

CHRONOLOGICAL REPORT OF INVESTIGATION

➤ TYPE OF CASE: Death in Custody	CASE NO: A09098 ICN:090921864	SUBJECT: Deceased [REDACTED]
DATE OF INCIDENT: 09/07/2009 @1740 Hrs.	UNIT: County Jail #1	INVESTIGATOR ASSIGNED: Sergeant J. Quanico #1429

DATE:	TIME:	ACTIVITY:
Monday 09/07/09	1925 Hrs.	I returned Lt. Flewellen's #1098 OIC ISU voicemail that he left on my department cell phone at 1855 Hrs. Lt. Flewellen instructed me to respond to County Jail #1 as the primary investigator for a Death in Custody. Inmate [REDACTED] was declared by SFFD Paramedics at 1833 Hrs. Lt. Flewellen related that [REDACTED] stopped breathing during a Safety Cell Placement at County Jail #1. Lt. Flewellen said he was going to contact SFPD Operations per DIC protocol. Lt. Flewellen related that SD Luquin #1815 and SD Chew 809 were en-route to CJ#1 to assist.
	1930 Hrs.	I contacted DSA President Dave Wong to contact Rains, Luccia, and Stern so that a representative could respond to CJ#1.
	1945 Hrs.	I contacted SD Chew and SD Luquin via cell phone. I instructed SD Chew to collect the following original documents: [REDACTED] original Field Arrest Card, original seven part booking card, original Post 11 Round Sheets, Safety Cell Sheet if available, original Classification intake sheet, and original Daily Report/Lineup sheet. I also instructed SD Chew to make sure the crime scene was preserved upon his arrival. SD Luquin said he was on the way to the ISU office to pick up his digital camera and all necessary equipment.
	2015 Hrs.	Arrived at County Jail #1. I met with SD Luquin and SD Chew who arrived at 2000 Hrs. SD Chew handed me the original documents that I requested. I instructed SD Luquin to photograph the scene before the SF Medical Examiners take the body. Medical Examiners also arrived at 2015 Hrs, but were on stand-by until CSI and Homicide respond. I received a basic briefing from SD Matthew Wong #1360. He said that Inmate [REDACTED] was disruptive and was inciting the inmates at Post 11 at approximately 1700 Hrs. SD Wong decided to place Inmate [REDACTED] in Administrative Segregation and arranged to have him escorted to 1MK-02. Upon arrival to K-Tank, Inmate [REDACTED] refused to be placed in ADSEG and had to be forcibly restrained. [REDACTED] was subsequently handcuffed and leg shackled after a struggle with staff. SD Wong then decided to place Inmate [REDACTED] to the Safety Cell. [REDACTED] continued to struggle with staff and was taken forcibly to Safety Cell #2. Upon arrival to the Safety Cell, [REDACTED] was proned out and placed into a Figure Four leg lock. As the handcuffs, leg shackles, sweatshirt, and shoes were removed, [REDACTED] became unresponsive.

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Monday 09/07/09	2015 Hrs.	According to SD Wong, Deputy Lomba was able to find a pulse. [REDACTED] was placed into a position of recovery, but did not respond to verbal commands. At this time, SD Wong contacted Jail Medical. Jail Medical called 911 and started CPR. Jail Medical continued to work on [REDACTED] until Paramedics took over. [REDACTED] was pronounced at 1833 Hrs. SD Wong said the primary deputies involved were: Deputy Guitron #1894, Deputy Gutierrez #1928, Deputy Macksoud #1698, Deputy Lomba #2074, and Deputy White #2115.
	2025 Hrs.	Contacted SFPD Operations to confirm that SFPD Homicide was en-route. Officer Damonte #967 said the on call Homicide inspectors were Jones and Lynch who were en-route to County Jail #1.
	2050 Hrs.	Inspector Johnson #1387 from SFPD Homicide Detail arrived. He related that he was asked to assist and that Inspector Jones #483 was the primary investigator. I briefed the medical examiner, Don Stocum #116, Assistant Medical Examiner, Dr. Judy Melinek #107, and Inspector Johnson on the situation thus far. According to Inspector Johnson he was going to meet with the Homicide Team for a briefing prior to conducting interviews. Dr. Melinek related that they (Medical Examiner's) were going to wait until CSI processed the scene.
	2100 Hrs.	Dave Wong and Attorney Harry Stern arrive. I told Wong and Stern that SFPD Homicide will interview the deputies first, but not until the Homicide unit arrived.
	2125 Hrs.	I met with Lt. Jim Kerrigan, Matt Irvine, and Anna Gonzalez from the SF District Attorney's Office. I briefed them on the situation and gave them copies of [REDACTED] information.
	2130 Hrs.	SFPD Crime Scene Investigators arrive to process the scene. Shouldice #2024 and Hall #1025
	2135 Hrs.	Lt. Stasko #724, Inspector Kevin Jones #483, and Inspector Lynch #1165 arrive from the Homicide Detail. I gave them a full briefing on the situation and handed them two packets containing [REDACTED] information. I related that Harry Stern from Rains, Luccia, and Stern was present to represent deputized staff. I suggested the following: Homicide Inspectors (Inspector Kevin Jones) can interview the deputies after they are briefed by counsel. Lt. Stasko suggested that the deputies go to Homicide Detail on the fifth floor for their interviews. I said that my unit would start interviewing Jail Medical staff as soon as their representative arrived.

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Monday 09/07/09	2135 Hrs.	<p>Jail Medical interviews will be conducted at the CJ#2 Conference Room on the seventh floor. The Second team of Homicide Inspectors (Inspector Michael Johnson) can start interviewing inmates housed in 1M13 at Post 11. Deputy V. Chew will remain at CJ#1 as a liaison if they needed any information or resources.</p> <p>Homicide Detail: Lt. Stasko #724, Inspector K. Jones #483, Inspector M. Johnson #1387, Inspector Lynch #1163, and Inspector Cagney #341.</p>
	2140 Hrs.	I instructed SD Luquin to take additional photographs with CSI in Safety Cell #2.
	2150 Hrs.	Briefed US Dempsey and Lt. Flewellen on the status of this incident thus far.
	2200 Hrs.	Gave Medical Examiner Donald Stocum Inmate [REDACTED] "next of kin" information found on Classification Intake Sheet.
	2207 Hrs.	Medical Examiners remove body from Safety Cell #2,
	2210 Hrs.	SD Luquin handed me ME's property receipt. Briefed Chief Deputy Keller #647 on information gathered thus far.
	2230 Hrs.	SD Luquin contacted CJ#2 Watch Commander, Lt. Ramirez, to inform that we were going to utilize the conference room as an interview room for Jail Medical. Inform [REDACTED] that the JMS staff needed to remain for interviews. [REDACTED] enroute to represent JMS staff.
	2241 Hrs	<p>Recorded interview with [REDACTED] Interview conducted at CJ#2 Conference Room 850 Bryant St seventh floor. Present are [REDACTED] (Representative), and SD Luquin Paraphrased: [REDACTED] has been employed with the City and County for twenty one years. [REDACTED] had been assigned to County Jail #1 for his entire career. [REDACTED] was assigned to work from 0630 Hrs to 1830 Hrs. on 09/07/09. At 1745 Hrs. SD Wong told [REDACTED] that an inmate was not responding in Safety Cell #3. [REDACTED] responded with his medical team that was comprised of the following nurses: [REDACTED] and [REDACTED]. Upon their arrival, [REDACTED] said Inmate [REDACTED] was laying face down on his stomach. [REDACTED] did not recall if the inmate was handcuffed or leg shackled. [REDACTED] said the inmate was wearing Jail issued pants and a T-Shirt.</p>

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2241 Hrs. [redacted] said his team conducted an assessment. [redacted] only recalled seeing the following sworn staff: Deputy Gutierrez and SD Wong. [redacted] said he left the Safety Cell to retrieve the inmate's medical information. According to records [redacted] said the inmate had a history of [redacted]. According to [redacted] was taking [redacted], which were both [redacted]. At 1747 Hrs, [redacted] said [redacted] told him to call 911. [redacted] said he remained on the phone with the dispatcher. [redacted] related to the dispatcher that the patient was not responding and not breathing. [redacted] said the AED was activated but the AED prompted "No shock needed." [redacted] said he placed the dispatcher on hold and returned to the Safety Cell. [redacted] said his staff was performing CPR. [redacted] said he returned to the Medical Office and remained on the phone with the dispatcher until the paramedics arrived at approximately 1759 Hrs. [redacted] said one paramedic asked for [redacted] information and he [redacted] prepared the MEH paperwork. When the paramedics took over, [redacted] said his staff returned to the medical office. [redacted] did not know when [redacted] was declared. [redacted] did not know if one of his nurses were able to find a pulse on Inmate [redacted]. [redacted] said one of his nurses mentioned [redacted] possibly died of Positional Asphyxia. [redacted] did not observe any injuries to Inmate [redacted]. [redacted] did not see any blood on the Inmate or in the Safety Cell. [redacted] mentioned that [redacted] was wet while she was performing CPR.

2329 Hrs Recorded interview with [redacted] Interview conducted at CJ#2 Conference Room 850 Bryant St seventh floor. Present are [redacted] (Representative), and SD Luquin **Paraphrased:** [redacted] was on duty on 09/07/09 and was assigned to the 0600 to 1830 Hrs. watch at CJ#1. At approximately 1745 Hrs, SD Wong requested that her staff check on an Inmate that was not responding. [redacted] said [redacted] was the first to respond. [redacted] said she grabbed the oxygen bottle and the blood pressure machine. Upon arrival, [redacted] said she saw an African American Male lying on his back in Safety Cell #2. [redacted] said the inmate's feet were by the door and his head was positioned toward the rear wall of the Safety Cell. [redacted] said [redacted] and [redacted] started CPR. [redacted] attached the blood pressure machine. [redacted] said she started an IV on the inmate's right hand. [redacted] said the inmate's eyes were open without movement. [redacted] did not see the inmate's chest rise. [redacted] did not see any trauma to the inmate or any blood. [redacted] related that the inmate did not have a pulse when they arrived to the Safety Cell. When asked [redacted] recalled that the inmate was just wearing his pants. [redacted] said she told [redacted] to call 911 at approximately 1747 Hrs. [redacted] said [redacted] and [redacted] attached the AED, but a shock was not advised.

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Monday 09/07/09	2329Hrs.	At 1759 Hrs, the paramedics took over and worked on the patient until he was declared dead. According to [REDACTED] the paramedics worked on the inmate for approximately thirty minutes. [REDACTED] related that the inmate was taking [REDACTED]
	2331 Hrs.	Chief V. Keller #647 handed me the JMS MEH paperwork for [REDACTED]. This was given to her by Deputy Larry Napata #1190.
Monday 09/07/09	2356 Hrs.	<p>Recorded interview with [REDACTED]. Interview conducted at CJ#2 Conference Room 850 Bryant St seventh floor. Present are [REDACTED] (Representative), and SD Luquin. Paraphrased: [REDACTED] has been working as a P-103 RN for JMS the last 16.5 Yrs. (Total years as a nurse were 37 years.) At approximately 1745 Hrs, on 09/07/09, SD Wong knocked on her door which was directly across from the Safety Cells at CJ#1. SD Wong asked if she could check out an inmate that was not breathing. [REDACTED] told SD Wong to tell the [REDACTED]. [REDACTED] said she responded with [REDACTED]. She saw a large male laying face down on the Safety Cell floor. [REDACTED] said the inmate's feet were near the entrance to the Safety Cell. [REDACTED] said the inmate was wearing orange pants and an orange T-Shirt. [REDACTED] did not see any signs of trauma on the inmate. She did not see any blood. [REDACTED] turned the inmate onto his right side. [REDACTED] and [REDACTED] could not find a pulse. She added that it was difficult to find a pulse because he was so large. [REDACTED] said she attached the AED pads to the inmate. [REDACTED] and [REDACTED] started CPR. [REDACTED] O2/[REDACTED] compressions) The AED prompted, "No shock needed." [REDACTED] related that [REDACTED] attached an IV to the inmate. The Paramedics arrived less than fifteen minutes after their arrival to the Safety Cell. [REDACTED] did not see any blood on the inmate's face when they were conducting CPR. When asked, [REDACTED] said she heard from an unknown source that [REDACTED] might have died from a seizure, but later found out that he did not have a history of seizures. [REDACTED] said she also heard someone mention positional asphyxia. After the initial interview, [REDACTED] wanted to add that while she was working in her office across from the Safety Cell, she heard moaning. She went outside her office out of curiosity and saw several deputies "hovered" around the inmate. She said she did not see any excessive force and the scene was not any different from what she had seen in the past. However, [REDACTED] said she had the tendency to lose focus when she saw something traumatic. [REDACTED] said she has had this problem due to a childhood experience. [REDACTED] did not elaborate any further.</p>

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0024 Hrs.

Recorded interview with [REDACTED] Interview conducted at CJ#2 Conference Room 850 Bryant St seventh floor. Present are [REDACTED] (Representative), and SD Luquin **Paraphrased:** [REDACTED] has been a RN for fifteen years. He has been at CJ#1 since June 2008. When asked, [REDACTED] said he was familiar with Inmate [REDACTED] [REDACTED] gave [REDACTED] his [REDACTED] at approximately 0700 Hrs on 09/07/09. [REDACTED] weighed Inmate [REDACTED] that day and recalled he weighed 294 Lbs. At 1740Hrs, [REDACTED] was in the medical office. [REDACTED] heard what sounded like a routine Safety Cell Placement commencing in the hallway. However, [REDACTED] said he heard loud moaning. [REDACTED] said he heard what sounded like an inmate talking, but did not recall what was said. [REDACTED] said the Safety Cell was only three to four steps away from the medical office. At 1742 Hrs, SD Wong knocked on the medical office door. Wong asked, "Can you assess the inmate?" "He is not breathing." Upon arrival, [REDACTED] saw four to five deputies in the Safety Cell. [REDACTED] saw Inmate [REDACTED] face down on his stomach. [REDACTED] recalled that [REDACTED] feet were near the Safety Cell door. [REDACTED] said [REDACTED] was wearing orange pants and an orange shirt. [REDACTED] said he shook [REDACTED] and used a sternum rub on him, but [REDACTED] did not respond. [REDACTED] attempted to feel for a pulse but could not find one. When asked, [REDACTED] was still warm to the touch. When asked, [REDACTED] did not see any blood on [REDACTED] face but recalled clear saliva dripping out of his mouth. [REDACTED] said they placed [REDACTED] in a position of recovery, but he still did not respond. Next, [REDACTED] was placed on his back. [REDACTED] attached the AED, but "No shock" was advised. [REDACTED] checked [REDACTED] airway and gave him two breaths. [REDACTED] started compressions. [REDACTED] said [REDACTED] told [REDACTED] to call 911 at approximately 1748 Hrs. The paramedics arrived five to six minutes later. [REDACTED] said they continued CPR until the Paramedics arrived. [REDACTED] remained in the Safety Cell to assist the paramedics with compressions. [REDACTED] said the paramedics worked on [REDACTED] for approximately an hour. [REDACTED] said he was never able to get a pulse when he worked on [REDACTED]

0051 Hrs.

Recorded interview with [REDACTED] Interview conducted at CJ#2 Conference Room 850 Bryant St seventh floor. Present are [REDACTED] (Representative), and SD Luquin **Paraphrased:** [REDACTED] has been a LVN for thirteen years. All thirteen years have been at CJ#1. [REDACTED] was assigned to the 1400-2230 Hrs shift on 09/07/09. [REDACTED] said he recalled giving Inmate [REDACTED] his medication [REDACTED] at approximately 1630 Hrs. [REDACTED] did not observe anything out of the ordinary at Post 11. [REDACTED] described Downs to be a Black/Samoan male in his thirties. [REDACTED] described [REDACTED] to be obese. [REDACTED] said he was not part of the medical emergency because he was at lunch from 1730 Hrs to 1800 Hrs.

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Tuesday 09/08/09	0051 Hrs.	When [REDACTED] arrived back to CJ#1 from lunch he noticed that the paramedics were at the Safety Cell. When [REDACTED] walked past the Safety Cell, he noticed that Inmate [REDACTED] was in a supine position.
	0111 Hrs.	Recorded interview with [REDACTED] Interview conducted at CJ#2 Conference Room 850 Bryant St seventh floor. Present are [REDACTED] (Representative), and SD Luquin. Paraphrased: [REDACTED] has been a RN for fifteen years and has been a City and County employee for two years. At approximately 1745 Hrs, SD Wong knocked on the medical office door requesting if someone could check on an inmate in the Safety Cell. Upon arrival, [REDACTED] said she saw [REDACTED] and [REDACTED] in front of the Safety Cell door. [REDACTED] said she saw what appeared to be a large African American or Pacific Islander male laying on his right side facing the left side of the Safety Cell. [REDACTED] did not see any movement or indication that the inmate was breathing. [REDACTED] said [REDACTED] and [REDACTED] gave the inmate CPR. [REDACTED] gave breaths and [REDACTED] gave compressions. [REDACTED] said she prepared the oxygen line, pulse machine, and retrieved an IV. When asked, [REDACTED] did find a pulse with the pulse machine. [REDACTED] recalled that [REDACTED] called 911 and the paramedics responded ten to fifteen minutes later. The paramedics instructed all jail personnel to exit so they could take over. [REDACTED] knew that Inmate [REDACTED] was taking [REDACTED] which has multiple uses: [REDACTED]. [REDACTED] did not observe any trauma to Inmate [REDACTED]. However, [REDACTED] saw some blood in the Safety Cell after [REDACTED] was removed. When asked, [REDACTED] recalled that [REDACTED] was just wearing jail issued pants. [REDACTED] did not hear anything out of the ordinary from the Safety Cell prior to being summoned by SD Wong.
	0200 Hrs.	Met with Lt. Casey #339. I told Lt. Casey that Safety Cell #2 was released and can be cleaned. I also requested any Incident Reports that were completed. I received a copy of Deputy Gutierrez's report. Lt. Casey said he would fax the remaining reports from SD Matthew Wong and Deputy White upon completion. I related that I would contact CJ#1 staff later in the morning for administrative interviews.
	0215 Hrs.	Arrived to CJ#9 to pick up Inmate [REDACTED] property. I received the property from Deputy Sosa #1749.
	0930 Hrs.	Briefed Lt. Flewellen on the investigation thus far. He instructed me to schedule interviews for the primary deputies starting today. I also received the remaining incident reports: SD Wong and Deputy D. White.

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Tuesday 09/08/09	0945 Hrs.	Spoke to David Wong DSA President. I told him that I needed to interview SD Matthew Wong and Deputy Guitron this afternoon. Wong said he was going to contact Harry Stern for representation.
	0952 Hrs.	Faxed all incident reports to Kevin Jones (Homicide Detail SFPD). Received SD Luquin's photographs on disc.
	1000 Hrs.	I instructed SD Luquin to fill out a CAD request for this 911 Call.
	1015 Hrs.	Lt. A. Wong related that SD Wong called in sick. I asked Lt. Wong to fax payroll sheets for all three watches to plan future interviews.
	1100 Hrs.	I spoke to SD M. Wong on the phone. He related that he was available to come in for an interview. He related that he was tired, but was physically fit to come to the ISU Office. He related that he could come in at any time.
	1130 Hrs.	Spoke to Harry Stern from Rains, Luccia, and Stern. He related that he could come in to our office to interview S Wong at 2030 Hrs this evening.
	1145 Hrs.	SD Wong confirmed the he would be available this evening at 2030 Hrs.
	1200 Hrs.	SD Chew gave me Inmate [REDACTED] property from CJ#1.
	1310 Hrs.	Inspector Lynch called and said that they did not receive the incident reports. I re-faxed the incident reports to Homicide detail. (SD Wong, Deputy White. And Deputy Gutierrez)
	1400 Hrs.	Prepare for SD Wong Interview.
	2046 Hrs.	Recorded interview with <u>SD Matthew Wong #1360</u> Interview conducted at 25 Van Ness Ave RM 350. Harry Stern present from Rains, Luccia, and Stern. SD Luquin assisted. Lybarger warning given. Paraphrased: SD Wong was on duty on 09/07/09 working overtime on the 1500-2300 Watch. SD Wong said he was assigned as Assistant Watch Commander. SD Wong stated that he did not want to make any changes to his incident report. At approximately 1630-1645 Hrs, SD Wong received a phone call from Deputy Smith Al-Ghani.

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2046 Hrs.

She told SD Wong that Inmate [REDACTED] was inciting the Post 11 Inmates. Smith Al-ghani told SD Wong that [REDACTED] refused to turn down the television in Tank 13. SD Wong decided to place Inmate [REDACTED] in ADSEG. SD Wong called for Deputy Gutierrez and Deputy Guitron to help escort Inmate [REDACTED] to 1MK-02. Inmate [REDACTED] was handcuffed and escorted to the Mainline. Upon arrival to K-Tank, Inmate [REDACTED] refused to enter K-02 thinking that he was being rehoused in General Population not ADSEG. According to SD Wong he told Inmate [REDACTED] that if he refused to enter K-02 he will end up in the Safety Cell. SD Wong said it was his decision to place Inmate [REDACTED] in the Safety Cell. SD Wong said his decision was not punishment. However, Inmate [REDACTED] did not display a "danger to others" until he was escorted to the Mainline. SD Wong said Inmate [REDACTED] became combative by kicking and refusing to walk backwards. At this time SD Wong called for backup. Wong instructed Deputy Gutierrez and Deputy Guitron to take Inmate [REDACTED] to the ground. Deputy White and Deputy Lomba arrived and assisted with the combative [REDACTED]. [REDACTED] was prone and leg shackled. [REDACTED] was raised to his feet and was taken backwards to the Safety Cell. SD Wong said [REDACTED] passively resisted on the way to the Safety Cell. Upon their arrival to Safety Cell #2 at approximately 1745 Hrs, [REDACTED] was prone out on the floor. SD Wong supervised as Deputy Guitron, Deputy Gutierrez, Deputy Lomba, Deputy White, and Deputy Macksoud assisted with the Safety Cell Placement. SD Wong ordered his staff to remove Inmate [REDACTED] shoes, socks, and Sweatshirt. As they removed Inmate [REDACTED] sweatshirt, Deputy Macksoud told SD Wong that [REDACTED] was not responding. SD Wong ordered his staff to place [REDACTED] in a position of recovery. SD Wong recalled that Deputy Lomba was able to find a pulse, but [REDACTED] was not responding as they shook him. SD Wong called for medical. Jail Medical staff arrived and started CPR. [REDACTED] asked another nurse to call 911. SD Wong recalled that the AED was activated, but no shock was advised. At 1800 Hrs, paramedics arrived and took over. SD Wong recalled that the paramedics inadvertently went to 425 7th street first. At this time SD Wong said he went to the front office to brief Lt. Casey. According to SD Wong, Lt. Casey was not present for the Safety Cell Placement nor was he present for the incident at K-Tank. At one time SD Wong recalled that the paramedics found a irregular heart rhythm and made arrangements for a hospital run. However thirty seconds later the paramedics declared [REDACTED] dead at 1833 Hrs. When asked SD Wong was not aware that Deputy Gutierrez told Inmate [REDACTED] that he was going to the Mainline rather than telling him he was going to ADSEG. SD Wong reviewed Deputy Gutierrez' report. SD Wong did not recall [REDACTED] agreeing to the safety cell when he was given the choice of ADSEG or the Safety Cell (According to Gutierrez' report).

