

COMPLAINT – DAVID SCHNEIDER

Employee: David Schneider
Santa Clara Police Department

Complainant: Garrett Bondaug
[ADDRESS REDACTED]

Police Report: 11-12465

Please note that within two weeks from this incident a **filing of an official complaint was attempted but records of the incident and a complaint form were denied Mr. Bondaug by officer Steven Ernst** who was working the front records desk at Santa Clara Police Department. A letter from Records Manager, Gina McWilliam, on behalf of the acting Police Chief, Kevin Kyle, is attached to this complaint.

A Santa Clara County Grand Jury, in its 2012-2013 Final Report, found that the City of Santa Clara and its police department (1) did not provide Public Access to Complaint Procedure and (2) did not provide either online, in the lobby or by request Public Access to Complaint Form. Subsequently, it wasn't until **September 25, 2013** when Mayor Jamie Matthews, City Manager Julio Fuentes, and Police Chief Michael Sellers confirmed that the Grand Jury's findings were acknowledged and Grand Jury recommendations for remedy implemented. A copy of the City of Santa Clara's response to *"2013-2013 Santa Clara County Civil Grand Jury, Law Enforcement Public Complaint Procedures"* is attached to this complaint.

INCIDENT/TIME: December 2, 2011

INCIDENT CASE NUMBER: 11-12465

INCIDENT LOCATION: [Redacted] Wilson Court, Santa Clara, CA 95051

EMPLOYEES INVOLVED (IF KNOWN): Gregory Deger, Colin Stewart, Thomas Nelson, Lauren Larsen (Eldridge), David Schneider, Cory Morgan, Derek Rush, Wahid Kazem, Jamie Ellis.

WITNESSES: Daniela [REDACTED], Sandra [REDACTED], Tatiana [REDACTED]

Complaint against David Schneider, Santa Clara Police Department

1. Schneider made his report or conducted police business in less than a truthful and/or cooperative manner.
2. Omission of Facts, Embellishment of a Police Report, False Testimony
3. Schneider's conduct harmed and discredited is reputation and that of the department
4. Schneider Committed Perjury

THE FOLLOWING HAPPENED:

1. False Police Report. Schneider's Police Report is Full of Inconsistencies. I ask that an independent investigator consider the below facts in finding that Schneider made his report and/or conducted police business in less than a truthful and/or cooperative manner intentionally violating department policy.

- a) Schneider reportedly arrived on scene after Mr. Bondaug had been handcuffed and placed in the WRAP.
- b) He testified that he was directed by Sgt. Richards to interview the reporting party, Kristopher [REDACTED].
- c) Schneider would use quotation marks in his report to signify the exact words and phrases that a witness used. He reported that the phrases "ramping himself up" and "preparing to act out of violence" were that of Mr. [Kristopher] and that the word "imminent" was used to describe the urgency of actions. Schneider also wrote in his report, "he ([Kristopher]) believed the male suspect's next move was to start physically assaulting the female"
- d) **Kristopher [REDACTED] was deposed on September 17, 2014 and testified that the phrases and word *imminent*, above in section 1(c) were not his own.**
- e) Schneider also fabricated in his report that [Kristopher] "heard loud yelling and screaming coming from [REDACTED] Wilson Court." **[Kristopher] contradicted Schneider's account by testifying, "it wasn't yelling it, but he was speaking it."** (page 12, line 17)
- f) Attorney for the City of Santa Clara, John Haeblerlin, asked [Kristopher] about this paragraph that Schneider alleges [Kristopher] stated, "*[Redacted] repeated to me that he believed the male suspect's next move was to start physically assaulting the female. [Kristopher] told me that he believed that physical injury was "imminent" for the involved female if [Kristopher] did not notify the police. [Kristopher] then called Communication to report the incident."* **Do you remember in effect saying those things to the police officer?** (page 27, line 22 – page 28, line 5)
 - i. This was [Kristopher]'s response: **"I think that this is a bit of a point that I would like to talk about...ever since this event, I've been thinking of that phrase, is this woman in immediate danger...this work "immediate" or "imminent" was a bit of a tricky phrase, and whoever told it to me said it in a very deliberate way an stressed this work "imminent" or "immediate."** He goes on to testify, **" someone from the police department said this phrase to me...that was not my intention, to**

say that this was – I felt that this was going to be an...it was not my intention at the time to say that there was a fight that was going to instantaneously break out. I felt a clear notion that I was being asked to agree to this word “imminent” or “immediate.” It did not sound instantaneous. And somewhere someone, I don’t have a specific memory of who it was, but it was the police and it was that night, stressed this word “immediate” or “imminent,” and I felt that they were suggesting that I say that it was more immediate maybe than I originally felt.” [Kristopher]’s recollection was clear, “I don’t think I ever agreed that it was imminent. I don’t believe that it was an instantaneous violence. I think that this – that this point seems to be what allowed the officers to go into this guy’s house, to go into your house (he looked over at Mr. Bondaug), I don’t know where it came from. What did I agree to or what did I not strongly oppose...somewhere someone told me that.” (page 28, line 6 – page 31, line 5)

g) Attorney Haeberlin the asked, “You believe that the officer took some liberties with what you told him about what you experienced? (page 32, lines 21-22)

i. [Kristopher]: “this idea of imminent injury was not a good characterization of what I felt at the time.”

