholds of the TRO for the use of certain tools or tactics or strategies, or why it's more important to do things a certain way -
PEASE: Sure.
SCHOENING: - if that makes sense.
PEASE: Uh-huh, it does. Okay. Thank you.
SCHOENING: Yeah.
CLITHERO: During the time working in Commander DOBSON'S unit, was he able to make a decision or give an order or take any action really that you felt put officers in kind of a bad position or a position that wasn't advantageous for crowd control?
SCHOENING: No.
CLITHERO: Okay. Any action that put officers in any kind of jeopardy regarding their safety?
SCHOENING: That's a subjective viewpoint. I'd say no. You know, are there times that I disagreed with several different CMIC's decisions? Sure. But it had a different perspective, different body of knowledge and information they were makin' their decisions based on. I never felt like it was a reckless or negligent decision that would endanger police officer. I'll put it that way.
CLITHERO: That was the last question that I had.
BERRY: The only question I can think to add based on what CASEY was asking about, when you kinda brought up the contrast between that and your experience workin' under PASSADORE as a CMIC, did PASSADORE ever give you orders that felt like it was puttin' the squads or officers at risk?
SCHOENING: No, I don't recall that.
BERRY: No? Okay. And you talked about havin' to spend more time and use the correct terminology to help PASSADORE understand kind of the things that you can and can't do out there. How would you describe PASSADORE'S receptiveness to that information that you provided to him?
SCHOENING: It was adequate.
BERRY: Adequate?
SCHOENING: Yeah.
BERRY: Was there ever a time where it felt like he wasn't listening to you or didn't want to hear the information that you provided?
SCHOENING: Never.
BERRY: No. Excellent. That's all the questions I have for that. We've got a lot other question askers at the table, and I wanna make sure that everyone has a chance. Ms. ROBBINS, is there anything you'd like to ask or clarify while we're still on the record?
ROBBINS: I don't think so, actually.
BERRY: Okay. And LISA, is there anything you'd like to ask while we're still rollin'?
ROGERS: No.
BERRY: No? Sergeant Koppang, is there anything you'd like to ask?
KOPPANG: No, sir.

BERRY: Okay. Sometimes hearin' everybody else say no goin' across the table shakes somethin' loose for you. Anything you wanna add before we get off?
SCHOENING: No. Thank you.
BERRY: Thanks. I appreciate your time today.
ROGERS: I lied.
BERRY: Okay.
ROGERS: Okay. And I think this is a pretty quick easy one. But they asked questions about Captain PASSADORE stepping in as an IC on the night of -
SCHOENING: June 26th?
ROGERS: Thank you. He was already an IC, is that correct? It just so happened he wasn't working as an IC that night? That wasn't the first time he was an IC?
SCHOENING: Correct.
ROGERS: Okay. I just wanted to clarify that, 'cause it didn't make sense to me.
BERRY: Excellent. I think we're good to go. We'll stop the recording. The time is approximately 2:37.