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Tuesday 09/08/09	2046 Hrs.	At the Safety Cell, SD Wong recalled that Deputy Lomba used a figure four on [REDACTED] legs not White or Macksoud. SD Wong did recall that [REDACTED] struggled. According to SD Wong [REDACTED] did not complain of any injuries or appeared to be in discomfort. The only thing he recalled [REDACTED] say was that he wanted to talk to [REDACTED] (JPS). He also said he did not want to go into the Safety Cell. After [REDACTED] was unconscious, SD Wong recalled that [REDACTED] took three deep breaths but they were not consecutive. When asked, SD Wong recalled that the paramedics worked on [REDACTED] for approximately thirty minutes. SD Wong recalled that someone (JMS, Paramedics, Medical Examiner) mentioned a possible seizure. Wong did not see [REDACTED] go into a seizure but recalled that [REDACTED] urinated on himself when they placed him in a position of recovery. SD Wong recalled that someone from the Medical Examiner's Office mentioned possible asphyxiation. SD Wong said [REDACTED] never landed on his head when he was taken to the ground. SD Wong said none of his staff kneed or landed on [REDACTED] back. In retrospect, SD Wong said he wouldn't have done anything different.
	2215 Hrs.	Briefed Lt. Flewellen on SD Wong's interview.
Wed 09/09/09	0800 Hrs.	Lt. Flewellen instructed me to brief Sheriff Hennessey on the [REDACTED] case.
	1000 Hrs.	Briefed Sheriff Hennessey, Chief of Staff, Eileen Hirst, Legal Counsel staff Jim Harrigan/Frea Horne, and Undersheriff J. Dempsey. US Dempsey handed me a letter from the Legal Services for Prisoners with Children. Letter from [REDACTED] to Attorney General Jerry Brown requesting an investigation into the death of [REDACTED] [REDACTED]
	1130 Hrs.	Contacted DSA President Dave Wong to schedule interviews for Deputy Kenneth Lomba and Deputy Edward Gutierrez. Interviews will be scheduled at 1600 and 1700 Hrs respectively.
	1300 Hrs.	Prepare for Deputy Lomba and Deputy Gutierrez interviews.
	1314 Hrs.	I received an E-Mail from Legal Prisoner Services director Nick Gregoratos. The E-Mail contained names of inmates that allegedly witnessed the incident with [REDACTED]

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Wednesday 09/09/09	1450 Hrs.	State Parole Officer Farnsworth requested a copy of the primary report regarding Inmate [REDACTED] death to close out his case file. Faxed SD Wong's report to 415 703-3164.
	1611 Hrs.	<p>Recorded interview with <u>Deputy Edward Gutierrez #1928</u> Interview conducted at 25 Van Ness Ave RM 350. Harry Stern present from Rains, Luccia, and Stern. SD Luquin assisted. Paraphrased: Deputy Gutierrez was working on overtime on 09/07/09 assigned to the 1500-2300 Watch. Gutierrez was assigned to Post 10 with Deputy Melvin Song #1269. Deputy Gutierrez received a call from Deputy Smith Al-Ghani who was assigned to Post 11. Gutierrez was briefed by SD Wong that they were going to transport Deputy [REDACTED] to ADSEG. Deputy Gutierrez related that he had a good relationship with [REDACTED] so he told [REDACTED] "You want to go to the Mainline?" [REDACTED] agreed to the move thinking that he was going to general population. Gutierrez said they used two pairs of cuffs due to [REDACTED] size (300+). [REDACTED] walked to the Mainline without incident until he reached K-02. [REDACTED] told SD Wong and his staff that he was not going into K-02. SD Wong gave [REDACTED] the ultimatum, K-02 or Safety Cell. [REDACTED] said, "Take me to the box." (Safety Cell) Once they exited K-Tank, [REDACTED] began to struggle by wiggling and thrashing his shoulders. Deputy Guitron had hold of [REDACTED] left arm and Gutierrez was on the right. During the struggle, Gutierrez said they all fell to the ground. There was no takedown used. At this time Deputies Lomba and White arrive to assist. [REDACTED] was leg-shackled and then taken to the Safety Cell. Gutierrez said [REDACTED] was escorted backwards and at one time fell purposely to the ground near the Post 9 metal detector. Once in the Safety Cell, five deputies were present for the placement. The deputies present were: Guitron, Gutierrez, Lomba, White, Macksoud, and SD Wong was the supervisor. [REDACTED] was proned out face down on the SC floor. Guitron had [REDACTED] left arm and Gutierrez had the right. Deputy White was at the legs. [REDACTED] continued to struggle and at one time, Deputy White lost control of [REDACTED] legs so Deputy Lomba and Deputy Macksoud had to assist with a figure four leg lock. As [REDACTED] shoes, socks, and sweatshirt were removed, Macksoud noticed that [REDACTED] was not responsive after his sweater was cut off. Macksoud told SD Wong to call medical. Gutierrez said Deputy Lomba found a pulse on one of [REDACTED] wrist. Lomba also said [REDACTED] was breathing. [REDACTED] was placed in a position of recovery lying on his right side. JMS called 911 and they were delayed in arriving because they went to 425 7th street first. Gutierrez said what usually took five minutes took ten minutes. Gutierrez recalled that Jail medical used the AED, but no shock was necessary. Gutierrez said Lt. Casey was now at the Safety cell and ordered Gutierrez to prepare for a hospital run. Gutierrez said the Hospital run was canceled once the paramedics declared [REDACTED] dead.</p>

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Wednesday 09/09/09	1611 Hrs.	<p>Deputy Gutierrez did not know how Inmate [REDACTED] was disruptive at Post 11. When asked, Gutierrez did not tell SD Wong that he was going to tell [REDACTED] he was going to the Mainline rather than ADSEG. Gutierrez said he did not want [REDACTED] to act up at Post 11. Deputy Gutierrez said he was not aware if Casey knew about the ADSEG Placement. Gutierrez said he saw Lt. Casey on the Mainline, but did not know if Casey knew what was going on. Gutierrez said it was SD Wong's decision to place Inmate [REDACTED] in the Safety Cell for being a danger to others. Deputy Gutierrez recalled that Deputy Song was at K-Tank, but did not recall if Song went hands on with [REDACTED]. When asked, Gutierrez said SD Wong did not order a takedown in front of K-Tank. It was more like an accidental fall. When they fell, Gutierrez said [REDACTED] fell to his knees first and then his stomach. Gutierrez said [REDACTED] did not complain of any injuries nor did Gutierrez observe any injuries at K-Tank or the Safety Cell. Gutierrez said [REDACTED] agreed to the Safety Cell, but became combative on the Mainline. At the Safety Cell, Gutierrez said nobody accidentally fell on Inmate [REDACTED]. Gutierrez said it took three people, Lomba, White, and Macksoud to help out with the figure four. When asked, Gutierrez said SD Wong did not give staff direction in the Safety Cell. Gutierrez said he let the deputies do their job. Gutierrez said Inmate [REDACTED] struggled in the Safety Cell, but he did not yell or moan. Upon arrival to the Safety Cell up until Macksoud recognized something was wrong, [REDACTED] was on his stomach no more than five minutes.</p>
	1743 Hrs.	<p>Recorded interview with <u>Deputy Kenneth Lomba # 2074</u> Interview conducted at 25 Van Ness Ave RM 350. Harry Stern present from Rains, Luccia, and Stern. SD Luquin assisted. Paraphrased: Deputy Lomba was working overtime at CJ#1 on the 1500-2300 Watch. Lomba was assigned to Post nine with Deputy Dan White and Deputy Kenny Lewis. At approximately 1735 Hrs, Lomba heard a back-up call on the radio to Post 10. As Lomba ran down the Mainline, he saw deputies on the ground near K-Tank. Upon arrival, he saw Inmate [REDACTED] on the ground and noticed that his legs were not secure. Lomba held on to [REDACTED] left calf and placed leg shackles onto Inmate [REDACTED]. Lomba recalled that [REDACTED] was assisted up off the ground. Deputy Gutierrez has [REDACTED] right arm and Deputy Guitron was on the left. Deputy White held [REDACTED] head down as he was escorted backwards to the Safety Cell. Deputy Lomba said he trailed the deputies down the mainline. Lomba recalled that [REDACTED] asked, "Where are we going?" Lomba recalled that someone had mentioned Safety Cell, but he did not recall whom. Lomba assumed that it was SD Wong's decision. When asked, Lomba did not recall seeing Lt. Casey near K-Tank. Lomba said [REDACTED] was taken into the Safety Cell. Lomba did not see how he was placed down, but upon arrival [REDACTED] was face down. Lomba said he helped set up the figure four leg lock.</p>

CHRONOLOGICAL REPORT OF INVESTIGATION

Wednesday 09/09/09	1743 Hrs.	<p>Lomba recalled that [REDACTED] attempted to pull away two times. Once he was secured, Deputy White took over with a figure four. Lomba said [REDACTED] shoes, socks were taken. Lomba said [REDACTED] sweatshirt was cut off. While still handcuffed to the rear and deputies were taking [REDACTED] sweatshirt off, Deputy Macksoud noticed there was a problem. At this time [REDACTED] was uncuffed and placed in a position of recovery. Lomba said he checked [REDACTED] radial pulse. Lomba said he felt a slow consistent pulse. At this time medical was called and Manny Bulatao (JMS) arrived. Lomba recalled that Manny shook [REDACTED] head and he saw what appeared to be [REDACTED] shaking his head left to right. Lomba said he heard [REDACTED] cough twice. Manny yelled out, "He's having a seizure!" [REDACTED] Paula arrived and checked for a pulse. The AED was activated, but no shock was necessary. Lomba said 911 was called at 1747 Hrs. (Paramedic gave Lomba this time after the incident) while waiting Manny and Paula performed CPR on [REDACTED]. While the paramedics worked on [REDACTED] at one time they found a heartbeat. Lt. Casey instructed Lomba to suit up for a hospital run, but was quickly told to cancel once the paramedics declared [REDACTED] dead at 1833 Hrs. When Lomba responded to the back-up call, he was not able to see the takedown used on [REDACTED]. Lomba did not see any blood or urine near K-Tank. Lomba did not hear [REDACTED] complain of injuries, nor did [REDACTED] complain of any injuries. When asked, Lomba did not see Deputy Song or Deputy Lewis near K-Tank. Lomba did not see Lt. Casey at K-Tank. Lomba assumed that SD Wong was the scene supervisor. Lomba did not hear SD Wong give [REDACTED] the ultimatum, K-02 or Safety Cell. At the Safety Cell, Lomba did not recall [REDACTED] making a lot of noise. Lomba did not recall yelling or moaning. Lomba reiterated that he heard two coughs when Manny shook his head. Lomba only checked a radial pulse not a carotid. Lomba recalled that [REDACTED] eyes were open when he was placed in a position of recovery. Upon arrival to Safety Cell, Lomba said [REDACTED] was in a prone position from one to two minutes. Lomba recalled that JMS worked on [REDACTED] for five minutes until the paramedics arrived. The paramedics worked on [REDACTED] for ten to twenty minutes. When asked, Lomba did not see any injuries to [REDACTED] in the Safety Cell. At no time did Lomba see his co-workers punch, strike or kick [REDACTED]. At no time did deputies place their weight on Inmate [REDACTED].</p>
	2000 Hrs.	Briefed Lt. Flewellen on this case.
Thursday 09/10/09	0800 Hrs.	<p>Contacted Dave Wong DSA to arrange interviews with Deputy Guitron and Deputy White for this afternoon. Tentative interviews are scheduled for Deputy White at 1600 Hrs. and Deputy Guitron at 1700 Hrs.</p>

CHRONOLOGICAL REPORT OF INVESTIGATION

Thursday 09/10/09	0955 Hrs.	Faxed DOJ Death in Custody reporting form to 415 227-0247 including SD Wong's Incident Report.
	1025 Hrs.	Sidney Davis from DOJ Death in Custody Reporting unit confirmed that he received SD Wong's Incident Report.
	1100 Hrs.	Picked up CAD Report and recordings at ECD from Deputy Gala #1516.
	1200 Hrs.	Arrived at CJ#1 to conduct Inmate interviews.
	1211 Hrs.	Recorded interview with [REDACTED] Housed in 1M13 at the time of the incident. SD Luquin assisted. Interview conducted at CJ#1 Post 11 Interview Room. Paraphrased: [REDACTED] recalled that two days before [REDACTED] was transferred, he spoke to JPS ([REDACTED] about moving to the Mainline. On Monday, (09/07/09) [REDACTED] was ordered to roll up. [REDACTED] said he bagged his property and was transferred. Prior to the transfer, [REDACTED] recalled that there was an incident with the televisions. [REDACTED] recalled that there was an argument between [REDACTED] and Deputy Smith Al-Ghani. [REDACTED] recalled [REDACTED] telling her "Blame it on me." [REDACTED] recalled that [REDACTED] was working out prior to the transfer.
	1227 Hrs.	Recorded interview with [REDACTED] Housed in 1M13 at the time of the incident. SD Luquin assisted. Interview conducted at CJ#1 Post 11 Interview Room. Paraphrased: [REDACTED] said he was asleep during the incident with the televisions. He said he was weary of [REDACTED] ever since he overheard [REDACTED] wake-up in the middle of his sleep accusing someone of sexually touching him. [REDACTED] said [REDACTED] appeared to be violent and had threatened roommates in the past. [REDACTED] said [REDACTED] gambled and lost some items and threatened to take his wager back from an inmate.
	1238 Hrs.	Recorded interview with [REDACTED] Housed in 1M13 at the time of the incident. SD Luquin assisted. Interview conducted at CJ#1 Post 11 Interview Room. Paraphrased: [REDACTED] recalled that three deputies arrived and told [REDACTED] to "roll up." [REDACTED] said [REDACTED] was happy. Prior to the roll-up, [REDACTED] said he was sleeping. [REDACTED] recalled that he was kidding around with Deputy Kincade earlier in the day. He told Kincade that he was going to kill himself, but told her he was kidding.

CHRONOLOGICAL REPORT OF INVESTIGATION

Thursday 09/10/09	1245 Hrs.	<p>Recorded interview with [REDACTED]. Housed in 1M13 at the time of the incident. SD Luquin assisted. Interview conducted at CJ#1 Post 11 Interview Room. Paraphrased: Inmate [REDACTED] said he had been housed with [REDACTED] for the past two to three weeks. On Monday, [REDACTED] said Deputy Smith Al-Ghani turned off the TV's because they were too loud. [REDACTED] became upset. Eventually, the TV's were turned back on except Dorm 13. When the Deputies escorted him out he complied. When asked, [REDACTED] said [REDACTED] complained about back pain.</p> <p>[REDACTED] 1M-13 refused to be interviewed</p>
	1300 Hrs.	<p>Recorded interview with [REDACTED]. Housed in 1M13 at the time of the incident. SD Luquin assisted. Interview conducted at CJ#1 Post 11 Interview Room. Paraphrased: [REDACTED] said he recalled that the TV's were turned off. He only recalled that the deputies took [REDACTED] away.</p>
	1308 Hrs.	<p>Recorded interview with [REDACTED]. Housed in 1M14 at the time of the incident. SD Luquin assisted. Interview conducted at CJ#1 Post 11 Interview Room. Paraphrased: [REDACTED] flagged me down while I was conducting interviews at Post 11. He wanted to share a note he received from Inmate [REDACTED]. [REDACTED] recalled that [REDACTED] was arguing with Deputy Smith Al-Ghani about the televisions. The only thing [REDACTED] recalled was that [REDACTED] was complaining about back pain that day. The note [REDACTED] received indicated that [REDACTED] was complaining about back pain and that he had difficulty breathing. The note also indicated that [REDACTED] said he was [REDACTED]. [REDACTED] was told that he would have to go to the Safety Cell. [REDACTED] was kidding about the Safety Cell and just wanted to see a doctor that day. It also indicated that he was cleared to go to the Mainline per [REDACTED] (J [REDACTED]).</p>
	1317 Hrs.	<p>Recorded interview with [REDACTED]. Housed in 1M13 at the time of the incident. SD Luquin assisted. Interview conducted at CJ#1 Post 11 Interview Room. Paraphrased: Inmate [REDACTED] said he recalled the incident on Labor Day. Deputy Smith Al-Ghani turned off the TV's because they were too loud. [REDACTED] pleaded with Smith Al-Ghani that it was his fault for raising the volume and not to punish everyone else. [REDACTED] told Smith Al-Ghani it was his TV and he was talking too loud. When asked, [REDACTED] said [REDACTED] was not inciting the other inmates. [REDACTED] was just upset. [REDACTED] mentioned that Smith Al-Ghani caused the other inmates to be angry with him.</p>

CHRONOLOGICAL REPORT OF INVESTIGATION

Thursday 09/10/09	1317 Hrs.	<p>█████ said █████ was complaining about back pain and he had problems breathing. █████ was asking to see a doctor. █████ believed both Kincade and Smith Al-Ghani told him to fill out a medical request. █████ told them that he had already submitted one. █████ said he recalled that █████ told Kincade that he was █████. When Kincade said he would have to go to the Safety Cell, █████ said he was kidding. █████ said he just wanted to see a doctor. █████ said three deputies returned with SD Wong. SD Wong told █████ to roll up because he was going to the mainline per █████. █████ said █████ was happy. The Deputies had to use two pairs of handcuffs and they allowed █████ to carry his own property.</p>
	1400 Hrs.	<p>Briefed Lt. Flewellen on interviews at CJ#1. Prepare for Deputy White and Deputy Guitron interviews.</p>
	1556 Hrs.	<p>Recorded interview with <u>Deputy Dan White #2115</u> Interview conducted at 25 Van Ness RM 350. Attorney Peter Hoffmann from Rains Luccia and Stern present. SD Luquin assisted. Paraphrased: Deputy White was working overtime on 09/07/09 on the 1500-2300 Watch. Deputy White was assigned to "Centerline/Trustee Boss." White recalled that Deputy Lomba was assigned to Post 9 and was his partner. White recalled that there was an assistance call at Post 10. Deputy White ran to the front of K-Tank with Deputy Lomba. Upon arrival, White saw that Inmate █████ was on the ground in a prone position. Deputy White recalled that SD Wong said "Safety Cell." White recalled that Deputy Gutierrez had control of █████ right arm and Deputy Guitron had control █████ left arm. Deputy White pushed down on █████ head as he was escorted backwards to the Safety Cell. White recalled that █████ dropped to one knee near the Post 9 metal detector and said, "I don't want to go in there." White said he was assisted off the ground and taken into the Safety Cell. █████ was proned out onto the Safety Cell floor. White recalled that he had control of █████ legs. At one time Deputy Macksoud and Deputy Lomba had to assist him because █████ was resisting. White recalled that they removed █████ shoes, socks, and sweatshirt. White maintained a "Figure Four leg lock." Deputy Gutierrez had control of █████ right arm and Deputy Guitron had control of █████ left arm. Deputy Macksoud noticed that there was something wrong with █████. When the handcuffs were removed, Inmate █████ went limp. Macksoud told SD Wong to call medical. Inmate █████ was placed in a position of recovery. Deputy Lomba was able to feel a pulse before medical arrived. When medical arrived, they placed █████ on his back. The AED was activated and other equipment was brought into the Safety Cell. Deputy White related that he noticed that █████ urinated on himself when he was placed in a position of recovery.</p>

CHRONOLOGICAL REPORT OF INVESTIGATION

Thursday
09/10/09

1556 Hrs. Deputy White remained in the Safety Cell to assist medical with CPR until the paramedics arrived. At this time, Deputy White saw Lt. Casey near the Safety Cells and he instructed Deputy White to suit up for the hospital run. Deputy White said the paramedics declared [REDACTED] at 1833 Hrs. However at one time, the paramedics found a slight pulse. Deputy White reported back to the Safety Cell and started a Crime Scene Log. On that day, Deputy White did not know the reason why [REDACTED] was taken to K-Tank, but found out at a later time. Deputy White did not see the takedown at K-Tank. Deputy White assisted in front of K-Tank by grabbing [REDACTED] left arm. Deputy White did not see any injuries or blood on Inmate [REDACTED] in front of K-Tank. Deputy White did not see Lt. Casey at the scene. Deputy White did not see Deputy Song at K-Tank. When asked, Deputy White did not hear SD Wong's ultimatum, K-Tank or the Safety Cell. Deputy White did not see any of his co-workers punch, strike, or kick Inmate [REDACTED] in front of K-Tank or the Safety Cell. Deputy White did not see any of his co-workers place their weight on top of Inmate [REDACTED]. Deputy White did not see any injuries nor did [REDACTED] complain of any injuries in the Safety Cell. Deputy White said [REDACTED] resisted and cussed at staff. When asked, White was not sure if Lt. Casey was aware of the incident at K

1810 Hrs. Recorded interview with Deputy Juan Guitron #1894 Interview conducted at 25 Van Ness RM 350. Attorney Peter Hoffmann from Rains Luccia and Stern present. SD Luquin assisted. Paraphrased: Deputy Guitron was working overtime on both day watch 0700-1500 Hrs. and Swings 1500-2300 Hrs. on 09/07/09. Deputy Guitron was assigned to Front Office/Post 5. Deputy Guitron recalled he heard radio traffic from Deputy Smith Al-Ghani for Deputy Gutierrez to respond to Post 11. Deputy Guitron responded to Post 11 to assist. Upon arrival, Deputy Guitron responded to Dorm 13. SD Wong and Deputy Gutierrez were in front of Dorm 13 talking to Inmate [REDACTED]. Guitron did not know then, but found out later that [REDACTED] was strong arming his roommates and was en-route to ADSEG. Guitron heard Deputy Gutierrez tell [REDACTED] that [REDACTED] (JPS) said he could go to the Mainline. [REDACTED] was happy and complied to the move. [REDACTED] was handcuffed with two pairs of cuffs and SD Wong, Deputy Guitron, and Deputy Gutierrez escorted [REDACTED] to Post 10 K-Tank. When they arrived to cell K-02, [REDACTED] refused to go into K-02. Deputy Guitron and Deputy Song attempted to place [REDACTED] into the cell, but he resisted. Deputy Guitron heard someone say "He's going to the Safety Cell," [REDACTED] complied. When asked, Guitron stated that [REDACTED] did not meet any criteria for a Safety Cell Placement. Deputy Guitron recalled that SD Wong was present, but did not recall if he ordered the Safety Cell Placement. Once outside of K-Tank, [REDACTED] was escorted backwards to the Safety Cell. [REDACTED] became mouthy and stopped moving. Someone said, "Take him to the ground."