h) *Officer Schneider was eventually called to testify and he admitted under oath that the phrases and word(s) in question were in fact his own that he planted on Mr. [Kristopher] and then falsely quoted and attributed to Mr. [Kristopher] in his police report.*

2. **Omission of Facts, Embellishment of a Police Report, False Testimony.** Throughout this entire ordeal, Schneider knew he had embellished some and omitted other facts in his official report to help out fellow officers . Even if independent from other acts of misconduct found in this complaint, *Schneider’s failure to report witness statements accurately - either orally or in writing as required by Santa Clara Police Department – is grounds for termination. I ask that an independent investigator consider the below facts in finding that Schneider intentionally omitted facts, embellished his police report, and knowingly testified falsely.*

a) Santa Clara Police Manual section 26.3.3(BB) provides: Testifying, making reports or conducting police business in a less than a truthful and/or cooperative manner is **grounds for discipline.**

3. **Schneider's conduct is harming and discredits his own reputation and that of the department. In conjunction with the facts detailed above and the claim of perjury made below, I ask that an independent investigator also look into the official records held by the City and Police Department of Santa Clara where the investigator may find Schneider has a documented history of falsifying reports. I believe Schneider's employment as a peace officer and current domestic violence detective puts at risk the liberty and safety of all who reside, visit or pass through the City of Santa Clara and sullies the good name and reputation that other officers in Santa Clara are trying to maintain.**

- a) Ms. [Daniela] has lived in the [Redacted] Wilson Court residence since 1955, 56 years at the time of the incident, and, in part, **because of Schneider's actions is now very reluctant to rely on emergency services in the City of Santa Clara.**
- b) All immediate witnesses to this event now have little to **no faith in the ability for David Schneider to conduct himself in a trustworthy, responsible and community service oriented manner.**
- c) **Schneider's lack of professionalism** as a peace officer for the City of Santa Clara **has drawn enough attention from local media** that it is the subject of ongoing production.

4. **Schneider Committed Perjury.**

PENAL CODE SECTION 118. (a) Every person who, having taken an oath that he or she will testify, declare, depose, or certify truly before any competent tribunal, officer, or person, in any of the cases in which the oath may by law of the State of California be administered, willfully and contrary to the oath, states as true any material matter which he or she knows to be false, and every person who testifies, declares, deposes, or certifies under penalty of perjury in any of the cases in which the testimony, declarations, depositions, or certification is permitted by law of the State of California under penalty of perjury and willfully states as true any material matter which he or she knows to be false, is guilty of perjury.

118.1. Every peace officer who files any report with the agency which employs him or her regarding the commission of any crime or any investigation of any crime, if he or she knowingly and intentionally makes any statement regarding any material matter in the report which the officer knows to be false, whether or not the statement is certified or otherwise expressly reported as true, is guilty of filing a false report punishable by imprisonment in the county jail for up to one year, or in the state prison for one, two, or three years. This section shall not apply to the contents of any statement which the peace officer attributes in the report to any other person.

- a) **There is plenty direct evidence** in the form of Mr. [Kristopher]'s testimony that Schneider intentionally embellished, wrongfully attributed and omitted facts in reporting to superiors at SCPD. **Neither Ms. [Sandra], Ms. [Tatiana] or Mr. Bondaug's mother, Ms. [Daniela], were ever in immediate, imminent, or any type of danger from Mr. Bondaug.**

Schneider's Police Report is Full of Inconsistencies and quite frankly a false report that was manifested at the request of Sgt. Richards to cover up an investigation gone bad. Schneider simply constructed a false police report and he admitted, at trial, that he planted words in his report to make the incident seem a lot more ominous than it was. Not only did this cause great harm to Mr. Bondaug, it also placed blame squarely on the shoulder of Mr. Kristoher [REDACTED] who thought he was doing the right thing.

I ask that an independent investigator consider the above facts in finding that Schneider made his report and/or conducted police business in less than a truthful and/or cooperative manner intentionally violating department policy by omission of facts, embellishing his police report, and giving false testimony to the Santa Clara Police Department, the City of Santa Clara, and the County of Santa Clara's District Attorney's office.

As guaranteed by Santa Clara Police Department's policy for responding to citizen Commendation, Inquires or Complaints policy: I expect to receive written notification every 30 days regarding the progress of the investigation all the way through completing a findings report.

Garrett Bondaug
[Address and Contact Information Redacted]