CHRONOLOGICAL REPORT OF INVESTIGATION

Thursday
09/10/09

0910 Hrs.

Guitron did not recall who gave the order, "Take him to the ground." Guitron said he had [REDACTED] left wrist. [REDACTED] was taken to the ground chest first. [REDACTED] resisted and had to be leg shackled. Deputy Guitron said [REDACTED] was helped off the ground and they continued down the Mainline. When asked, Guitron recalled that Lt. Casey was near K-Tank, but it appeared that SD Wong was in charge. When they reached the metal detector near Post 9, [REDACTED] went down to one knee and said, "I'm tired." When they reached Safety Cell #2 [REDACTED] was taken to the ground. Guitron said he still had control of [REDACTED] left arm. Deputy Gutierrez was on the right side. While Deputy White was at [REDACTED] legs. Guitron said Lomba and Macksoud were also present. Guitron recalled that [REDACTED] shoes socks and sweatshirt were removed. Guitron said the sweatshirt had to be cut off. Once the sweatshirt was removed someone said (Possibly Macksoud), "Hey is he OK?" "Call a nurse!" Guitron said he called out [REDACTED] name, but he did not respond. When asked, Guitron said the handcuffs were still on, but he could not recall if the leg shackles were still on. When the handcuffs were removed, [REDACTED] was not responsive. [REDACTED] was placed in a position of recovery. Guitron said he checked for a pulse on his left arm and felt a slight pulse. Deputy Lomba was also able to find a pulse. Manny and Debbie from JMS responded and they started rescue breathing and activated the AED. Guitron said he helped with two cycles of CPR. A 408 was summoned. At this time Guitron exited the Safety Cell. Guitron said he returned to the Front Office to help Lt. Casey with notifications. Guitron recalled that the paramedics found a heartbeat at one time, but the paramedics did declare [REDACTED] dead. Deputy Guitron said he was not aware that [REDACTED] was going to ADSEG until they reached K-Tank. Guitron said he did not hear SD Wong's ultimatum, "K-Tank or the Safety Cell when they were at K-02. When asked, Deputy Guitron did not see any injuries, nor did [REDACTED] complain of any in front of K-Tank. Guitron did not see any of his coworkers punch, strike, or kick [REDACTED] in front of K-Tank. Deputy Guitron did not see Lt. Casey at the Safety Cell. Guitron said [REDACTED] was not taken down with force in the Safety Cell. When asked, Guitron said there was a lot of noise from [REDACTED] in the Safety Cell. [REDACTED] was talking in the Safety Cell at one time. When asked, Guitron said the deputies did not place any weight on [REDACTED] back or legs when they were in the Safety Cell. Deputy Guitron did not see any injuries nor did [REDACTED] complain of any injuries in the Safety Cell. Deputy Guitron did not see any of his co-workers punch, strike, or kick [REDACTED] in the Safety Cell. Guitron did not recall hearing [REDACTED] scream or moan in the Safety Cell. When asked, Guitron did not recall seeing Deputy Song go "Hands on." When asked, Guitron said Lt. Casey let SD Wong do everything. SD Wong appeared to be in charge.

CHRONOLOGICAL REPORT OF INVESTIGATION

Friday 09/11/09	0800 Hrs.	Update Chron for case A09098.
	1440 Hrs.	E/R to CJ#1 with SD Luquin and SD Chew to continue Inmate Interviews.
	1543 Hrs.	Recorded interview with [REDACTED] Interview conducted at CJ#1 Interview RM C. SD Luquin assisted: Paraphrased: Housed in <u>1M-4</u> for 1.5 years. While [REDACTED] was playing cards, he noticed that a large Samoan/A/A male was being escorted to K-Tank. [REDACTED] saw Deputy Song argue with the inmate in K-Tank. The inmate was escorted onto the mainline. [REDACTED] recalled that the inmate said he had problems breathing. [REDACTED] recalled that the inmate was taken to the ground by Deputy Lomba, Deputy Song, and possibly Espiritu. [REDACTED] said the inmate landed on his face. [REDACTED] said one of the deputies had a knee on his back. [REDACTED] said he was approximately 8 to 10 feet away from the incident on the mainline. [REDACTED] did not see anyone punch or kick the inmate. [REDACTED] said Lt. Casey was on the mainline after the inmate was taken to the floor. [REDACTED] said the inmate was not combative.
Friday 09/11/09	1601 Hrs.	Recorded interview with [REDACTED] Interview conducted at CJ#1 Interview RM C. SD Luquin assisted: Paraphrased: [REDACTED] said he was on his bunk when he saw an inmate bent over and handcuffed being escorted down the mainline. [REDACTED] said he was about 25 feet away from his bunk. [REDACTED] said he did not see the inmate on the ground. [REDACTED] did not see the deputies punch or kick the inmate.
	1615 Hrs.	Non-recorded interview with [REDACTED] <u>1M-4</u> Interview conducted at CJ#1 Interview RM C. SD Luquin assisted: Paraphrased: [REDACTED] said he would not give a recorded interview until he spoke to his attorney. [REDACTED] recalled that Deputy Song was the main instigator. [REDACTED] said that Song and the inmate had a verbal altercation. [REDACTED] recalled that the inmate was handcuffed in front. [REDACTED] said the inmate was either African American or Samoan. He recalled that he was at least 6'00" tall and large. [REDACTED] recalled that the inmate said, "I can't breathe as he was escorted out into the hallway. [REDACTED] said the inmate was taken to the ground and was punched. [REDACTED] recalled seeing Deputy Song, Deputy Gutierrez, Lt. Casey, and Deputy Bui show up later. [REDACTED] said the inmate did not say or do anything. [REDACTED] said the inmate had a bloody nose and there was blood on the floor in front of K-Tank.

CHRONOLOGICAL REPORT OF INVESTIGATION

Friday
09/11/09

SD Luquin and I split up to conduct the remainder of the 1M4 interviews.

1632 Hrs.

Recorded interview with [REDACTED] Interview conducted at CJ#1 Interview Room C. Paraphrased: [REDACTED] recalled that he was in 1M4 at CJ#1 since September 4th. Two officers escorted an inmate out of K-Tank. [REDACTED] said he was near sighted so he could not see name tags. There was another deputy waiting in the hallway. The inmate was taken to the ground fast and hard. At this time [REDACTED] moved to the window and saw that there was blood on the floor. A fourth deputy arrived while three deputies were on the ground with the inmate. [REDACTED] heard second hand that the inmate said, "I can't breathe!" [REDACTED] said he heard something similar to that. The Inmate was carried down the mainline. When asked, [REDACTED] said Lt. Casey was not at the scene. [REDACTED] said there was blood below the K-Tank key box. [REDACTED] believed that he hit his head when he was taken down. [REDACTED] said that there was a report on the news that the inmate had died.

1645 Hrs.

Recorded interview with [REDACTED] Interview conducted at CJ#1 Interview Room C. Paraphrased: [REDACTED] recollection was based what he heard. The Inmate was ordered to come out. The Inmate said, "I can't breathe." The officers said "Don't resist." The inmate said, "I can't breathe." "I can't bend." "I need my medication." At this time the deputies ordered the inmates to step away from the 1M4 window. The incident took place after dinner. At a later time he heard that the inmate went to Toper. [REDACTED] heard he died on the following day. [REDACTED] said that an Asian Deputy that wore glasses was the main instigator.

1705 Hrs.

Recorded interview with [REDACTED] Interview conducted at CJ#1 Interview Room C. Paraphrased: [REDACTED] said he had been housed in 1M-4 Since February 2009. [REDACTED] said he was playing Dominoes when he saw two deputies open the door to K-Tank. [REDACTED] said he was approximately ten feet away from K-Tank. [REDACTED] recalled that a heavy-set African American male wanted to move to another tank. In other words he did not want to stay in K-Tank. [REDACTED] recalled that one deputy was Deputy Song and also recalled a white deputy. The inmate was handcuffed from behind and bent over while he was escorted out of K-Tank. [REDACTED] said the deputies forced him to the ground. [REDACTED] said one of the deputies was Song. Other deputies responded to assist. The Inmate was then escorted backwards down the mainline. [REDACTED] said the inmate had a bloody face. Specifically the temple area. [REDACTED] said the inmate landed face first when he was taken to the ground. While the inmate was on the ground, the deputies placed their knees on his legs.

CHRONOLOGICAL REPORT OF INVESTIGATION

Friday 09/11/09	1731 Hrs	Recorded interview with [REDACTED] Refused to be interviewed. Housed in 1M4 since September 4 th .
	1735 Hrs.	Recorded interview with [REDACTED] Interview conducted at CJ#1 Interview Room C. Paraphrased: [REDACTED] related said he saw four deputies on top of an Inmate. [REDACTED] said he was approximately ten feet away from the incident. [REDACTED] said the inmate was handcuffed from behind and was positioned face-down. Two deputies had their knees on his back. Another deputy grabbed his ankles. An Asian deputy with glasses directed the inmates to return to their bunks. When asked, [REDACTED] said he recalled seeing Deputy Gutierrez. When asked, [REDACTED] did not see any injuries on the inmate or blood in the immediate area. [REDACTED] said the inmate was taken down hard. On a scale of 1 to 5, [REDACTED] said he rated the landing a four. [REDACTED] did not see punching or kicking, however the deputies were rough with the inmate. [REDACTED] said the inmate landed on his face when he was taken down. [REDACTED] said the inmate said, "I can't----." [REDACTED] said he did not finish his words, but [REDACTED] said he knew that he said, "I can't breathe."
	1750 Hrs.	[REDACTED] wanted to speak to his attorney before giving a statement.
	1755 Hrs.	Recorded Interview with [REDACTED] wanted to speak to his attorney before giving a statement.
	1815 Hrs.	Non-recorded interview with [REDACTED] Hawkins said he just heard a commotion.
		The remaining inmates that were interviewed from Dorm 1M4 were done by SD Luquin. Synopsis of his interviews are documented on his chronological report of investigation.
	1900 Hrs.	Spoke to Harry Stern from Rains, Luccia and Stern. He related that he could possibly schedule Macksoud's interview on Sunday evening.
	1630 Hrs.	I spoke to DSA President Dave Wong. He related that Harry Stern confirmed that he could be present for Deputy Macksoud's interview this evening at 2100 Hrs.

CHRONOLOGICAL REPORT OF INVESTIGATION

Sunday 09/13/09	2106 Hrs.	<p>Recorded interview with <u>Deputy Harry Macksoud #1698</u> Interview conducted at 25 Van Ness Ave RM 350. Harry Stern present from Rains, Luccia, and Stern. SD Luquin assisted. Paraphrased: Deputy Macksoud was working overtime on 09/07/09 on the 1500-2300 Watch. Deputy Macksoud was assigned to Post 3/5. Deputy Macksoud recalled that Deputy Smith Al-Ghani called for Deputy Gutierrez to Post 11 and Deputy Guitron responded shortly after. While assigned to Post 5, Macksoud recalled that Inmate [REDACTED] was escorted from Post 11 to the Mainline. Macksoud said [REDACTED] was escorted by Deputy Gutierrez, Deputy Guitron, and SD Wong. Inmate [REDACTED] was handcuffed and walked on his own. Macksoud said he heard a Back-up call from Post 10, but Macksoud could not see what was going on. Macksoud recalled that Deputy Gutierrez, Deputy Guitron, and Deputy White were escorting [REDACTED] backwards toward Post 9. Macksoud recalled that he saw [REDACTED] fall to the ground and possibly heard [REDACTED] say, "I'm not going in there!" Deputy Macksoud handed the Post 5 keys to Deputy Smith Al-Ghani so he could assist with the Safety Cell Placement. Upon arrival to Safety Cell #2, Deputy Macksoud said [REDACTED] was proned out on the Safety Cell floor. Deputy Guitron was on [REDACTED] left arm and Gutierrez was on the right. Deputy White was at [REDACTED] legs. Macksoud said [REDACTED] was yelling and cussing. At one time [REDACTED] was kicking his legs so Macksoud helped White with the figure four leg lock. Macksoud said [REDACTED] shoes, socks, and sweatshirt were taken off. When asked, Macksoud said SD Wong was present, but did not see Lt. Casey. Macksoud recalled that he and White had to put a good amount of pressure on the figure four because [REDACTED] was resisting. When [REDACTED] sweatshirt was taken off, Deputy Macksoud noticed that Inmate [REDACTED] breathing was different. Macksoud attempted to arouse [REDACTED] but he did not respond. Macksoud said he told SD Wong to call medical. Medical arrived and Macksoud said he stepped out. Lt. Casey instructed Macksoud to wait for the ambulance on the first floor. Macksoud said the ambulance arrived three to four minutes later after he responded to the first floor. Macksoud said he escorted the paramedics to the Safety Cell and then he reported back to Post 5. Macksoud recalled that Deputy Lomba and Deputy White suited up for a possible hospital run, but that was canceled five minutes later when the paramedics declared [REDACTED] dead. Deputy Macksoud did not know the reason for the Safety Cell placement until a later time. When asked, Deputy Macksoud did not see Deputy Song during the incident. When asked, Macksoud did not see any injuries to Inmate [REDACTED] at any time. Macksoud or his coworkers did not strike, punch, or kick Inmate [REDACTED] at any time. Macksoud did not see Lt. Casey until medical responded to the Safety Cell.</p>
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CHRONOLOGICAL REPORT OF INVESTIGATION

Monday 09/14/09	0805 Hrs.	Contacted DSA President Dave Wong. Wong related that Harry Stern would not be able to interview Smith Al-Ghani today.
	0815 Hrs.	Contacted Deputy Smith Al-Ghani at CJ#1. I told her that Harry Stern would contact her to inform her that she needed to come in for an interview. Smith Al-Ghani said she would be in tomorrow 09/15/09.
	0940 Hrs.	Per Sheriff's Legal Counsel contacted City Attorney Blanche Blackman. Faxed a copy of SD Wong's incident report to her office per her request.
Tuesday 09/15/09	0815 Hrs.	Called Lt. Wong at CJ#1 to inform him that I needed to interview Deputy Smith Al-Ghani. Lt. Wong said she called in sick.
	0830 Hrs.	Updated Chron for this case.
	0845 Hrs.	I received a phone call from San Francisco District Attorney Investigator, Matt Irvine. He requested copies of all incident reports for the [REDACTED] Death in Custody.
	0850 Hrs.	Faxed reports to DAI Matt Irvine.
	0900 Hrs.	Attempted to contact Deputy Kenny Lewis for an interview. Deputy Lewis said he was on vacation until Monday, 09/21/09.
	1230 Hrs.	Public Information Officer Susan Fahey contacted our office. Ms. Fahey said she has not received the original incident reports for the [REDACTED] Death in Custody. I told her that I would fax them over to 554-7248.
	1242 Hrs.	Faxed SD Wong's, Deputy Gutierrez's, and Deputy White's incident reports to Susan Fahey.
	1600 Hrs.	Rains Attorney Harry Stern will contact Deputy Song tomorrow to set up IA Interview.
Wed. 09/16/09	0830 Hrs.	Spoke to DSA President Dave Wong to schedule remaining interviews for A09098. Deputy Smith Al-Ghani SL. Deputy Song possibly set for this afternoon.

CHRONOLOGICAL REPORT OF INVESTIGATION

Wed. 09/16/09	0915 Hrs.	Met with ADA Diane Knoles. I Gave ADA Knoles a briefing on the [REDACTED] Death in Custody. She related that she wanted to interview a Defensive Tactics Expert who also had knowledge of Safety Cell Placement Procedures. I suggested Lt. Dorsey or Lt. Garcia.
	1030 Hrs.	Update Chron.
	1400 Hrs.	I received a phone call from Homicide Inspector Lynch #1165. He requested a copy of the 1M-4 interviews for their case. Inspector Lynch also related that they plan to interview Deputy Song, Deputy Smith Al-Ghani, and Deputy Kincade in the near future.
	1410 Hrs.	Faxed 1M4 housing sheet for 09/07/09 to Homicide Detail.
	1600 Hrs.	I received a phone call from a secretary from Rains, Luccia, and Stern. Deputy Song is confirmed for tomorrow at 1600 Hrs. w/ Harry Stern.
	1607 Hrs.	Recorded interview with Deputy Jimmy Bui #1853 Interview conducted at 25 Van Ness Ave RM 350 SD Luquin assisted. Paraphrased: Deputy Bui was working overtime on 09/07/09 on the 1500-2300 Watch. Deputy Bui said he was assigned to the Gym with Deputy Kingman Ho. After dinner was served, Deputy Bui recalled gathering the "Drop out" inmates that were housed in Post 11 at possibly 1630-1640 Hrs. Deputy Bui did not observe anything out of the ordinary as he was gathering the drop out Inmates at Post 11. Deputy Bui said he returned the inmates from the gym at approximately 1800 Hrs. Deputy Bui was aware that there was a medical crisis in the Safety Cell, so he volunteered to assist Deputy Lewis at Post 9. Deputy Bui said the only contact he had with Inmate [REDACTED] was when he assisted the Medical Examiner's as they placed [REDACTED] onto a gurney. Deputy Bui said Deputy Song told him that [REDACTED] refused to go to ADSEG and was taken to the Safety Cell.
Thursday 09/17/09	0845 Hrs.	Spoke to [REDACTED] mother, [REDACTED] and explained that she needed to claim her son's property. Ms. [REDACTED] said she was ill and that a family friend named [REDACTED] would contact our office to make arrangements.
	1100 Hrs.	SD Wong's Incident Report and Deputy Gutierrez's Incident Report (Originals) were sent via interoffice to ISU instead of City Hall. However, Deputy White's original report was missing. I contacted Susan Fahey and told her that I would drop them off to her.

CHRONOLOGICAL REPORT OF INVESTIGATION

Thursday 09/17/09	1115 Hrs.	Called Lt. Wong at CJ#1. I informed him that the Deputy White original report was not in the envelope that I received. Lt. Wong said he was going to look for the original report.
	1530 Hrs.	I received a phone call from SFPD Homicide Inspector Lynch. He related that he needed to re-interview the deputies for their case. Inspector Lynch related that the SF Medical Examiner's office requested further questioning was necessary. I told Inspector Lynch that I would give Harry Stern his cell phone number to arrange the interviews.
Thursday 09/17/09	1601 Hrs.	Recorded interview with <u>Deputy Melvin Song #1269</u> Interview conducted at 25 Van Ness RM 350 Harry Stern from Rains, Luccia, and Stern present to represent Deputy Song. SD Luquin assisted. Paraphrased: Deputy Song worked Overtime on 09/07/09 on the 1500-2300 Watch. Deputy Song said he was assigned to Post 10 with Deputy Gutierrez. Deputy Song recalled that Gutierrez received a phone call from Post 11 to help escort [REDACTED] to ADSEG. Deputy Song prepared for their arrival. Song recalled that [REDACTED] was taken to K-Tank with Deputy Guitron, Deputy Gutierrez and SD Wong. Upon their arrival to K-02, Inmate [REDACTED] said, "I'm not going in there!" "Take me to the box!" (Safety Cell) Song said he (Song) was standing in front of (K-01) when Guitron and Gutierrez escorted [REDACTED] into K-Tank. Song said he did not go hands on with [REDACTED] in K-Tank. When [REDACTED] was taken out of K, Song said he grabbed [REDACTED] property and placed it in front of 1M-04. At this time, SD Wong tells [REDACTED] he was going to the Safety Cell. Song said he had his hands behind [REDACTED] head as Guitron and Gutierrez walked [REDACTED] backwards. [REDACTED] struggled and resisted. [REDACTED] was taken to the ground as Song stepped out of the way. A struggle ensued in front of K-Tank until Deputy White and Lomba responded to assist. Song said [REDACTED] was leg-shackled and stood up. [REDACTED] was escorted to the Safety Cell and Song remained at Post 10. When asked, Song said SD Wong was in charge, but Casey was on the line taking care of something else. Deputy Song said he did not hear SD Wong's ultimatum, K-Tank or the Safety Cell. At first Song believed it was [REDACTED] choice to go to the Safety Cell. When [REDACTED] was taken Down, Song did not see any injuries to [REDACTED] nor did he complain of any. When asked, Song said he might have heard someone say, "Take him down!" Song did not hear [REDACTED] say, "I can't breathe," but he did hear [REDACTED] say, "She lied to me." When asked, Song did not know who Song was referring to when [REDACTED] said, "She lied!" When asked, Song did not see anyone punch, strike, or kick Inmate [REDACTED] in front of K-Tank. Song said when [REDACTED] was taken down, he landed on his stomach. Song did not recall if [REDACTED] hit the wall or key box as he fell to the ground. Song said Lt. Casey on-viewed the incident in front of K-Tank.

CHRONOLOGICAL REPORT OF INVESTIGATION

Thursday 09/17/09	1601 Hrs.	When asked, Song did not know why he (Song) was not mentioned in any of the incident reports. Song did not go hands on in K-tank. Song did say he made eye contact with Guitron when [REDACTED] started to get angry, which was when Guitron and Gutierrez escorted [REDACTED] outside. Deputy Song was not part of the Safety Cell Placement.
Friday 09/18/09	0930 Hrs.	Received a phone call from [REDACTED]. He said he would call our office on Monday to arrange to pick up [REDACTED] property.
	1200 Hrs.	OIC Sergeant Colmenero #1059 spoke to US Dempsey to inquire if it was necessary to interview Lt. Casey with someone with equal or higher rank. US Dempsey related that she was going to ask the Sheriff.
	1320 Hrs.	US Dempsey called and told me that Sheriff Hennessey has given me the authority to conduct the interview for Lt. Casey. I have been given the authority by the sheriff to order Lt. Casey to give a compelled statement.
Monday 09/21/09	0958 Hrs.	Recorded interview with <u>Deputy Kenny Lewis #1187</u> Interview conducted at 25 Van Ness Ave RM 350 Paraphrased: Deputy Lewis was on duty on 09/07/09 and was working overtime on the Swing Watch 1500-2300 Hrs. Deputy Lewis said he was assigned to Post 9. Deputy Lewis said he was originally scheduled for lunch at 1800 Hrs, but decided to go early. As Lewis exited the mainline to Post 5 he saw Inmate [REDACTED] walking past Post 5 handcuffed and dragging his property behind him. Lewis recalled that [REDACTED] was trailed by three deputies, but [REDACTED] walked on his own. Lewis did not recall which deputies escorted [REDACTED] While Lewis was at lunch, Lewis did not recall radio traffic for assistance or the Safety Cell Placement. Lewis said he left the ODR to check the overtime book in the front office. Deputy Smith Al-Ghani, who was assigned to Post 5 told Lewis that there was a problem with an Inmate at the Safety Cell. Lewis said he walked toward the Law Enforcement interview room where he spoke briefly to Deputy Gutierrez. Gutierrez said that an Inmate had died. Lewis walked over to the Safety Cell where he saw SD Wong, Deputy White, [REDACTED], [REDACTED] and possibly Deputy Lomba. Lewis said SD Wong asked Lewis to help with CPR. When Lewis entered the Safety Cell. He saw paramedics in the cell and Inmate [REDACTED] face up with his legs toward the Safety Cell door. Lewis did not see any injuries to [REDACTED] or any blood in the area. However, it appeared that [REDACTED] urinated on himself. Lewis recalled helping with compressions for approximately four minutes.

CHRONOLOGICAL REPORT OF INVESTIGATION

Monday 09/21/09	0958 Hrs.	At one time, the paramedics found a pulse, but [REDACTED] was eventually pronounced dead. Lewis related that after helping with compressions he returned to Post 9. Lewis said he recalled that either a female paramedic or Medical Examiner mentioned that [REDACTED] might have died of Positional Asphyxia.
	1300 Hrs.	Spoke to [REDACTED] from Rains, Luccia, and Stern. She said that Harry Stern was not available today, but has scheduled Smith Al-Ghani and Lt. Casey for tomorrow. Smith Al-Ghani at 1300 Hrs and Lt. Casey at 1500 Hrs. tentatively.
Tuesday 09/22/09	1129 Hrs.	Recorded interview with <u>Deputy Tonyette Smith Al-Ghani #1576</u> Interview conducted at 25 Van Ness Ave RM 350 Harry Stern from Rains, Luccia. And Stern present to represent Smith Al-Ghani. Sgt Colmenero assisted. Paraphrased: Deputy Smith Al-Ghani was working overtime on 09/07/09 on the 1500-2300 Hr. shift. Smith Al-Ghani was assigned to Post 11 with Deputy Kincade. After dinner, Smith Al-Ghani turned on the TV's for the Inmates. Smith Al-Ghani realized that the TV's were too loud so she walked over to the middle corridor and confronted Inmate [REDACTED]. Smith Al-Ghani related that [REDACTED] argued with her. The TV's were still too loud so she turned off the TV's in 11 through 13. [REDACTED] then incited the other Inmates as they chanted, "Turn up the music!" Smith Al-Ghani recognized that [REDACTED] was going to be a problem, so she spoke to SD Wong and they both agreed that [REDACTED] needed to be placed in ADSEG. Deputy Smith Al-Ghani pointed out that [REDACTED] was a rather large [REDACTED] Inmate. She contacted Deputy Gutierrez at Post 10 because she believed it was necessary to have a larger deputy escort [REDACTED]. Smith Al-Ghani recalled that SD Wong, Deputy Gutierrez, and Deputy Guitron responded to transfer [REDACTED]. [REDACTED] appeared to be happy about the move. Smith Al-Ghani was not able to hear any of the deputies talking to [REDACTED] because she was standing too far away. When asked, Deputy Smith Al-Ghani did not know that Deputy Gutierrez told [REDACTED] he was going to the Mainline. She was not aware that [REDACTED] had given the OK to place Inmate [REDACTED] on the Mainline. Smith Al-Ghani did hear the 10-25 call. She saw deputies respond to Post 10. Smith Al-Ghani said she took over Post 5 at this time. Smith Al-Ghani did not recall [REDACTED] indicating that he had difficulty breathing when he was in Tank 13. Smith Al-Ghani did not recall receiving a medical care request from Inmate [REDACTED]. Smith Al-Ghani said SD Wong assisted her with the incident at Post 11, not Lt. Casey. Smith Al-Ghani did not respond to the 10-25 and she did not assist with the Safety Cell Placement.

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Tuesday 09/22/09	1300 Hrs.	Interview scheduled with [REDACTED] from JPS on Thursday, 09/24/09 @ 0900 Hrs. Scheduled with Ms. [REDACTED] JPS.
	1400 Hrs.	Received a phone call from DAI Matt Irvine. Interview with Lt. John Garcia scheduled for Thursday, 09/24/09 @ 1330 Hrs @ 25 Van Ness RM 350. DAI Irvine, Inspector Kevin Jones, and ADA Knoles will be present.
Tuesday 09/22/09	1602 Hrs.	<p>Recorded interview with <u>Lt. John Casey #339</u> Interview conducted at 25 Van Ness Ave RM 350 Harry Stern from Rains. Luccia. And Stern present to represent Lt. Casey. Sgt Colmenero assisted. Paraphrased: Lt. Casey was on duty as the Watch Commander on 09/07/09 working overtime on the 1500-2300 Watch. Lt. Casey did not write an incident report. However, Lt. Casey approved the three reports generated for this incident. Lt. Casey recalled that he was in F-Tank on the Mainline taking care of a grievance. As Lt. Casey exited F-Tank, he saw an unknown deputy run past him toward Post 10. When Lt. Casey looked down the Mainline, he saw SD M. Wong in front of K-Tank talking to a large Inmate. Lt. Casey said the inmate was yelling and screaming at SD Wong. Casey recalled that the Inmate was handcuffed with two pairs of cuffs from behind. As Casey walked toward K-Tank, he saw that the Inmate was taken to the ground. The inmate was struggling with the deputies as they placed leg shackles on him. Lt. Casey recalled seeing SD Wong, Deputy Song, Deputy Gutierrez, Deputy Guitron, Deputy White, and Deputy Lomba. Lt. Casey said he ordered the deputies to lift [REDACTED] from off the ground. Casey said [REDACTED] face was red and he appeared out of breath. Casey told his staff to calm down. At this time, Casey said he asked SD Wong what happened. SD Wong gave Lt. Casey a briefing as Inmate [REDACTED] was held up by two deputies. SD Wong told Casey that [REDACTED] was "Running" his tank at Post 11 and there was an issue regarding the televisions. Casey said he assessed the situation and he came to the conclusion that [REDACTED] needed to be housed in the Safety Cell. According to Casey, he did not know that SD Wong had already determined that [REDACTED] was going to the Safety Cell. According to Casey he did not know about the incident at Post 11 regarding Smith Al-Ghani (Inciting inmates) or that [REDACTED] refused to enter K-02. Casey only became aware of these issues when SD Wong briefed him in front of K-Tank. Lt. Casey said he had an urgent issue to settle in K-Tank regarding Transgender inmates. He told SD Wong to place [REDACTED] in the Safety Cell and he would be there shortly. Less than a minute later, Lt. Casey jogged down to the Safety Cell. Upon arrival, SD Wong told Lt. Casey, "The guy went limp." Casey said one of the deputies was able to find a pulse.</p>

CHRONOLOGICAL REPORT OF INVESTIGATION

Tuesday 09/22/09	1602 Hrs.	<p>Casey said he saw Inmate [REDACTED] lying on the floor of the Safety Cell as [REDACTED] was giving him chest compressions. Casey said JMS had called 911. Casey said the paramedics arrived approximately ten minutes later, but Casey said he heard that the paramedics went to 425 seventh street first. Casey said the paramedics found a heart rhythm, so he prepared for a hospital run. Shortly after, the paramedics declared [REDACTED] deceased at 1833 Hrs. Lt. Casey said he made all the necessary notifications and preserved the Safety Cell as a crime scene. Lt. Casey said the minimum on a Holiday was one supervisor and thirteen deputies. Lt. Casey said he eliminated the rebooking post and placed SD Wong as the assistant watch commander. If SD Wong was a deputy, he would have placed in the Post 9/10 slot. When asked, Casey said he did not agree with Deputy Gutierrez method to lure [REDACTED] to K-Tank by saying he was going to the Mainline. Casey was not aware of this ploy. When Lt. Casey reviewed the incident reports generated for this incident, he related that he did not know why he was not mentioned in any of the reports. He assumed it was because it was the deputies' perspective of the incident. Lt. Casey said he just corrected the reports for grammatical errors and sentence structure. Casey did not want to compel the deputies to change their reports if he saw something that was inaccurate. Lt. Casey said he did not observe any injuries to [REDACTED] when he was in front of K-Tank. Casey did not see any blood on [REDACTED] or on the floor in front of K-Tank. Casey did not see any of his staff punch, strike, or kick Inmate [REDACTED] at any time.</p>
	1730 Hrs.	Briefed US Dempsey on today's interviews.
Wednesday 09/23/09	1100 Hrs.	Received a phone call from US Dempsey. I was Instructed to brief Sheriff's Legal Counsel, Jim Harrigan on the Lt. Casey interview.
Thursday 09/24/09	0922 Hrs.	<p>Recorded interview with [REDACTED] Interview conducted at 25 Van Ness Ave RM 350. [REDACTED] has been with JPS just over three years. [REDACTED] worked from 1200-1600 Hrs on 09/07/09. [REDACTED] said she was assigned to the Psych Inmates housed at Post 11. At no time did [REDACTED] recommend that [REDACTED] was capable to return to general population. [REDACTED] confirmed that he was not suitable for general population. On 09/07/09 before 1600 Hrs, [REDACTED] was not contacted by SFSD staff regarding [REDACTED]. However, [REDACTED] became aware that SD Wong wanted to move [REDACTED] to ADSEG on 1730 Hrs on 09/07/09 from an E-Mail that she received. [REDACTED] did not know that deputized staff might have used her name when telling [REDACTED] that he was being moved to Mainline.</p>

CHRONOLOGICAL REPORT OF INVESTIGATION

Thursday 09/24/09	1330 Hrs.	Meeting with ADA Knoles, Matt Irvine DAI and Kevin Jones SFPD Homicide. Lt. John Garcia present as department expert on Use of Force and Defensive Tactics. Lt. Garcia specifically asked about Safety Cell Placement policy and techniques used on combative inmates.
Friday 09/25/09	1140 Hrs.	I received a phone call from [REDACTED] [REDACTED] She said her attorney will arrange an appointment to pick up her son's property.
Friday 10/02/09	0800 Hrs.	Spoke to Harry Stern. Stern requested a copy of the Lt. Casey interview prior to scheduling Casey for a follow up.
Monday 10/05/09	1545 Hrs.	I received a phone call from [REDACTED] attorney, Gerry Green. Ms. Green called to schedule an appointment to p/u [REDACTED] property. She recommended 10/08/09 at 1000 Hrs at the ISU Office.
Thursday 10/08/09	1050 Hrs.	Attorney Geri Greene picked up [REDACTED] [REDACTED] property. Items were inventoried and Ms. Greene was given a receipt. Ms. Greene said she would forward a authorization for Ms, [REDACTED] [REDACTED] and will forward to our office.
Thursday 10/22/09	1030 Hrs.	Meeting with ADA Knoles. ADA Knoles wanted to know which Inmates had the best view from K-Tank to the Mainline. Knoles requested all non-compelled transcripts for this case.
	1200 Hrs.	Received a phone call from Inspector Kevin Jones SFPD Homicide. He related that he needed transcripts of all non-compelled interviews.
	1430 Hrs.	Took ADA Knoles to CJ#1 for a tour of Post 11 and K-Tank.
Monday 10/26/09	1900 Hrs.	Tentative Lt. Casey interview scheduled for Wednesday, 09/28/09.
Tuesday 10/27/09	1030 Hrs.	E/R to meet with ADA Knoles to drop off transcripts of all non-compelled interviews.
	1115 Hrs.	Dropped off Inmate Interview Transcripts to Inspector Kevin Jones.

CHRONOLOGICAL REPORT OF INVESTIGATION

Wednesday 10/28/09	1606 Hrs.	Recorded interview with <u>Lt. John Casey #339</u> Follow-up Interview conducted at 25 Van Ness Ave RM 350. Harry Stern from Rains Luccia and Stern present to represent Lt. Casey. Sgt. Colmenero assisted. Paraphrased: Lt. Casey was reminded that the Libarger warning and 3303 Admonission were still in affect. When asked, Lt. Casey said he was present in front of K-Tank when the deputies were placing leg-shackles on [REDACTED] ankles. Newly added, Casey stated that SD Wong and he both ordered the deputies to raise [REDACTED] from the ground simullaneously. Lt. Casey reconfirmed that he received a briefing from SD Wong when he (Casey) said, "What was happening?" SD Wong told Casey about the incident at Post 11 as well as the events that lead to the takedown in front of K-Tank. Newly added, Casey said SD Wong did mention in his briefing that he recommended the Safety Cell. However, Lt. Casey reconfirmed that he gave the final instruction to place [REDACTED] in the Safety Cell. SD Wong mentioned that [REDACTED] wanted to be housed on the Mainline, but SD Wong said he was going to the Safety Cell. When asked, Lt. Casey said the briefing with Wong in front of K-Tank took three to five minutes as the deputies held up [REDACTED] When asked, Lt. Casey said [REDACTED] did not mention that he had problems breathing. Lt. Casey described [REDACTED] to be exhausted as he was held up by his staff. Lt. Casey was asked if he recalled who he instructed to prepare for the "hospital run." Lt. Casey could not recall. When Lt. Casey was told that he told Deputy Lomba, Deputy Gutierrez, and Deputy White, he said that was very possible because he was under a lot of stress.
Friday 11/13/09	1440 Hrs.	Recorded Follow-up interview with <u>Deputy Kenneth Lomba #2074</u> Interview conducted at 25 Van Ness Ave RM 350 Harry Stern present and Sgt. Colmenero assisted. Paraphrased: Deputy Lomba did not recollect seeing Lt. Casey in front of K-Tank when [REDACTED] was taken to the ground. There were several people that were present in front of K-Tank, but he could not recall everyone that was there. Lomba said he would have remembered a five minute briefing from SD Wong to Lt. Casey in front of K-Tank if it happened, but Lomba did not recall.
Wednesday 11/18/09	0917 Hrs.	Recorded Follow-up interview with <u>Deputy Edward Gutierrez #1928</u> Interview conducted at 25 Van Ness Ave RM 350 Harry Stern present and Sgt. Colmenero assisted. Paraphrased: Deputy Gutierrez did not recall if Lt. Casey was present at K-Tank. Deputy Gutierrez did not recall a briefing from SD Wong to Lt. Casey in front of K-Tank. Deputy Gutierrez stated that he was so focused on [REDACTED] he did not recall a briefing. According to Gutierrez, SD Wong made the decision to place [REDACTED] into the Safety Cell. Deputy Gutierrez did not recall Lt. Casey telling SD Wong that [REDACTED] needed to go to the Safety Cell when they were in front of K-Tank.

CHRONOLOGICAL REPORT OF INVESTIGATION

Wednesday 11/18/09	0917 Hrs.	Gutierrez said Guitron and him attempted to place [REDACTED] into K-02, Song was not involved. Gutierrez said Song opened the K-Tank gate and cell K-02. Deputy Gutierrez did not recall Song holding [REDACTED] head down as they exited K-Tank.
	0959 Hrs.	Recorded Follow-up interview with <u>SD Matthew Wong #1360</u> Interview conducted at 25 Van Ness Ave RM 350 Harry Stern present and Sgt. Colmenero assisted. Paraphrased: SD Wong was told what Lt. Casey recalled took place in front of K-Tank. SD Wong does not recall any of the events that Casey said took place in front of K-Tank. SD Wong did not recall Casey ordering the Deputies to lift [REDACTED] off the ground in front of K-Tank. Wong did not give Lt. Casey a briefing. Lt. Casey did not order SD Wong to place [REDACTED] in the Safety Cell. However, SD Wong said he gave Lt. Casey a briefing in the Front Office at a later time. SD Wong does not recall Lt. Casey telling staff in front of K-Tank that he would meet them at the Safety Cell because he (Casey) had something important to attend to in K-Tank. SD Wong said he did see Lt. Casey as they were walking to the Safety Cell. According to SD Wong, Song opened the K-Tank gate. Song did not go hands on with [REDACTED] SD Wong and Deputy Gutierrez attempted to place [REDACTED] into K-02. Deputy Song remained at the gate. SD Wong did not place his knee on [REDACTED] in front of K-Tank, nor did he see any of his co-workers place their knee on Inmate [REDACTED] in front of K-Tank.
Friday 11/20/09	1400 Hrs.	Confirmed interviews with Rains, Luccia, and Stern for Tuesday, 11/24/09. Deputy Guitron, Deputy Song, and Deputy White.
Tuesday 11/24/09	1541 Hrs.	Recorded Follow-up interview with <u>Deputy Juan Guitron # 1894</u> Interview conducted at 25 Van Ness Ave RM 350 Harry Stern present and Sgt. Colmenero assisted. Paraphrased: Deputy Guitron said he did not recall a briefing from SD Wong to Lt. Casey. Deputy Guitron said he did not recall Casey giving the order for [REDACTED] Safety Cell Placement. Deputy Guitron did not recall hearing [REDACTED] say that he had difficulty breathing in front of K-Tank prior to the Safety Cell Placement. Deputy Guitron said he was certain that Deputy Song assisted him in an attempt to place Inmate [REDACTED] into K-02. However, Guitron was not certain if Song had a grasp of [REDACTED] arm. Deputy Guitron does not recall who pushed down on [REDACTED] head as he was escorted out of K-Tank. Deputy Guitron does not recall Lt. Casey saying that he would meet SD Wong at the Safety Cell because he had to take care of an urgent matter in K-Tank. When asked, Deputy Guitron did not place a knee on Inmate [REDACTED] back in front of K-Tank, nor did he see any of his co-workers place their knee on [REDACTED] back or any part of his body.

CHRONOLOGICAL REPORT OF INVESTIGATION

Tuesday 11/24/09	1617 Hrs.	<p>Recorded Follow-up interview with <u>Deputy Melvin Song #1269</u> Interview conducted at 25 Van Ness Ave RM 350 Harry Stern present and Sgt. Colmenero assisted. Paraphrased: In Deputy Song's initial interview, he stated that he saw Lt. Casey on the Mainline at CJ#1 and it appeared that he was occupied with something else. When asked today, Song said Lt. Casey had some paperwork in his hands and he was standing in front of H-Tank. Deputy Song said he saw Lt. Casey as [REDACTED] was being escorted to the Safety Cell. However, Song said he was not certain if he saw Lt. Casey when [REDACTED] was picked up from off the ground in front of K-Tank. Deputy Song did not recall a briefing from SD Wong to Lt. Casey. Deputy Song said there was so much going he did not remember a briefing. Deputy Song did not hear Lt. Casey tell SD Wong to place Inmate [REDACTED] into the Safety Cell when they were in front of K-Tank. When asked, Deputy Song did not recall hearing [REDACTED] that he could not breathe. When asked, Deputy Song said he did not attempt to place Inmate [REDACTED] into K-02 with Deputy Guitron. Deputy Song said he held Inmate [REDACTED] head when they were en-route to the Safety Cell. Song said [REDACTED] took one or two steps then SD Wong said take him to the ground. Deputy Song said he did not place a knee on Inmate [REDACTED] back or any part of his body. When asked, Song said he did not see any of his co-workers place a knee on any part of [REDACTED] body.</p>
	1653 Hrs.	<p>Recorded Follow-up interview with <u>Deputy Daniel White #2115</u> Interview conducted at 25 Van Ness Ave RM 350 Harry Stern present and Sgt. Colmenero assisted. Paraphrased: Deputy White did not recall seeing Lt. Casey in front of K-Tank. Deputy White said there wasn't a briefing from SD Wong to Lt. Casey in front of K-Tank. Deputy White does not recall Casey making the final decision to place [REDACTED] into the Safety Cell. Deputy White does not recall hearing [REDACTED] say "I can't breathe" in front of K-Tank. Deputy White did not place a knee on [REDACTED] back or any part of his body at any time. Deputy White did not see any of his co-workers place a knee on [REDACTED] back or on any part of his body.</p>
Monday 11/30/09	1130 Hrs	<p>Received a voicemail from City Attorney investigator Blanche Blackmon. I returned her call indicating that the case is not closed, but could have any of the documents that I had thus far.</p>

CHRONOLOGICAL REPORT OF INVESTIGATION

Thursday 12/10/09	1300 Hrs.	Lt. Flewellen received a letter from Inmate [REDACTED]. [REDACTED] indicated in his report that he witnessed several deputies use excessive force on Inmate [REDACTED]. However, Inmate [REDACTED] was interviewed by SD Luquin on 09/11/09 at CJ#1. [REDACTED] stated that he was sound asleep during the incident.
Tuesday 12/15/09	1126 Hrs.	I received an E-Mail from the Law Office of Geri Green. The E-Mail inquired if I had received any correspondence from their office. Specifically "[REDACTED] Authorization." I E-mailed back indicating that I did not receive a letter. I also called her office and spoke to [REDACTED] (paralegal). She told me to disregard the E-Mail.
Friday 01/15/10	1330 Hrs.	I met with City Attorney investigator Blanche Blackmon. Dropped off copy of entire case file and entertained any questions regarding this case.
Wednesday 02/24/10	1000 Hrs.	SLC Jim Harrigan forwarded Claim against the city and letter addressed to Joanne Hoeper (City Attorney's Office) for my case file.
Tuesday 03/23/10	1500 Hrs.	Spoke to ADA Diane Knoles to see if she had an update regarding the Medical Examiner's Final Report. According to ADA Knoles, she has not received a final report at this time.
Wednesday 03/24/10	1037 Hrs.	Left a message with Inspector Kevin Jones SFPD Homicide. Requested all Deputy Interviews for [REDACTED] Case.
Monday 09/20/10	0800 Hrs.	I received a phone call from Sgt. Ung, he related that Nina Fiore from the Medical Examiner's Office called and left a message for me.
	1000 Hrs.	I contacted Nina Fiore. She related that the Medical Examiner's Report for [REDACTED] is completed. Nina said she could fax the report to mu office.
	1045 Hrs.	Received Medical Examiner's Report. Reviewed report. Cause of Death: Probable respiratory arrest during prone restraint with morbid obesity. [REDACTED] [REDACTED] Manner: Homicide

CHRONOLOGICAL REPORT OF INVESTIGATION

Monday 09/20/10	1100 Hrs.	Contacted Sgt. Ung OIC ISU and told him that Medical Examiner's Report was completed and that I had a faxed copy. I told Sgt. Ung to make the necessary notifications up his chain since the ME's office has deemed the manner of death a homicide. I faxed Sgt. Ung a copy of the Medical Examiner's Report.
	1500 Hrs.	I received a phone call from Sheriff's Legal Counsel, Jim Harrigan. Harrigan told me to review the case so we can go over it together.
Thursday 09/23/10	1400 Hrs.	Met with Sheriff's Legal Counsel, Jim Harrigan. He told me that the Sa Francisco Examiner is going to release an article soon.
	1530 Hrs.	Picked up an electronic copy of the [REDACTED] Medical Examiner's Report. Dr. Hart (SF Medical Examiner) told me that she issued a press release. She gave me a copy of the Medical Examiner's report and a copy of the press release.
	1605 Hrs.	Faxed the Medical Examiner's Report to Susan Fahey and Chief of Staff, Eileen Hirst.
Friday 09/24/10	1400 Hrs.	Briefed Lt. Flewellen OIC on the recent issues surrounding this case.
	1445 Hrs	Spoke to SFPD Homicide Inspector Lynch. He asked me if I had any additional information on the AED used on [REDACTED] other than the information released in the Medical Examiner's Report. I told him that it was standard protocol that Jail Medical Service would usually forward the AED to Dr. Gejdenson. Inspector Lynch also inquired about any interviews with Inmate [REDACTED]. I told him that Inmate [REDACTED] refused to talk to us and referred us to his attorney. Inspector Lynch related that homicide had a scheduled meeting with Diane Knoles today at 1500 Hrs. I asked Inspector Lynch if I could have all of his witness interviews. He related that I email him the interviews that I need.
Monday 09/27/10	1330 Hrs.	Spoke to Lt. Mike Stasko (SFPD Homicide Detail). He related that their investigation is complete and they are awaiting a decision from the DA's Office. Summary is not ready, Lt. Stasko said he would forward a copy when completed.
Tuesday 09/28/10	1400 Hrs.	PC to ADA Knoles. She related that they have not made a decision at this time. She will contact us when they have a decision.

CHRONOLOGICAL REPORT OF INVESTIGATION

Tuesday 09/28/10	1430 Hrs	Contacted Sgt. Ung (OIC ISU) and briefed him on the latest information.
Thursday 09/30/10	1200 Hrs	<p>Asked Sgt. Ung if someone from ISU could take measurements of CJ#3 (Formerly CJ#1) for my case Summary. Sgt. Ung assigned Deputy Burt to assist. I asked Deputy Burt to take the following measurements:</p> <p>1M13 to Hallway in front of worker Dorm Hall Door to Mainline Gate Mainline Gate to K-Tank K-Tank Threshold to K-02 K-02 to Mainline immediate right of threshold if facing K from Mainline Mainline @ K-tank (see blue print #6) to S#2 SC#2 threshold to door directly across SC#2 threshold to Medical office</p>
Friday 10/01/10	1600 Hrs	Received Deputy Burt's chron with measurements.
Monday 10/04/10	0800 Hrs	Spoke to Ms. Herbert from DOJ Death in Custody reporting unit. I gave her the update on manner of death and cause of death for [REDACTED]
	1000 Hrs.	Received two updated pages from Nina, San Francisco Medical examiner's office. (chemistry report for [REDACTED] [REDACTED])
Tuesday 10/05/10	0800 Hrs	Stared Case Summary
Thursday 10/21/10	1400 Hrs	PC to Inspector Robert Lynch. I requested copies of all Deputy interviews that their unit conducted. I also requested a copy of his summary once it is completed.
Monday 11/08/10	1500 Hrs	<p>Received SFPD Homicide Detail interviews for the following deputies: SD Matthew Wong, Deputy Kevin Macksoud, Deputy Juan Guitron, Deputy Daniel White, Deputy Kenneth Lomba, Deputy Mel Song, Deputy Olga Kincade, and Deputy Smith Al-Ghani.</p> <p><u>09/29/2010</u> Recorded Interview with Deputy Olga Kincade # Conducted by the San Francisco Police Dept. Homicide Detail. Paraphrased: Deputy Kincade was working overtime at CJ#1.</p>

CHRONOLOGICAL REPORT OF INVESTIGATION

		<p>She was assigned to Post 11 which was Psychiatric Housing. Kincade recalled that the TV's were too loud so Deputy Smith Al Ghani turned off the televisions. Inmate [REDACTED] was upset with Smith Al-Ghani for turning the TV's off. Kincade recalled that Smith Al-Ghani wanted to move [REDACTED] because hw was being disruptive. Kincade said Smith Al-Ghani called SD Wong to brief him on what was going on. Kincade recalled that SD Wong and Deputy Gutierrez responded to move Inmate [REDACTED]. Kincade said [REDACTED] was handcuffed to the rear and he exited the side door to be relocated to ADSEG Housing (K-Tank). Kincade did not assist with the transfer. Kincade remained at Post 11. Kincade knew [REDACTED] died, but was not part of the Safety Cell Placement. When asked, Kincade said [REDACTED] was not troublemaker</p>
Monday 11/15/10	0900 Hrs.	Contacted Inspector Rob Lynch (SFPD Homicide) and requested copies of all their interviews for the [REDACTED] case.
Thursday 11/18/10	1300 Hrs.	Sgt. Gozon (ISU) picked up CD from SFPD homicide and dropped off at ISU.
	1400 Hrs.	Reviewed SFPD interviews.
Monday 11/22/10	0800 Hrs	Continued to work on Case Summary. Incorporated SFPD interviews into case summary.
Wednesday 12/01/10	1300 Hrs.	Completed draft summary and submitted to Lt. C. Flewellen for review.
	1500 Hrs.	Gave Sr. Clerk Typist [REDACTED] SFPD Interviews for transcription.
Monday 12/06/10	0800 Hrs.	Received portion of transcripts from Tigerfish.
	1400 Hrs.	Reviewing transcripts for errors.
Tuesday 12/14/10	1000 Hrs.	I received a PC from ADA Diane Knloes inquiring that she wanted to schedule a meeting with me sometime tomorrow, Wednesday, December 15, 2010.

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Wednesday 12/15/10	0900 Hrs.	Contacted ADA Knoles. Scheduled meeting today at her office 1330 Hrs
	0915 Hrs.	Called Lt. Flewellen to advise him of my meeting with ADA Knoles. He related that he needed a copy of the case file for the City Attorney's Office.

**SAN FRANCISCO SHERIFF'S DEPARTMENT
CHRONOLOGICAL REPORT OF INVESTIGATION**

TYPE OF CASE: Death in Custody	CASE NO: A09098 INC# 090921864	SUBJECT: Sr. Dep. Matthew Wong #1360 Dep. Kevin Macksoud #1698 Dep. Edward Gutierrez #1928 Dep. Juan Guitron #1894 Dep. Daniel White #2115 Dep. Kenneth Lomba #2074
DATE OF INCIDENT: 09/07/2009	UNIT: COJ#1	INVESTIGATOR ASSIGNED: Sr. Deputy V. Chew #809

DATE:	TIME:	ACTIVITY:
Monday 09/07/2009	1905	PC from Lt. Flewellen #1098, notification of death in custody at COJ#1, inmate [REDACTED] - J#2409303. Request to assist Sgt. Quanico #1429 in the investigation.
	1930	Arrived at ISU office to collect video camera and audio recorder. Sr. Dep. Luquin #1815 arrived at office. Notified that Sgt. Quanico request administrative number for investigation. I obtain A09098 before leaving the office for COJ#1.
	2000	Arrived at COJ#1 and briefed by Sr. Dep. Wong #1360. I request 7 part booking card, and daily report and assignment from Sr. Dep. Wong. I make copies and keep originals.
	2030	Meet with Sgt. Quanico #1429 after briefing with Sr. Dep. Wong. Request to make additional copies of the housing card, 7 parts booking card, and housing sheet for tank 13 at CJ#1 for SFPD Homicide, CSI, and DA's Office.
	2050	Provide copies to Sgt. Quanico and meet with SFPD Homicide Inspector Johnson.
	2100	Daily report with assignment sheet is incorrect, dated 09/08/2009. Notified Sr. Dep. Wong to locate correct assignment sheet. Make additional copies for investigation and responding outside agencies with correct documents.
	2135	Meet with SFPD Inspectors, Lynch, Jones, Johnson, Cagley, and Reese at CJ#1 conference room.
	2150	Assist Sr. Dep. Luquin in taking photographs of crime scene, Safety Cell and corridor at CJ#1.

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2215	Notified by Sgt. Quanico that CSI is requesting handcuffs and leg shackles. Talk to Sr. Dep. Wong who request the handcuffs used on [REDACTED] Dep. Gutierrez #1928 gives me two Peerless handcuffs. Sr. Dep. Wong notified me that the leg shackles were placed back with the facility storage for leg shackles, and is now mixed with the others. I photograph handcuffs and bag the pair in a property evidence paper bag.
2235	Dep. Gutierrez located leg shackles, informed that the leg shackles used was not placed with the others and was secured alone. I take possession and photograph the leg shackles. I placed the leg shackles in a property evidence paper bag.
2242	PC from Sr. Dep. Luquin to help open the door on the 5 th floor for Deputy and Harry Stern, union representative. I meet everyone on the 5 th floor, homicide office. SFPD inspector Jones request that I remain so they can write a receipt for the handcuffs and leg shackles that were collected.
2326	I handover the collected evidence, handcuffs and leg shackles to Inspector Lynch. I secure the receipt.
2344	PC from Sgt. Quanico to conduct interviews with inmates in 13 at COJ#1. I notify Dep. Kincade #293 working Post 11 about interviews. Wait for available interview room.
0057	<p>Interview [REDACTED], audio recorded. Paraphrased: The incident started after dinner. Dep. Smith-Al-Ghani #1576 had shut the TV off at cell 13 because the sound was too loud. [REDACTED] was upset and was yelling down the corridor because the deputies were at the office. Dep. Smith-Al-Ghani went back and turned the volume down on all the televisions, except tank 13.</p> <p>[REDACTED] became more upset and continued to yell. [REDACTED] paced up and down the tank. A short time later a few deputies he could not identify arrived and spoke to [REDACTED]</p> <p>[REDACTED] said he was unable to see from his position at his bed, but it sounded like [REDACTED] agreed to leave tank 13. It appeared the deputy told him that he was going to mainline, something that [REDACTED] expressed to him that [REDACTED] wanted.</p>

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		<p>██████ did not hear and struggles or disruptions when ██████ left the tank. ██████ had nothing more to add after ██████ left the tank.</p>
	0103	<p>Dep. Kincade takes ██████ back to tank 13, and returned to inform me that the following inmates ██████, ██████, ██████, ██████, and ██████ all refused to come out to be interviewed.</p>
	0140	<p>I meet with Sgt. Quanico and Sr. Dep. Luquin at COJ#1. I briefed Sgt. Quanico that the handcuffs and leg shackles were given to SFPD homicide, and only one inmate was willing to be interviewed. There is some discussion on the property, and I inform Sr. Dep. Wong to obtain the personal property that ██████ had with him. The property is secured in the arsenal, to be retrieved later.</p>
	0215	<p>Arrived at COJ#9, and pick up property for ██████. The property is secured in my vehicle.</p>
Tuesday 09/08/2009	0800	<p>I prepare chronological and download audio interview from ██████</p>
	1200	<p>I give property to Sgt. Quanico that was secured in the trunk of my vehicle. Photographs taken last night are printed out and attached to chronological and CD audio recordings.</p>
Wednesday 09/09/2009	1030	<p>Provide all documents to Sgt. Quanico, and prepare to pick up property left at COJ#1.</p>
Friday 09/11/2009	1541	<p>Interview ██████. Paraphrased: Confirmed he was housed in K4 on 09/07/2009, but cannot recall an incident with Inmate ██████ on swing shift.</p>
	1551	<p>Interview ██████. Paraphrased: Confirmed he was housed in K4 on 09/07/2009. ██████ refused to enter the cell when he was brought by several deputies in K tank. Said an unknown Asian Sr. Dep. grabbed ██████ by the shirt by his neck and his arm and moved ██████ outside. The slider was kept open so ██████ said he was able to view what was happening outside of K tank.</p> <p>██████ did hear someone mentioned safety cell while ██████ was still inside of K tank. When ██████ was walked outside he was thrown to</p>

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the ground by deputies. While he was on the ground [REDACTED] was maced by an unknown deputy. [REDACTED] was able to see one deputy **kneel between the shoulder blades.** [REDACTED] did not observe any staff hit or kick [REDACTED]

[REDACTED] resisted verbally to enter the tank and physically resisted entering the cell by pushing back into the deputy who attempted to pull him inside the cell. [REDACTED] was picked up and walked backwards out of camera view.

1617 Interview [REDACTED] [REDACTED] - [REDACTED]. Paraphrased: [REDACTED] confirmed he was housed in K6 on 05/24/2009. [REDACTED] was brought over by several deputies that he cannot recall at this time. [REDACTED] said he was lying on the bottom bunk. The deputies attempted to verbally get [REDACTED] into the cell, but [REDACTED] refused.

[REDACTED] said [REDACTED] put up a little resistance to enter the cell. There were 2 deputies holding each arm when [REDACTED] was removed from K tank. [REDACTED] said he felt it was strange how [REDACTED] fell to the floor forward, but did not see anyone push or throw him down. The tank slider was then closed and he didn't see or hear anything else.

1642 Interview [REDACTED] [REDACTED] - [REDACTED]. Paraphrased: [REDACTED] confirmed he was housed in K8 on 09/07/2009. [REDACTED] remembered [REDACTED] coming to K tank to be housed, but refused. [REDACTED] only remembered an Asian Deputy, possibly Sr. Dep. Wong.

[REDACTED] was handcuffed in the rear, and the Asian deputy verbally attempted several times to get [REDACTED] to comply and enter the cell. Downs verbally refused. When the deputy attempted to walk [REDACTED] inside the cell, [REDACTED] became aggressive and pushed back forcing the deputy back.

Downs was then removed from K tank, and brought back to the main line. [REDACTED] said his view was not abstracted and only heard a thud. Several voices yelled out stop resisting. [REDACTED] was unable to hear the rest of the conversation because it became mumbled.

1700 Interview [REDACTED] [REDACTED] - [REDACTED]. Paraphrased: [REDACTED] confirmed he was housed in K3 on 09/07/2009. [REDACTED] said 3 deputies brought [REDACTED] to K tank to be housed. [REDACTED] remembered that Dep. Song #1269 and Dep. Guitierrez #1928, but could not remember the third deputy.

[REDACTED] said [REDACTED] refused to enter the tank. Dep. Song tried to put



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█████ inside by grabbing his arm and pushed him toward the cell, but █████ refused to move. █████ said, "I'm not going in, take me to the box". █████ said he heard Dep. Song reply, "Fuck it, let's take him to the box".

█████ said █████ was then taken outside of K tank, and he was unable to see the Deputies or █████ █████ said he did hear █████ yell out "What are you doing", but did not see what happened.

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CHRONOLOGICAL REPORT OF INVESTIGATION**

TYPE OF CASE: DIC	SHERIFF'S CASE #: ICN:	SUBJECT: SF#:
DATE OF INCIDENT:	UNIT: Request by Sgt. Quanico	INVESTIGATOR ASSIGNED: P. Burt #1616

DATE:	TIME:	ACTIVITY:
Thursday 09/30/10	1500	Assigned by Sgt. Ung to assist Sgt Quanico. Sgt. Quanico was completing a prior administrative case involving an inmate death in custody (DIC). I spoke with Sgt. Quanico at the ISU office and he told me the following. I was to go to CJ#3 and take measurements of the distances between specific points. 
Friday 10/01/10	1120	I went Sheriff's Training at 120 14 th Street and received the "EZ Measure" measuring roller. It was labeled as unit "MSU #4". Its measuring readout displays feet and inches.
	1330	I went to county Jail #3 and measurement between points. I wrote them down as I did each measurement and reset the device. Distance – point# to point# 
		I used the following measuring convention – measure in middle of hallway or walkway, measure at middle of doorway, and round corners (not right angle). Rcvd map from Sgt. Rosen.
	1537	Write chron documentation

SAN FRANCISCO SHERIFF'S DEPARTMENT CHRONOLOGICAL REPORT OF INVESTIGATION

TYPE OF CASE: Death in Custody	SUPPLEMENTAL REPORT CASE NO: A09098 ICN: 090-921-864	SUBJECT: [REDACTED] SF#: 523430
DATE OF INCIDENT: Monday, 09/07/2009	UNIT: Investigative Services Unit	INVESTIGATOR ASSIGNED: Sr. Deputy Luquin #1815

DATE:	TIME:	ACTIVITY:
Monday 09/07/09	1900 hrs	I was notified from Lt. Flewellen #1098 of a Death in Custody (DIC) at CJ#1. Lt. Flewellen #1098 requested that I respond to the Facility and meet with Sgt. Quanico #1429.
	1930 hrs	I arrived at the ISU Office and meet with SD Chew #809. I retrieved my digital camera and case #A09098.
	1945 hrs	SD Chew and I were enroute to CJ#1.
	2000 hrs	SD Chew and I arrived at CJ#1 and met with SD Wong #1360. SD Chew and I collected the following original documents from SD Chew: [REDACTED] Field Arrest Card [REDACTED] Booking Card CJ#1 Work Assignments for 09/07/09. CJ#1 Daily Report
	2015 hrs	SD Chew and I met with Sgt. Quanico at CJ#1. We received a briefing of incident from SD Wong #1360.
	2025 hrs	SD Chew and I went to Safety Cell #2. I took digital photographs of the scene. Inmate [REDACTED] body in a supine position inside the Safety Cell #2, with his feet near the safety cell door.
	2100 hrs	Sgt. Quanico, SD Chew, and I met with DSA Dep. Wong # 1018 and Attorney Harry Stern (Rains Lucia Stern) and briefed on the incident.
	2135 hrs	Sgt. Quanico, SD Chew, and I met with SFPD Homicide Inspectors and briefed on the incident.
	2140 hrs	I met with SFPD CSI Inspector Shouldice #2054 and briefed on the incident. I entered Safety Cell #2 and took additional digital photographs of the scene.
	2145 hrs	I exited Safety Cell #2.
	2210 hrs	I received the Medical Examiner's Property Receipt from Dep. White #2115 and gave it to Sgt. Quanico.
	2225 hrs	I took additional digital photographs to the Safety Cell, after inmate [REDACTED] body was removed by the SF Medical Examiners.

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Tuesday 09/08/09	2300 hrs	Sgt. Quanico and I conducted audio recorded interview with [REDACTED] and his Union Rep. [REDACTED] in the CJ#2 conference room.
	2329 hrs	Sgt. Quanico and I conducted audio recorded interview with [REDACTED] and her Union Rep. [REDACTED] in the CJ#2 conference room.
	2356 hrs	Sgt. Quanico and I conducted audio recorded interview with [REDACTED] and her Union Rep. [REDACTED] in the CJ#2 conference room.
	0024 hrs	Sgt. Quanico and I conducted audio recorded interview with [REDACTED] and his Union Rep. [REDACTED] in the CJ#2 conference room.
	0051 hrs	Sgt. Quanico and I conducted audio recorded interview with [REDACTED] and his Union Rep. [REDACTED] in the CJ#2 conference room.
	0111 hrs	Sgt. Quanico and I conducted audio recorded interview with [REDACTED] and her Union Rep. [REDACTED] in the CJ#2 conference room.
	0215 hrs	Sgt. Quanico, SD Chew, and I arrived at CJ#9 and received inmate [REDACTED] bagged property from Lt. Henry #582.
	1100 hrs	I completed and faxed a request for a CAD printout and audio recording from ECD of this incident.
Wednesday 09/09/09	2046 hrs	Sgt. Quanico and I conducted audio/video recorded interview of SD Wong #1360 and Attorney Harry Stern at the ISU office.
	1611 hrs	Sgt. Quanico and I conducted audio/video recorded interview of Dep. Gutierrez #1928 and Attorney Harry Stern at the ISU office.
	1743 hrs	Sgt. Quanico and I conducted audio/video recorded interview of Dep. Lomba #2074 and Attorney Harry Stern at the ISU office.
Thursday 09/10/09	1030 hrs	I received a telephone message from ECD [REDACTED] stating CAD 911 audio recorded CD of this incident was ready for pick up.
	1100 hrs	Sgt. Quanico and I went to ECD and collected Cad 911 audio recorded CD from Dep. Gala #1516.
	1200 hrs	Sgt. Quanico and I arrived at CJ#1 and conducted the following inmate interviews in the Post 11 interview room;

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Friday
09/11/09

1211 hrs	Sgt. Quanico and I interviewed inmate [REDACTED].
1227 hrs	Sgt. Quanico and I interviewed inmate [REDACTED].
1238 hrs	Sgt. Quanico and I interviewed inmate [REDACTED].
1245 hrs	Sgt. Quanico and I interviewed inmate [REDACTED].
	Sgt. Quanico and I attempted to interview inmate [REDACTED]. [REDACTED] Inmate [REDACTED] refused to be interviewed.
1300 hrs	Sgt. Quanico and I interviewed inmate [REDACTED].
1308 hrs	Sgt. Quanico and I interviewed inmate [REDACTED].
1317 hrs	Sgt. Quanico and I interviewed inmate [REDACTED].
1330 hrs	Sgt. Quanico and I completed the inmate interviews and left CJ#1.
1556 hrs	Sgt. Quanico and I conducted audio/video recorded interview of Dep. White #2115 and Attorney Peter Hoffmann (Rains Lucia Stern) at the ISU office.
1810 hrs	Sgt. Quanico and I conducted audio/video recorded interview of Dep. Guiron #1894 and Attorney Peter Hoffmann at the ISU office.
1200 hrs	Worked on Chronological.
1500 hrs	Sgt. Quanico, SD Chew, and I went to CJ#1 and conducted recorded interviews with CJ#1 inmates, near K tank.
15420 hrs	Sgt. Quanico, SD Chew, and I arrived at CJ#1.
1543 hrs	Sgt. Quanico and I conducted a recorded interview as a witness only with inmate [REDACTED] inside room C.
1601 hrs	Sgt. Quanico and I conducted a recorded interview as a witness only with inmate [REDACTED], inside room C.
1610 hrs	Sgt. Quanico and I conducted a recorded interview as a witness only with inmate [REDACTED], inside room C.
1638 hrs	I conducted a recorded interview as a witness only with inmate [REDACTED], inside room B. Inmate [REDACTED] stated that after dinner he took a nap and did not hear anything. His bunk was near the toilet.
1651 hrs	I conducted a recorded interview as a witness only with inmate [REDACTED] [REDACTED] [REDACTED] I have nothing to say."
1658 hrs	I conducted a recorded interview as a witness only with inmate [REDACTED]

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		<p>██████████, inside room B. Inmate ██████████ stated that he observed Dep. Song escort an inmate into K tank. The inmate was handcuffed in the front. Inmate ██████████ described the inmate as a 6'1 ft, 250 lbs, dark brown hair, Samoan male with no facial hair. The inmate looked at Dep. Song and apparently refused to enter the cell. Dep. Song then pushed the inmate's head down. The inmate repeatedly stated that he could not breathe. The inmate was subsequently taken down by several deputies. Inmate ██████████ stated Dep. Song placed his knee behind the inmate's neck, while on the ground. The inmate was then lifted to his feet and escorted away. Inmate ██████████ recalled Dep. Ho, Dep. White, Lt. Casey, unknown deputy, and Dep. Song were present. Inmate ██████████ described Dep. Song as 5'6 ft, 140 lbs, salt & pepper hair, with a thin mustache.</p>
	1735 hrs	<p>I conducted a recorded interview as a witness only with inmate ██████████, inside room B. Inmate ██████████ stated that after dinner, he went to sleep on his bunk, located near the bathroom. Inmate ██████████ was sound asleep until 8 PM.</p>
	1748 hrs	<p>I conducted a recorded interview as a witness only with inmate ██████████, inside room B. Inmate ██████████ is a Spanish only speaker, in which I translated the interview. Inmate ██████████ stated that he went to bed after dinner. Inmate ██████████ stated his bunk was near the entrance and that he did not hear anything.</p>
	1758 hrs	<p>I conducted a recorded interview as a witness only with inmate ██████████, inside room B. Inmate ██████████ stated the following "I plead the 5th it means I refused to speak."</p>
	1820 hrs	<p>Sgt. Quanico and I completed inmate interviews and left CJ#1. Enroute to ISU office.</p>
	1830 hrs	<p>Sgt. Quanico and I arrived at ISU office.</p>
Sunday 09/13/09	2030 hrs	<p>Sgt. Quanico and I arrived at ISU office to conduct interview with Dep. Macksoud #1698.</p>
	2106 hrs	<p>Sgt. Quanico and I conducted audio/video recorded interview with Dep. Macksoud #1698 and Attorney Harry Stern at the ISU office.</p>
Wednesday 09/16/09	1400 hrs	<p>I downloaded inmate interviews onto a CD and worked on chronological. I gave Sgt. Quanico the CD containing the recorded inmate interviews.</p>
	1600 hrs	<p>Sgt. Quanico and I conducted an audio recorded, witness only, interview with Dep. Bui #1853 at the ISU office.</p>
Thursday 09/17/09	1600 hrs	<p>Sgt. Quanico and I conducted an audio recorded interview with Dep. Song #1269 and Attorney Harry Stern at the ISU office.</p>

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Monday
09/28/09

1224 hrs

I conducted a recorded interview as a witness only with inmate [REDACTED], inside a CJ#2 interview room. Inmate [REDACTED] stated that he has been housed at CJ#2, K2 cell, since early September. Inmate [REDACTED] did not recall anything significant or unusual on or about Monday, 09/07/09. After subsequent questioning, inmate [REDACTED] recalled an incident that dealt with an unknown inmate described by inmate [REDACTED] as a black male, 155 lbs, with black afro hair. Inmate [REDACTED] stated this inmate was handcuffed from the back and escorted calmly out of his cell by four unknown male deputies, past the shower area, towards the mainline. Inmate [REDACTED] stated he did not witness any forceful actions or comments made by the inmate or deputies. Inmate [REDACTED] could not positively identify this inmate as [REDACTED], [REDACTED].

SAN FRANCISCO POLICE DEPARTMENT CHRONOLOGICAL OF INVESTIGATION

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TYPE OF CASE In Custody Death		CASE NO. 090921864		VICTIM [REDACTED]
DATE Monday, September 07, 2009		DETAIL Homicide	INSPECTOR ASSIGNED R. Lynch/ K. Jones	

DATE	TIME	ACTIVITY
09/07/09	1930	Operations Center notified me of this incident.
	2030	Insp. Jones discussed this case with Dr. Melnik, from the ME's office.
	2100	Lt Stakso, Insp Jones, Insp. Johnson, and Insp. Cagney and I went to CJ#1. ADA Anna Gonzales, DA Investigator Matt Irvine, Insp. Shouldice, (CSI), and Insp. Hall, (Photo Lab), were also at the jail. Lt. Casey, (SFSD), informed us that inmate [REDACTED] had died in safety cell #2. Insp. Jones and I examined safety cell #2. [REDACTED]' body was still in the cell. Insp. Shouldie processed the cell and diagramed the area. SF Medical Examiner Investigators Gips and Hellman were present.
	2145	Inspectors Cagney and Johnson interviewed [REDACTED] one of [REDACTED] cellmates in cell #13. See statement and Insp. Cagney & Johnson's notes for details. Insp Cagney attempted to record the interview but the recorder malfunctioned.
	2210	Inspectors Cagney and Johnson interviewed [REDACTED] one of [REDACTED] cellmates in cell #13. See statement and Insp. Cagney & Johnson's notes for details. The interview was recorded, see CD.
	2225	Inspectors Cagney and Johnson interviewed [REDACTED], one of [REDACTED] cellmates in cell #13. See statement and Insp. Cagney & Johnson's notes for details. Insp Cagney attempted to record the interview but the recorder malfunctioned.
	2233	Inspectors Cagney and Johnson interviewed [REDACTED] one of [REDACTED] cellmates in cell #13. See statement and Insp. Cagney & Johnson's notes for details. The interview was recorded, see CD.
	2236	Inspectors Cagney and Johnson interviewed [REDACTED], one of [REDACTED] cellmates in cell #13. See statement and Insp. Cagney & Johnson's notes for details. Insp Cagney attempted to record the interview but the recorder malfunctioned.
	2243	Inspectors Cagney and Johnson interviewed [REDACTED], one of [REDACTED] cellmates in cell #13. See statement and Insp. Cagney & Johnson's notes for details. The interview was recorded, see CD.
	2246	Insp Jones and I interviewed SFSD Deputy Juan Guitorn at the Homicide Detail. ADA Gonzales, DA Investigator Mat Irvine, and the Deputy's attorney, Harry Stern, were also present. See statement and CD for details.
	2250	Inspectors Cagney and Johnson interviewed [REDACTED], one of [REDACTED] cellmates in cell #13. See statement and Insp. Cagney & Johnson's notes for details.
	2337	Insp Jones and I interviewed SFSD Deputy Edward Guterrez at the Homicide Detail. ADA Gonzales, DA Investigator Mat Irvine, and the Deputy's attorney, Harry Stern, were also present. See statement and CD for details.
09/08/09	0010	Insp Jones and I interviewed SFSD Deputy Kevin Macksoud at the Homicide Detail. ADA Gonzales, DA Investigator Mat Irvine, and the Deputy's attorney,

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DATE	TIME	ACTIVITY
		Harry Stern, were also present. See statement and CD for details.
	0035	Insp Jones and I interviewed SFSD Deputy Daniel White at the Homicide Detail. ADA Gonzales, DA Investigator Mat Irvine, and the Deputy's attorney, Harry Stern, were also present. See statement and CD for details.
	0100	Insp Jones and I interviewed SFSD Deputy Ken Lomba at the Homicide Detail. ADA Gonzales, DA Investigator Mat Irvine, and the Deputy's attorney, Harry Stern, were also present. See statement and CD for details.
	0120	Insp Jones and I interviewed SFSD Deputy Mathew Wong at the Homicide Detail. ADA Gonzales, DA Investigator Mat Irvine, and the Deputy's attorney, Harry Stern, were also present. See statement and CD for details.
	0200	Deputy Chew #809 gave me the handcuffs and shackles that were used on [REDACTED]
09/09/09	1423	Insp. Jones spoke with Dr Melinek regarding questions to ask the medical staff at CJ#1. See Insp. Jones' notes for details.
	1500	Received the SFFD Patient Car Report regarding the medical care given to [REDACTED] by the paramedics.
09/10/09	1335	Insp. Jones and I interviewed [REDACTED], a registered nurse employed by the SFSD and assigned to CJ#1. The interview was conducted at CJ#1. See [REDACTED] statement, Insp. Jones' notes and the CD for details.
	1400	Insp. Jones and I interviewed [REDACTED], a registered nurse employed by the SFSD and assigned to CJ#1. The interview was conducted at CJ#1. See [REDACTED] statement, Insp. Jones' notes and the CD for details.
	1810	Insp. Jones and I interviewed [REDACTED], a registered nurse employed by the SFSD and assigned to CJ#1. The interview was conducted at CJ#1. See [REDACTED] statement, Insp. Jones' notes and the CD for details.
09/11/09	1140	Insp. Jones and Insp. Hofsas interviewed [REDACTED] a registered nurse employed by the SFSD and assigned to CJ#1. The interview was conducted at CJ#1. See [REDACTED] statement, Insp. Jones' notes and the CD for details.
	1445	Insp. Jones met with Dr Melinek
	1732	Insp. Jones and Insp. Hofsas interviewed [REDACTED], a registered nurse employed by the SFSD and assigned to CJ#1. The interview was conducted at CJ#1. DAI Matt Irvine was also present. See [REDACTED] statement, Insp. Jones' notes and the CD for details.
09/14/09	1150	Deputy Quanco, CIU, informed Insp. Jones that the ME's Office has sweatshirt and shoes that were taken off of [REDACTED] in the Safety cell.
09/15/09	1300	Insp. Jones and I met with Officer Hilder from the Legal Division and Karen Pandolfi from City Attorney's Office. See Insp. Jones' notes for details.
	1500	Insp. Jones and DAI Matt Irvine interviewed SFFD EMT [REDACTED] at Engine #8. See Insp. Jones' notes and statement for details.
09/16/09	0955	I received the CAD regarding the SFSD dispatch for this case.
	1000	Insp. Jones and DAI matt Irvine interviewed SFFD EMT [REDACTED] at [REDACTED]

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DATE	TIME	ACTIVITY
		1415 Evans. See Insp. Jones' notes and statement for details.
09/17/09	1550	Insp. Jones, DA Investigator Matt Irvine, and I interviewed SFFD paramedic [REDACTED] at Engine #8, 36 Bluxmone. See Insp. Statement, Jones' notes, and CD for details.
	1625	Insp. Jones, DA Investigator Matt Irvine, and I interviewed SFFD fire fighter [REDACTED] at Engine #8. [REDACTED] was the driver of the fire truck when they respond to this incident and he stayed with the truck the entire time.
	1700	Insp. Jones, DA Investigator Matt Irvine, and I interviewed SFFD fire fighter-paramedic, [REDACTED] at Engine #41 at 1325 Leavenworth St. See Insp. Jones' notes and CD for details.
	1805	Insp. Jones and DAI Irvine interviewed SFSD Rescue Captain [REDACTED] See Insp. Jones' notes and CD for details.
09/18/09	1500	Insp. Jones spoke with [REDACTED] [REDACTED] mother. [REDACTED] attorney is Geri Green.
09/22/09	1130	Insp. Jones interviewed SFFD Captain [REDACTED]. See Insp. Jones' notes and recording for details.
09/22/09	1430	ADA Diane Knowles, ADI Matt Irvine, Insp. Jones, and I interviewed SFSD Dep. Mel Song in the Homicide Detail. Dep. Song's attorney, Harry Stern was also present. See Dep. Song's statement, Insp. Jones' notes and CD for details.
09/24/09	1400	Insp. Jones, Insp. Hofsass, ADA Diane Knowles, and DA Investigator Irvine interviewed SFSD Lt. John Garcia who is the unit commander of the SFSD Civil Division. Lt. Garcia explained the figure 4 leg technique and gave Insp. Jones copies of SFSD General Order #D-01, Use of Force, and E-05, Safety Cell Use. See Insp. Jones notes for details.
09/24/09	1517	Insp. Jones & Insp. Hofsass interviewed SDSD Raymond Wong for the second time. ADA Diana Knowles, DA Investigator Matt Irvine and Attorney Harry Stern were also present. See Insp Hofsass' notes, statement, & CD for details.
	1624	Insp. Jones & Insp. Hofsass interviewed SDSD Deputy Daniel White for the second time. ADA Diana Knowles, DA Investigator Matt Irvine and Attorney Harry Stern were also present. See Insp Hofsass' notes, statement, & CD for details.
09/29/09	0715	Insp. Jones, DAI Irvine, ADA Knowles, and I interviewed SFSD Deputy Olga Kincade at the Homicide Detail. Dep. Knowles' attorney, Harry Stern was also present.
	0750	Insp. Jones, DAI Irvine, ADA Knowles, and I interviewed SFSD Deputy Tonyette Smith-Al-Ghani at the Homicide Detail. Dep. Knowles' attorney, Harry Stern was also present.
10/7/09	1355	[REDACTED] called me and said that he is an inmate the SF County Jail and he witnessed the incident with inmate [REDACTED] I told [REDACTED] that I would visit him in jail on Tuesday, 10/13/09.
10/11/09	1000	I received a voice message from [REDACTED] dated sat. 10/10/09. [REDACTED] said he was moved from CJ#1 to CJ#2 and he believed that I was behind the move, so he no longer wanted to talk to me. [REDACTED] said he

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DATE	TIME	ACTIVITY
		would talk to the attorney of the [REDACTED] family.
10/15/09	1045	Insp. Jones spoke with [REDACTED] and he gave her an update on the investigation and explained the procedures.
06/04/10	1100	Insp. Jones met with Dr. Melnick, ADA Knowles and Lt. Stasko. Dr. Melnick requested copies of the interviews concerning the Fire Department personnel and paramedics.
	1400	I sent Dr. Melnick copies of the interviews she requested.
09/03/10	1530	I attended a meeting with Fray Horn, attorney for SFSD, Amy Hart, Judy Melnick, Mat Irvine, Diane Knowles and Lt. John Garcia, the defensive tactic instructor for SFSD. The meeting was conducted at the SFSD Investigations Office at 25 Van Ness Ave. Dr. Melnick interviewed Lt. Garcia about the Sheriff's Department procedures concerning restraining inmates.
09/20/10	1550	I received the Medical Examiner's Report #2009-0899.
09/23/10	1145	Jackson Van Der Beken, Chronicle writer, left Insp. Jones a message inquiring about the ME report.

**To: Captain Michael Beal
Commanding Officer
Investigations Bureau**

 **COPY**

**From: Inspector Robert Lynch
Inspector Kevin Jones**

Date: October 6, 2010

**Subject: In-custody Death of [REDACTED]
SFPD case # [REDACTED]. San Francisco Medical Examiner case # [REDACTED]**

I. Incident Date and Time

The deceased, [REDACTED] was in the custody of the San Francisco Sherriff's Department and being housed at County Jail #1, located on the 6th floor of the Hall of Justice. [REDACTED] died on Monday September 7, 2009 at 1833 hours while being placed in a safety cell by the deputies. [REDACTED] was pronounced dead at the scene by SFFD paramedics.

II. Subject

[REDACTED] BM [REDACTED], 6'-1", 300 lbs, [REDACTED] San Francisco, CA

Prior convictions: [REDACTED]

[REDACTED] and he was in custody on that case.

III. Investigators

SFPD-Homicide

Lt. Michael Stasko #724
Insp. Michael Johnson #1387
Insp. John Cagney #341
Insp. Kevin Jones #483
Insp. Robert Lynch #1165

SFPD-CSI

Insp. Ronan Shouldice #2054

SFPD-Photo Lab

Insp. Laurel Hall #1026

SFSD-Investigative Services Unit

Sgt. James Quanico #1429
Sr. Dep. Enrique Luquin #1815
Sr. Dep. Chew #809

SF District Attorney's Office

ADA Anna Gonzales

ADA Diane Knowles

DAI Matt Irvine #7019

IV. Medical Personnel

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

SF Medical Examiner's Office-

Dr Judy Melnick

Investigator Donald Stocum #116

Investigator Timothy Hellman #109

V. SFSD Personnel (Involved with [REDACTED])

Lt. John Casey #339

Sr. Dep Mathew Wong #1316

Dep Kevin Macksoud #1698

Dep Juan Guitron #1894

Dep Daniel White #2115

Dep Kenneth Lomba #2074

Dep Mel Song #1269

Dep Olga Kincade #2210

Dep Tonya Smith-Al-Ghani #1576

VI. Inmate witnesses

Cell #1M-11,13, &14

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

A horizontal bar chart comparing the percentage of respondents who believe the U.S. should take action to address climate change, categorized by age group and gender. The chart shows that younger age groups (18-29 and 30-49) have higher percentages of respondents who believe in taking action, while older age groups (50-69 and 70+) have lower percentages. The chart also shows that men and women have similar percentages of respondents who believe in taking action.

Age Group	Gender	Percentage
18-29	Men	85%
	Women	85%
30-49	Men	75%
	Women	75%
50-69	Men	65%
	Women	65%
70+	Men	55%
	Women	55%

VII. Incident Summary

██████████ was arrested on 3/8/09 at Geary & Polk St, when ██████████ without provocation, physically assaulted a man and then fought with the police officers who arrested him.

██████████ was also on parole at that time for manslaughter. ██████████ was being held by the SFSD in CJ#1. On 3/14/09, while in custody, ██████████ attempted to gouge his own eye out and he was transferred to the psychiatric ward at SFGH where he received medical and psychiatric treatment.

On Monday, 9/7/09 [REDACTED] was being housed in the psychiatric section of CJ#1, Post 11, cell #13. Deputy Smith-Al-Ghani was assigned to Post 11 and she told [REDACTED] to lower the volume of the television in the cell. [REDACTED] became argumentative and disrespectful to Deputy Smith-Al-Ghani. When [REDACTED] failed to lower the volume of the TV, Dep. Smith-Al-Ghani turned off all the TV's in the cells at Post 11. [REDACTED] became increasingly agitated and tried to incite the other inmates.

Dep. Smith-Al-Ghani reported the problem that [REDACTED] was causing with Dep. Kincade and Sr. Dep. Wong. Sr. Dep. Wong decided to move [REDACTED] to K-Tank, Administrative Segregation. Dep. Gutierrez removed [REDACTED] from his cell and handcuffed him behind his back. Two sets of handcuffs were attached end to end because [REDACTED] was such a large man. [REDACTED] was then escorted without incident to K-Tank by Dep. Gutierrez, Dep. Guiron and Sr. Dep. Wong. Dep. Song joined the other deputies in the escort when they arrived at K-Tank.

When [REDACTED] arrived at K-Tank the deputies tried to escort him in to cell [REDACTED] stopped and protested that he was not on the main line. [REDACTED] refused to enter the cell, he told the

deputies to take him back to the psych cell or put him in a safety cell. Sr. Deputy Wong ordered that [REDACTED] be taken to a safety cell. [REDACTED] was walked backwards with a deputy on each arm and another deputy holding his head, per SFSD protocol for moving inmates to the safety cell.

[REDACTED] walked a few feet into the main corridor, at Post 10, and stopped. [REDACTED] was moving his arms, resisting the deputies' control. The deputies took [REDACTED] down to the floor. Deputies White and Lomba responded to Post 10 to assist the other deputies. [REDACTED] was held face down on the floor while shackles were attached to his legs. [REDACTED] legs were placed in a figure-4 hold while the shackles were put on his ankles.

The deputies raised [REDACTED] to his feet and they walked him backwards towards the safety cell. [REDACTED] verbally protested as he walked towards the safety cell. [REDACTED] fell down to his knees when he arrived at the metal detector located at Post 9. [REDACTED] said he was tired. The deputies told [REDACTED] he was almost there and assisted him to his feet.

[REDACTED] arrived at Safety Cell #2 and he was placed face down on the floor. The leg shackles were removed from [REDACTED] and his legs were placed in a figure-4 hold. The deputies then cut off [REDACTED] sweatshirt. The deputies held [REDACTED] arms in a control hold while the handcuffs were removed. The deputies saw that [REDACTED] was unresponsive and they rolled him on to his side to a position of recovery. The deputies checked [REDACTED] vital signs and they felt a pulse and heard him breathing. The medical staff was summoned. The nurses arrived and began CPR. An AED was attached to [REDACTED]. The machine said not to shock. One of the deputies called 911. The nurses continued with CPR until SFSD paramedics arrived and took over the medical care. The paramedics pronounced [REDACTED] dead approximately 30 minutes after they arrived.

Two of the inmates that were housed near K-Tank stated that they saw [REDACTED] bleeding, however, this was disputed by the medical staff, all of whom stated there were no signs that [REDACTED] had been bleeding.

Lt. Stasko, Insp. Johnson, Insp. Cagney, Insp. K. Jones and I responded to CJ#1 and began an In-Custody Death Investigation. Insp. Shouldice, CSI examined the scene for physical evidence and made a diagram of the cell. Insp. Hall, Photo Lab, photographed the scene. ADA Anna Gonzales and DA Investigator Matt Irvine were present at the jail and assisted the SFPD Inspectors during the investigation. SFSD Investigators Sgt. Quanico, Dep. Luzuin and Dep. Chew were present and they conducted an administrative SFSD investigation.

Dr. Melnick is the medical examiner assigned to this case. Dr. Melnick also conducted the autopsy. Dr. Melnick found a deep tissue bruise on [REDACTED] upper back. The deputies involved with physically controlling [REDACTED] all stated that they did not strike [REDACTED] or place an elbow or knee on his back. They did not see another deputy take such action. The deputies were unaware if [REDACTED] hit the doorjamb as he entered the safety cell. The deputies said that

██████ was a very large and strong man who resisted from the time they tried to place him into the segregation cell to when he became unresponsive in the safety cell.

The following people were subsequently interviewed by SFPD Inspectors:

- SFSD deputies involved with ██████
- SFSD medical staff
- SFSD paramedics
- Inmates housed with ██████ in cell 13, Post 11.
- Inmates housed near K Tank

Below are the statements of the deputies.

Statement of SFSD Deputy Juan Guitron

Deputy Guitron has been employed by the SFSD for 4 years. Deputy Guitron identified ██████ from a single mug shot photo as an inmate in the jail. Deputy Guitron had a previous contact with ██████ several months ago when he guarded ██████ at the SFSD psychiatric Ward 7D at SFGH. ██████ was in 4 point restraints at that time because he had gouged one of his eyes out of the socket.

Deputy Guitron usually works the day watch in County Jail #1. He worked a double shift today, a swing watch, until 2300 hours. Deputy Guitron was working in the front office when, over the radio, he heard a female deputy at Post 11 ask Deputy Gutierrez for assistance. Deputy Guitron heard more radio traffic asking Deputy Gutierrez to respond to Post 11. Deputy Guitron decided to respond to Post 11 to help.

At Post 11 Deputy Guitron learned that inmate ██████ who was being housed in the psych tank, was being moved to K Tank, Administrative Segregation. Deputy Guitron did not know why ██████ was being moved to AD Sag. Deputy Guitron figured it was because ██████ was a big strong guy and he might be bothering his cell mates.

██████ gathered his belongings and Deputy Gutierrez used two sets of handcuffs, attached end to end, to handcuff ██████ because ██████ was so big. ██████ complied with the Deputy Gutierrez's commands. ██████ believed he was going to the main line.

When ██████ arrived at K Tank, he said, "This is not the main line, I can't go in here." ██████ became agitated and stopped. ██████ said he wanted to go to the safety cell. Deputy Guitron was on the left side of ██████ and Deputy Song was on the right side and they tried to escort ██████ into the cell but he would not move. Sr Deputy Wong decided to take ██████ to the safety cell. ██████ resisted by not moving. ██████ was placed face down on the floor right outside of K Tank. ██████ legs were shackled. Deputy Guitron was not sure how ██████ was taken down to the floor.

After the shackles were attached ██████ stood up and he was walked backwards to the safety cell which is the standard practice. ██████ was walking past A Tank when he said that he felt tired and he went down on his own accord. Deputy Guitron told ██████ that it wasn't much further. ██████ got back up. The Deputies walked ██████ past the medical office and to the safety cell.

██████ was proned out face down on the floor of the safety cell. This is SFSD protocol, to insure control of the inmate. Deputy Guitron guided ██████ head to the floor for his safety.

The Deputies removed [REDACTED] shoes, socks and sweatshirt as required by their protocol. Deputy Guitron removed the sweatshirt by making a cut and then ripping the material. Due to his large size [REDACTED] was still handcuffed when his sweatshirt was removed. [REDACTED] was still breathing when they removed his sweatshirt. Deputy Guitron thought [REDACTED] may have had a little convulsion because [REDACTED] became unresponsive. The Deputies rolled [REDACTED] over on his right side to a position of recovery. Deputy Guitron felt a pulse on [REDACTED] left arm. The medical staff was summoned and arrived with the AED. One of the nurses, [REDACTED], started rescue breathing on [REDACTED] while a female nurse started compression. The female nurse became tired, so Deputy Guitron took over compressions. Deputy Guitron did two sets of 30 compressions. The paddles from the AED were attached to [REDACTED] and Deputy Guitron cleared from the body. The AED advised not to shock. Deputy Guitron announced that he was tired from doing the compression and he left the cell. The SFSD paramedics arrived and took over the medical aid. Deputy Guitron went to the front office and started answering phones.

Deputy Guitron is 5'-10" tall and 180 lbs.

Deputy Guitron applied pressure to [REDACTED] right arm in the safety cell.

Deputy Guitron took [REDACTED] pulse prior to the nurses performing aid.

The handcuffs were removed before [REDACTED] was placed in a position of recovery and he was placed in that position right after he became unresponsive.

Choke holds, kicks, or piling on, were not used on [REDACTED]

Second Statement of SFSD Deputy Guitron

Deputy Guitron was on [REDACTED] left side when [REDACTED] was escorted to K-tank. When [REDACTED] arrived at K-Tank, he said that this was not the main line. Deputy Guitron and Deputy Song tried to guide [REDACTED] out of K-Tank, but [REDACTED] would not budge. Deputy Guitron heard someone say, "Safety cell", and the deputies started to escort [REDACTED] to the safety cell.

[REDACTED] walked out of K-Tank to Post 10 where he stopped walking and refused to comply with the deputies. [REDACTED] resisted by trying to tug his arms away from the deputies' grasp.

The deputies took [REDACTED] quickly to the floor. [REDACTED] knees were first to touch the ground.

The rest of his body followed. Deputy Guitron's glasses were pushed up. Some other deputies arrived and assisted with controlling [REDACTED] Deputy Guitron let go of [REDACTED] and fixed his glasses. Leg shackles were applied to [REDACTED] [REDACTED] was raised to his feet. Deputy Guitron did not recall if anyone had a knee or arm on [REDACTED] when he was on the floor. [REDACTED] was on the floor for about 1 minute.

[REDACTED] was walked backwards to the safety cell and Deputy Guitron had a bent wrist/bar arm hold on [REDACTED] arm. As [REDACTED] walked past the office, he went down to his knees and he said he was tired. Deputy Guitron told [REDACTED] that they were almost there. [REDACTED] stood up and continued walking.

[REDACTED] entered the safety cell and Deputy Guitron used a bar arm hold to guide [REDACTED] to the floor. [REDACTED] was prone out without a problem. [REDACTED] resisted when he was on the floor by moving his legs around. [REDACTED] did not move his upper torso. Deputy Guitron removed [REDACTED] sweatshirt and then started to remove the handcuffs. Deputy Macksoud said that [REDACTED] was not moving anymore and asked if [REDACTED] was OK. Deputy Guitron still had

arm in a bent wrist hold with one hand on his elbow while he finished removing the handcuffs. Deputy Guitron had arm parallel with the floor. Deputy Guitron looked at face and he seemed very unresponsive.

was placed in a position of recovery. Deputy Guitron took a step back. Deputy Lomba checked pulse and he felt a pulse. Nurse entered the cell and Deputy Guitron stepped out.

Deputy Guitron could not estimate how long was on the floor of the safety cell. He thought could have been there for about 1 minute. Deputy Guitron did not hear grunt or groan.

Statement of SFSD Deputy Edward Gutierrez

Deputy Gutierrez has been employed by the SFSD for the past 4 years. Deputy Gutierrez is 6'-1" tall and 280 lbs.

Deputy Gutierrez usually works the day watch. He worked a double shift today until 2300 hours. Deputy Gutierrez identified from a single mug shot photo.

Deputy Gutierrez was assigned to work at Post 10 at CJ#1 today. Deputy Gutierrez was at his post when Deputy Smith-A-Lghany asked him over the radio for assistance at Post 11. Deputy Gutierrez called Deputy Smith-A-Lghany on the phone. She said that inmate was being moved. Deputy Smith-A-Lghany needed assistance because he was a pretty big. Deputy Gutierrez went to Post 11. Deputy Kincaid was also there. Deputy Gutierrez had a good rapport with so he and Deputy Guitron approached and told him he was being moved to the main line. was excited about going to the main line and he gathered his belongings. placed his hands through the port and Deputy Gutierrez placed two sets of handcuffs attached end to end. Senior Deputy Wong was also present.

walked to K Tank without a problem. When arrived there he said, "This is not main line, fuck this shit." Deputy Wong told that he had to go in the cell. said, "No, fuck that, I'm not going in." Deputy Wong told that he was either going in the cell or he was going to a safety cell. An inmate is placed in a safety cell when he is a danger to himself, others, or the staff.

The deputies took out of K Tank. The standard procedure when moving an inmate to a safety cell is to have them walk backwards with a deputy on either side and a third deputy holding the inmate's head down so he cannot spit. started to struggle and curse when the deputies tried to get in the position to walk to the safety cell. said, "Stop fucking with me," as he wiggled around. They all fell to the floor. Deputy Gutierrez was on the right side of holding on to arm and Deputy Guitron was on his left side holding on to the left arm. Some deputies, Deputy Gutierrez did not know who, showed up as back up and legs were shackled.

was helped up and he started walking down the main line. Before got to the safety cell, he dropped to his knees and said, "I'm not walking anymore." Deputy Wong told that they were almost there and he got up and walked the rest of the way. started struggling again right before the safety cell and he said, "I'm not going in there." The deputies got inside the cell. They proned out on the floor per their protocol.

Three deputies are usually used inside the safety cell. Five were used with [REDACTED] because [REDACTED] was so aggitated. Deputy Gutierrez was on the right side of [REDACTED] holding his elbow and wrist. He did not have his weight on [REDACTED]. Deputy Guitron was on his left side holding his elbow and wrist. Deputy Lomba and Deputy White were on [REDACTED] legs. Deputy Macksoud was giving [REDACTED] orders, telling him to calm down. Deputy Wong gave orders to take the shoes, socks, and sweatshirt off of [REDACTED] without taking off the handcuffs, because [REDACTED] continued to fight. The shackles were taken off of [REDACTED]. Deputy Gutierrez took the handcuffs off and threw them outside of the cell. Deputy Macksoud asked [REDACTED] if he was alright. [REDACTED] did not respond. Deputy Macksoud told Deputy Wong to go and alert the medical staff. Deputy Wong left to alert the medical staff and [REDACTED] was placed in a position of recovery right away. Deputy Lomba checked Downs' left wrist for a pulse. He felt one. The medics arrived and Deputy Gutierrez and Deputy Macksoud stepped out of the cell. Deputy Gutierrez heard over the radio that the AED was there but did not need to be used. Deputy Gutierrez then heard over the radio that it looked like [REDACTED] was dead. Deputy Gutierrez never had problems with [REDACTED] before today. When [REDACTED] first arrived at the jail he was housed in a safety cell because he cried a lot and had child like behavior. Deputy Gutierrez saw [REDACTED] doing pushups and shadow boxing earlier in the day.

Second Statement of SFSD Deputy Gutierrez

Deputy Gutierrez said that [REDACTED] was on the floor outside of K-Tank for about 1 minute. Deputy Gutierrez never placed his knee on [REDACTED] shoulder when he was on the floor. He was not aware of anyone else placing a knee on [REDACTED]. The time between [REDACTED] getting up from in front of K-Tank to falling down to his knees was about 1 minute. [REDACTED] got back up in about 30 seconds. He was talking the whole time.

[REDACTED] was on the floor in the safety cell for approximately 3 to 5 minutes before Deputy Macksoud noticed that [REDACTED] was in trouble. [REDACTED] head was about 2 to 3 inches from the wall when he was in the safety cell. Deputy Gutierrez held [REDACTED] left arm in a 45 degree angle and Dep. Macksoud held his right arm in a 45 degree angle for about 30 seconds when the handcuffs were removed. Downs's legs were held in a figure 4 position during the removal. It was less than a minute between the time Dep. Gutierrez remembered [REDACTED] saying something until Dep. Macksoud noticed that [REDACTED] was in trouble.

Statement of SFSD Deputy Olga Kincade

Deputy Kincade said that she was assigned to Post 11 on Sept. 7, 2009. [REDACTED] asked Dep. Kincade why the TVs were off. She explained to [REDACTED] that they were too noisy. Dep. Kincade made her rounds. Dep. Smith-Al-Ghani told her that [REDACTED] was getting aggitated. Dep. Smith-Al-Ghani asked for backup because she wanted [REDACTED] moved. Dep. Kincade was not present when [REDACTED] was removed from his cell. She opened the door to the main line when the deputies escorted [REDACTED] out of Post 11. [REDACTED] appeared to be in a good mood when he walked out of Post 11. Deputy Kincade heard the call for backup at K-Tank. She did not respond to K-Tank or the safety cell.

Statement of SFSD Deputy Ken Lomba

Deputy Lomba has worked for the SFSD for the past year. He has 13 years of prior law enforcement experience. Deputy Lomba works the swing watch. Deputy Lomba identified [REDACTED] through a single mug shot photo.

Today, Deputy Lomba was at work at CJ#1. He heard over the radio a call for back up at Post 10, Administrative Segregation. Deputy Lomba responded to Post 10 where he saw some deputies struggling on the ground with the inmate [REDACTED] legs were not secured. Deputy Lomba knelt down on [REDACTED] left calf while another deputy, Deputy Lomba was not sure who, knelt down on [REDACTED] right leg. Leg restraints were placed on [REDACTED] and Deputy Lomba stepped on the chain of the shackles. Deputy Lomba took his foot off of the chain when the other deputies assisted [REDACTED] to his feet.

[REDACTED] was walked backwards to the safety cell with two deputies on each side holding his wrists and another deputy holding [REDACTED] head. Deputy Lomba walked about 10 feet behind the deputies as they escorted [REDACTED] to the safety cell.

When [REDACTED] arrived at the safety cell, he lunged to the side as the deputies tried to get him into the cell. The deputies took [REDACTED] to the floor. Deputy Lomba knelt on [REDACTED] left calf to control his legs. [REDACTED] shoes and socks were removed and the leg shackles were taken off. Deputy Lomba pulled [REDACTED] right leg towards his buttocks. [REDACTED] pulled his leg away from Deputy Lomba. Deputy Lomba told [REDACTED] not to pull his leg away and he grabbed the leg again and pulled it back towards [REDACTED] buttocks. Deputy White positioned [REDACTED] right ankle behind his left knee in order to get [REDACTED] legs in a figure 4 lock. Deputy Lomba got up and because of [REDACTED] size and combativeness, he stood by.

[REDACTED] sweatshirt was cut off of him and the handcuffs were removed. Deputy Lomba saw [REDACTED] rolled over on his side to a position of recovery. Deputy Macksound felt that [REDACTED] was having some kind of problem. [REDACTED] shook his head and coughed twice. Deputy Lomba checked [REDACTED] left wrist for a pulse. He felt a pulse. The medics were called and the nurses came in and began CPR. [REDACTED] Manny said that [REDACTED] was having a seizure. The paramedics arrived and took over CPR.

Deputy Lomba never heard [REDACTED] say that he was in any kind of physical distress.

Deputy [REDACTED] said that the deputies receive training in dealing with combative inmates and that none of the deputies did anything outside of their training when dealing with [REDACTED] No chemical agents or blunt force was used.

Deputy Lomba is 5'-11" tall and 250 lbs.

Second Statement of SFSD Dep Lomba

Deputy Lomba said that it took 10 to 12 seconds to place the leg shackles on [REDACTED] Deputy Lomba did not see anyone put a knee or body part on [REDACTED]

The deputies and [REDACTED] walked sideways when they entered the safety cell. [REDACTED] tried to pull away as he was entering the cell. [REDACTED] was grunting as he forcibly moved his legs while the deputies were removing the leg shackles. No one put a knee on [REDACTED]

[REDACTED] was on the floor in the safety cell for approximately 1 to 1 1/2 minutes before he went into distress. [REDACTED] was put into a position of recovery about 5 seconds after he went into distress.

Statement of SFSD Deputy Kevin Macksoud

Deputy Macksoud has been employed by the SFSD for 9 years. Deputy Macksoud was stationed at Post 5, CJ#1 today. Post 5 is the front door of the jail. Deputy Macksoud was at his post when he saw an inmate, [REDACTED] being led to the safety cell. Deputy Macksoud saw [REDACTED] fall to his knees. He did not know if [REDACTED] tripped, stumbled or fell. Deputy Macksoud gave the jail keys to Deputy Smith-A-Lghany. He went to the safety cell area to assist the other deputies with [REDACTED]

[REDACTED] got up and walked backward to the safety cell. [REDACTED] was prone out in the cell, the leg shackles were removed, and his legs were placed in a figure 4 hold. [REDACTED] started resisting by lifting his butt off the floor. [REDACTED] said, "I don't want to be in here." Deputy Macksoud helped Deputy White hold down [REDACTED] legs so that he would not kick, because [REDACTED] was a pretty big guy. Deputy Macksoud never had his weight on top of [REDACTED] Deputy Macksoud noticed that [REDACTED] breathing was different in that it was shallow. [REDACTED] became unresponsive. Deputy Macksoud told Deputy Wong of the possible medical problem. [REDACTED] was rolled over to a position of recovery and Deputy Lomba checked [REDACTED] left wrist. He felt a pulse.

Deputy Macksoud did not see chemical agents, strikes, or choke holds used on [REDACTED] No one applied their full body weight on him.

Deputy Macksoud is 5'-9" tall & 165 lbs.

Second Statement of SFSD Deputy Macksoud

Deputy Macksoud said that [REDACTED] and the two deputies who were escorting him into the safety cell entered the cell by walking sideways. Deputy Macksoud assisted in controlling [REDACTED] legs. [REDACTED] was struggling with his legs, trying to straighten them. [REDACTED] grunted from exertion when he tried to move his legs.

Deputy Macksoud moved to [REDACTED] left arm and placed his arm in a bent wrist hold to assist Deputy Gutierrez as Dep. Gutierrez was removing the handcuffs. Deputy Macksoud held [REDACTED] arm by bending his wrist and holding it at [REDACTED] back while holding [REDACTED] elbow with his other hand. It took about 1 minute to remove the handcuffs. Deputy Macksoud did not place his knee on [REDACTED] back. Deputy Macksoud did not see anyone else put a knee on the back.

When the handcuffs were being removed from [REDACTED] Deputy Macksoud noticed that [REDACTED] breathing had become labored in that it was slow with a heavy breath, then a pause, then a heavy breath. Deputy Macksoud estimated that it was 20 to 25 seconds between [REDACTED] talking and when his breathing became labored and he stopped talking. Deputy Macksoud at first thought that [REDACTED] was having a seizure.

Deputy Macksoud told Sr. Deputy Wong to go alert the medical staff. Deputy Lomba took [REDACTED] pulse. He felt one. Dep. Wong was gone about 5 to 10 seconds before the medical staff arrived.

Statement of Deputy Smith-Al-Ghany

Deputy Smith-Al-Ghany said that she was assigned to Post 11 on September 7' 2009. Inmate [REDACTED] was being housed in cell 13 and he had the volume of the TV way up, playing music videos. Deputy Smith-Al-Ghany could not hear because of the loud music. She told [REDACTED] to

turn the TV down. [REDACTED] argued with Deputy Smith-Al-Ghany about lowering the volume. Another inmate told [REDACTED] to obey Deputy Smith-Al-Ghany. [REDACTED] then argued with the other inmate. Deputy Smith-Al-Ghany tuned off the TVs from her office. [REDACTED] and some inmates began chanting, "We want to hear the music."

Deputy Smith-Al-Ghany went to the front office and told SR Deputy Wong that [REDACTED] was being disrespectful. When Deputy Smith-Al-Ghany returned to Post 11, [REDACTED] was still upset about the TVs being off. [REDACTED] told Deputy Smith-Al-Ghany that she and the other deputies were the reason that his eye was gouged out.

Deputy Smith-Al-Ghany again went to the front office and told SR Deputy Wong that she was having problems with [REDACTED]. [REDACTED] was removed from the cell by other deputies without a problem. Deputy Smith-Al-Ghany stood in the hallway as [REDACTED] was escorted to K Tank. Deputy Smith-Al-Ghany heard a call for back-up at K Tank. She looked in that direction but all she could see was black and orange. Deputy Smith-Al-Ghany then saw [REDACTED] being escorted to the safety cell. [REDACTED] was walking backwards with a deputy on his right, a deputy on his left, and a deputy holding his head. Deputy Smith-Al-Ghany lost sight of [REDACTED] when he turned the corner to the safety cell.

Statement of SFSD Deputy Mel Song

Senior Deputy Song has been employed by the SFSD for 11 years and he is currently assigned to the swing watch at CI#1. Dep. Song was assigned to Post 10 on Sept. 7th. Post 10 covers K Tank. Dep. Song was at Post 10 when he was notified that an inmate, [REDACTED] [REDACTED] was being moved from the psych cell to K Tank. Dep. Song opened the door to cell #2 in K Tank in preparation for [REDACTED]

[REDACTED] was escorted to K Tank by Deputies Wong, Guitron, and Gutierrez. [REDACTED] was walked on his own accord and he had a bag of his possessions in his hands which were handcuffed with two sets of cuffs. When [REDACTED] arrived at cell #2 in K Tank, he protested and said that this was not the main line. He wanted to go to the hole, (the safety cell). Downs would not walk into the cell. Senior Deputy Wong ordered that [REDACTED] be taken to the safety cell.

Dep. Guitron held one of [REDACTED] arms. Dep. Gutierrez held the other arm and Dep. Song held [REDACTED] head. They walked [REDACTED] backwards towards the safety cell. [REDACTED] took about two steps and then stopped. [REDACTED] was yelling that he wanted to go to the main line and he moved from side to side. Dep. Wong gave the order to take [REDACTED] to the floor. Deputies Guitron and Gutierrez took [REDACTED] down by applying pressure to his wrists and moving forwards. [REDACTED] went to the floor face down. Dep. Song did not see anyone land on top of [REDACTED] get on top of [REDACTED] or use blunt force on [REDACTED]

Senior Dep. Wong told Dep. Song to get the leg shackles. Dep. Song retrieved the shackles from the Post 10 office. He gave them to another deputy, Song did not remember who, and that

deputy attached the shackles to [REDACTED] Dep. Song did not know if [REDACTED] legs were placed in a figure 4 hold prior to the shackles being attached, but that is the standard procedure. [REDACTED] was rolled on his side and then assisted to his feet. The entire procedure from taking [REDACTED] to the floor and then getting him back on his feet took about 30 seconds. [REDACTED] was escorted to the safety cell by other deputies while Dep. Song remained at Post 10. [REDACTED] was yelling as he walked backwards towards the safety cell but Dep. Song lost sight of [REDACTED] when he walked past F Tank which is about half way to the safety cell. Dep. Song could no longer hear [REDACTED] because of the noise the other inmates were making. Dep. Song could not discern what the other inmates were yelling.

Statement of SFSD Deputy Daniel White

Deputy White has been employed by the SFSD for less than one year. Deputy White was assigned to Post 9 today and he was there in the office talking to Deputy Lomba when he heard a call for back up at K Tank, Post 10. Deputy White and Deputy Lomba went to K Tank. Deputies Wong, Gutierrez, and Guitron had an inmate, [REDACTED] was lying prone on the ground. [REDACTED] was combative, yelling, and cursing. [REDACTED] was squirming around and kicking his legs around.

Deputy White helped control [REDACTED] legs by holding them with his arms. Shackles were put on [REDACTED] legs. The deputies got [REDACTED] up. Deputy Wong said that [REDACTED] was going to a safety cell. A deputy got on each side of [REDACTED] to control his arms. Deputy White controlled [REDACTED] head by holding it down so that [REDACTED] could not spit at them. [REDACTED] walked backwards to the safety cell, yelling and cursing the whole time. [REDACTED] did not exhibit any signs of respiratory distress or pain while he was walking to the safety cell.

[REDACTED] was placed on his stomach in the safety cell. Deputy White took off [REDACTED] shoes, socks and the leg shackles. Deputy White placed [REDACTED] legs in a figure 4 hold. Deputy White did not have his weight on [REDACTED] Deputies Gutierrez and Guitron had [REDACTED] arms. They cut off his sweatshirt and the handcuffs. The whole time in the safety cell the deputies were telling [REDACTED] what was going on and [REDACTED] was still cussing and protesting.

Deputy Macksound noticed that [REDACTED] was unresponsive as soon as he took the handcuffs off. [REDACTED] arm went limp. Deputy Macksound told Deputy Wong to go and alert the medical staff. Deputy White let go of [REDACTED] legs and all the deputies rolled [REDACTED] over on his side to a position of recovery. It took a few seconds to get Downes in a position of recovery.

Deputy Lomba checked [REDACTED] for a pulse. He felt a pulse. Medical arrived and Deputy White assisted with CPR.

[REDACTED] was pronounced dead at 6:33.

Deputy White is 6'-1" & 195 lbs.

Second Statement of SFSD Deputy Daniel White

Narrative:

Deputy White said he was at Post 9 when he responded to Post 10 on a call for back up. When Dep. White arrived at Post 10 he saw [REDACTED] face down on the floor, handcuffed. Dep. Guitron had control of [REDACTED] left arm, Dep. Gutierrez had [REDACTED] right arm and they were pushing [REDACTED] arms towards the floor to control him. [REDACTED] was moving around, kicking

and yelling profanities. Dep White helped to control [REDACTED] left arm and Dep. Lomba placed leg shackles on [REDACTED]. Dep. White estimated that a couple of minutes elapsed between the time that he arrived at Post 10 and the time [REDACTED] was raised to his feet.

The deputies assisted [REDACTED] to his feet. [REDACTED] walked to the safety cell. Dep. White controlled [REDACTED] head by holding the head and forcing [REDACTED] to bend at the hips. Dep. White did not crank [REDACTED] head down into his body.

[REDACTED] dropped to his knees just before the safety cell and the deputies assisted him back up. [REDACTED] repeatedly talked and yelled at a consistent level while he was being taken to the safety cell.

Dep. White released [REDACTED] head when they entered the safety cell. The deputies ordered [REDACTED] to his knees, then his stomach, and he complied. [REDACTED] was still yelling and cussing. Dep. White did not hear [REDACTED] moan or make any noises that sounded like he was in pain.

Dep. White removed [REDACTED] shoes and the leg shackles. Dep. White then placed [REDACTED] legs in a figure-4 hold, (which is the SFSD procedure), for ½ to 1 minute before he heard Dep. Macksoud say that [REDACTED] was unresponsive. Dep. White let go of [REDACTED] legs as soon as he heard Dep. Macksoud say that [REDACTED] was unresponsive. Dep. White noticed that there was no longer any resistance in [REDACTED] legs. [REDACTED] was rolled over to his side to a recovery position. Someone, (unknown), said that [REDACTED] was still breathing and he had a pulse. Dep. White never saw anyone place an arm or knee on [REDACTED] back. He never saw [REDACTED] arms placed in a flag pole position.

Statement of SFSD Senior Deputy Raymond Wong

Narrative:

Senior Deputy Wong has been employed by the SFSD for 14 years. He is a supervisor at CJ#1. Tonight, Deputy Smith-A-Lghany called Deputy Wong and told him that inmate [REDACTED] was being disruptive in Tank 13. [REDACTED] refused to lower the volume on the TV and he was agitating the other inmates. Deputy Wong decided to move [REDACTED] to Administrative Segregation at K Tank.

[REDACTED] placed his possessions in a bag and two sets of handcuffs were used to handcuff [REDACTED] hands behind his back. [REDACTED] walked to K Tank. He refused to follow Deputy Wong's order and go into the cell. [REDACTED] became combative, yelling profanities, swing his shoulder, kicking, and not letting the deputies hold him. Deputy Wong radioed for back up and [REDACTED] was placed on the ground in front of K Tank. Deputy Wong ordered shackles placed on [REDACTED] legs. [REDACTED] was assisted up and walked to a safety cell with a deputy on each side and one deputy holding his head. [REDACTED] passively resisted by saying that he did not want to go. He was slowing down and stopping.

[REDACTED] proceeded to the safety cell, walking backwards. [REDACTED] fell onto his behind when he made the turn to go to the cell. [REDACTED] was placed in a prone position in the safety cell. The handcuffs, shackles, shoes, socks, and sweatshirt were removed from [REDACTED] because he was a danger to others. [REDACTED] resisted the whole time and he had kept his body stiff.

The deputies were still giving [REDACTED] orders, when they noticed that he was unresponsive.

[REDACTED] eyes were closed and he was limp. [REDACTED] was placed in onto his right side; a position

of recovery, about 10 to 15 seconds after became unresponsive. [REDACTED] had urinated. [REDACTED] was still breathing and he had pulse.

Deputy Wong went to get a nurse. Deputy Wong went to a female nurse who had an office across the hall from the safety cell. Deputy Wong knew the nurse was there because she had been watching them in the safety cell for several seconds. The female nurse told Deputy Wong to get the charge nurse. Deputy Wong told the nurse that he thought [REDACTED] was dying. Deputy Wong got [REDACTED] the charge nurse. All of the nurses, including the female nurse from across the hall, came into the safety cell with the AED and an oxygen tank. They administered aid to [REDACTED]. The paramedics arrived and took over the medical treatment. Deputy Wong told the paramedics that [REDACTED] had been unconscious for about 10 minutes and that CPR had been conducted on him the entire time. The AED never said to shock. Deputy Wong was not there when [REDACTED] was pronounced dead. Medic Debit told him that [REDACTED] was pronounced at 1833 hours.

Statement of Lt. John Casey

Narrative:

5F5D Lt. Casey was the watch commander in CJ#1 on 9/7/09. Lt. Casey had no prior personal contact or knowledge of Inmate [REDACTED]. Lt. Casey was on his way to K-8 cell to interview an inmate on an unrelated matter when he saw Deputy White running down the main line. Lt. Casey saw that about 100 feet down the main line there was a very large inmate, later IDed as [REDACTED], yelling at Sr. Dep. Wong. Several deputies put [REDACTED] on the floor. Lt. Casey walked to the scene. When he arrived [REDACTED] was lying on his stomach and Dep. Lomba was putting leg shackles on the [REDACTED]. Sr. Dep. Wong explained to Lt. Casey why [REDACTED] was being removed from his cell and that [REDACTED] refused to go into K-Tank. Lt. Casey and Sr. Dep. Wong told the other deputies to get [REDACTED] up. They brought him to his feet. [REDACTED] had been on the floor for at least a minute. Lt. Casey did not see any of the deputies place any part of their bodies on top of [REDACTED] when he was on the floor. [REDACTED] was yelling out groans and grunts like he was in pain. When [REDACTED] was on his feet, Lt. Casey told [REDACTED] to calm down. [REDACTED] nodded like he understood. [REDACTED] had been resisting the deputies when he was taken to the floor and when he was on the ground. When [REDACTED] had been brought back up to his feet he looked like the wind had been knocked out of him a little in that he was not resisting anymore. Lt. Casey agreed with Sr. Dep. Wong that [REDACTED] fit the criteria for the safety cell. The deputies walked [REDACTED] to the safety cell. Lt. Casey went to cell K-8 and interviewed a prisoner. Lt. Casey finished the interview. He went to the safety cell. Lt. Casey saw Sr. Dep. Wong standing outside of the safety cell and he looked like he was in shock. Sr. Dep. Wong told Lt. Casey that [REDACTED] went limp. Lt. Casey looked in safety cell #2. He saw Dep. White walk out of the cell and then some of the medical staff went into the cell. [REDACTED] was lying on his back and the medical staff started to perform CPR on [REDACTED]. Lt. Casey observed the scene in the safety cell as CPR was performed on [REDACTED] was unresponsive. Sr. Dep. Wong later told Lt. Casey that when they were removing the cuffs from [REDACTED] Dep. Macksoud said that there was something wrong with [REDACTED].

Lt. Casey looked at [REDACTED] jail history. He saw that [REDACTED] had prior problems in the jail with bullying other inmates and running the tank. It was a matter of time before he ended up in Administrative Segregation.

Lt. Casey has recently retired.

The inmates housed in K-Tank were interviewed by SFSD investigators. Several of the inmates were asleep or refused to give a statement. The following are synopsis of the statements given by inmates who cooperated with the investigators:

Inmate [REDACTED]

[REDACTED] is near sighted and he did not have his glasses on. [REDACTED] saw three deputies take an inmate to the floor. The inmate's chest hit the floor pretty hard. [REDACTED] saw some blood on the floor, but later said the inmate was bleeding from the head and that there was blood on the wall underneath the box that said "K". [REDACTED] heard others say that the inmate said he could not breathe. [REDACTED] saw four deputies pick up the inmate by his arms and legs and carry him away.

[REDACTED] could not identify any of the deputies who were involved.

Inmate [REDACTED]

[REDACTED] saw the deputies throw a guy on the ground. The guy landed very hard on his stomach. Four deputies were on top of a guy in the hallway. [REDACTED] was about 10 feet away from the guy. He could not see the man because there were too many deputies in the way. [REDACTED] could see that the man was handcuffed. His chest was down on the floor and a couple of deputies had their knees in his back. [REDACTED] heard the man say, "I can't" but he did not remember the man finishing the sentence. [REDACTED] did not see any blood and he was not able to see any injuries. The deputies made the man walk backwards down the hall and they made the man walk faster than was able.

Inmate [REDACTED]

[REDACTED] saw the deputies walking a guy out of the tank and they had his head bent down. The guy was handcuffed with his hands behind his back. [REDACTED] was about 10 feet away. All of a sudden two deputies forced the man to the ground. He landed face first. Five or six more deputies ran up and [REDACTED] did not know if they handcuffed the man's ankles or his wrists. The deputies had their knees on the man's legs while they were trying to handcuff him. The deputies then started walking the man down the hallway and the man was bleeding from the back of his head or his temple. There was blood on the floor but [REDACTED] did not see any blood on the walls.

Inmate [REDACTED]

[REDACTED] said that the deputies had just brought a Samoan guy into K-Tank and a couple of seconds later they escorted him out of the cell. The guy was not resisting. When they got in the hallway something happened. The deputies began "moon-walking" the guy and they pushed down on his head like they do when they discipline inmates. It makes it hard to breathe.

The following SFSD medical personnel were interviewed:

Statements of San Francisco Fire Department Personnel:

██████████

EMT ██████████ was dispatched to the jail at 425 7th St on a code 3 emergency. When his truck arrived at the jail they determined it was the wrong location and responded to 850 Bryant. The SFSD personnel went to the jail and found the patient in a padded cell. Deputies were performing CPR on the patient while two female nurses were monitoring an AED that was attached to the patient. The AED advised not to shock.

The deputies and the nurses backed away from the patient so that the paramedics could attend to him. ██████████ checked the patient for breathing and pulse. There were none. The paramedics began CPR and a bag value mask was attached to the patient. CPR was performed on the patient for 2 minutes. IV lines were attached to the patient and a tube was placed in his airway for breathing. This was difficult because of his large size.

There was no electric activity detected in the patient. The patient's heart rate briefly returned in response to medication that was given, but it did not stay long. The heart rate stopped again and the monitor showed a flat line. There was no response to further medications.

The paramedics called ██████████ at SFGH and he gave the authority to cease treatment at 1833 hours.

██████████, SFSD EMT

At about 1552 on September 17, 2009, we spoke with ██████████ at Fire Station #8, 36 Bluxome Street. ██████████ said he'd been an Emergency Medical Technician with SFSD for 8 ½ years. On the evening of September 7, 2009, ██████████ recalled, they were initially dispatched to the jail on 7th Street. Eventually, they realized they needed to enter from 850 Bryant, where the engine company and the paramedics who arrived in the ambulance all ascended in the elevator together.

They encountered ██████████ on his back in a cell, surrounded by "a bunch of people." SFSD took over CPR. ██████████ set up the bag for delivery of oxygen and took turns performing compressions. They moved ██████████ towards the cell entrance to get his head further away from the corner and give the team room to work.

██████████ noted no injuries to ██████████ and saw no blood or other fluids. ██████████ did not view ██████████ airway or his back. He heard no cracking sounds during the compressions, and never saw anyone put his full weight on ██████████. ██████████ recalled that the paramedics had difficulty intubating ██████████. CPR continued until ██████████ was pronounced dead following a consultation with the hospital.

█████ said that after lifesaving efforts ceased, the SFFD personnel gathered their belongings, gave their names to a deputy, and left. █████ did not remember anyone discussing what happened to █████

█████, SFFD Firefighter/Driver

We spoke with █████ at about 1625 hours, also at Station #8. █████ said he stayed in or beside the fire engine the entire time and never entered the jail. He did not recall any conversation about the incident when the rest of the team returned to the vehicle at the end of the call.

█████, SFFD Firefighter/Paramedic

Inspectors Jones and Inspector Lynch and Matt Irvin, (DAI), spoke with █████ at Fire Station #41, 1325 Leavenworth, at about 1700 hours on September 17, 2009. █████ said he'd been a firefighter for nineteen years. Nine with Hayward, and ten with San Francisco. He recalled that on September 7, 2009, they were initially dispatched to 7th Street, and then had to drive around the block to 850 Bryant. They were escorted to a cell where █████ saw jail medical staff and deputies performing CPR. █████ saw █████ was on his back. His feet were towards the door and his head near the right rear corner of the cell. An AED, an IV, and a bag valve mask had been attached to him. █████ noted the CPR, AED, IV (in █████ right hand) and bag valve mask were all applied correctly.

█████ said SFFD took over rescue efforts according to the advanced cardiac life support protocols, including administering medications and continuing CPR. They moved █████ down about a foot to gain better access to his head and airway. Paramedic █████ tried three different kinds of endo-tracheal tubes on █████ He was unable to get him intubated. They lifted █████ shoulders. █████ then was able to successfully intubate █████ █████ said that he saw no blood or foam in █████ mouth or throat. Suction had been applied to his airway prior to █████'s attempts to intubate him.

█████ said that one of the women told the responding SFFD personnel that █████ was placed into the safety cell and collapsed. █████ asked a series of questions regarding whether █████ had fallen, struck his head, or been attacked. The woman answered "no" to each. There was no discussion with or among the deputies, except in rotating CPR responsibilities.

█████ said that █████ never displayed a viable cardiac rhythm. Eventually, CPR was terminated and █████ was pronounced dead. █████ said he saw no injuries or blood on █████ He smelled but did not see urine. Baxter said he did see █████ back when they briefly rolled him over to check for trauma. Baxter said that in his experience, even an easy intubation can cause bleeding and trauma to the throat. However, he did not notice bleeding in this case.

██████████, SFFD Acting Rescue Captain

At about 1805 hours, Inspector Jones and Matt Irvine, (DAI), spoke with firefighter/paramedic and Acting Rescue Captain ██████████ at Fire Station #31, 441 12th Avenue.

██████████ said he'd been a paramedic since 1981 – first with D and then in 1997 with SFFD. He recalled that on September 7, he and the rest of the SFFD were initially dispatched to 7th Street, but quickly found their way to the correct location. Once upstairs in the jail, they saw CPR being performed on ██████████ SFFD took over CPR and began administering medications. SFFD's own monitor showed very little electrical activity from ██████████ ██████████ explained that "a fresh heart," even if not beating, will show electrical activity in response to CPR, but even the "energetic" CPR performed on ██████████ failed to provoke much electrical activity. ██████████ showed only brief periods of "pulseless electrical activity." He also had a very low CO2 reading.

██████████ said ██████████ was pulled forward, out of a corner, and a blanket was put under his shoulders to enhance the team's access to his body. ██████████ was able to secure an airway. After about thirty minutes, the team ceased resuscitative efforts.

██████████ said that upon first encounter, ██████████ head was close to a wall. He was not in restraints. His body felt neither unusually hot nor cold. ██████████ saw no trauma to ██████████ He said that the team used their body weight in performing CPR, but no one put a knee or forearm onto ██████████

██████████ said he tried to get a history from the deputies and medical staff. He remembered asking typical questions like when ██████████ had last been standing or speaking. ██████████ said he never received a clear answer. The SFFD personnel seemed confused, he said, rather than trying to hide anything.

██████████ SFFD EMT

██████████ said he'd been a firefighter and EMT with SFFD for sixteen years. He recalled that on the evening of September 7, 2009, he was working with Engine Company #8 when they were dispatched initially to County Jail #9 at 425 7th Street. They then learned the correct address was 850 Bryant. The entire SFFD team, including the engine company and the ambulance crew, went up to CJ #1 together. ██████████ said that when he first saw ██████████ he was supine, with his head near the far wall of the cell. There were about four other persons in the cell with ██████████ performing CPR. There were also Sheriff's deputies outside the cell. ██████████ said that the only time he saw anyone put his weight on ██████████ was during the administration of CPR.

██████████ described ██████████ as completely unresponsive. He'd urinated, ██████████ said, and had poor color. ██████████ saw no blood. He could not recall if he ever saw ██████████ back. ██████████ was not

cold or rigid, and appeared to be “typical of someone who could have gone down shortly before we got there.”

██████ told us that upon their arrival, SFFD relieved the SFSD personnel. SFFD took over CPR, with continued assistance in the compressions rotation from the deputies. SFFD attached their defibrillator and began administering medications. The defibrillator indicated flatline immediately or shortly after it was attached. ██████ told us that the SFFD personnel pulled ██████ down so that his head was away from the wall, in order to get a better angle to intubate. Because of his size, ██████ ended up with one foot protruding from the cell. ██████ recalled that after a long period of medications and compressions, ██████ briefly regained a weak pulse, but did not sustain it. Eventually, one of the SFFD personnel called a doctor at SFGH, who authorized the cessation of resuscitative efforts and the pronouncement of death.

██████ said that he believed at least one nurse and one deputy spoke to SFFD personnel about what had happened. He didn't recall any details of ██████ immediate history. He did recall that in the course of discussion that occurred during the long period of care administered to ██████ during which time ██████ and others found themselves sidelined waiting to rotate back in for compressions, he learned that ██████ had gouged out his own eye. ██████ said he also learned that ██████ became non-responsive about ten minutes before SFFD arrived on scene.

██████████, SFFD Paramedic

██████ has been a paramedic for 9 years. He has been with the SFFD for 3 ½ years. He has worked for AMR, Bodega Bay FD, Redwood Empire Life Support, Ross Fire Department and Pro Transport.

He is currently assigned to Station #49 located at 1415 Evans.

He prepared the Patient Care Report for this incident. The PCR was completed as an electronic document. On 09/07/2009, he was working with EMT ██████. They were assigned to an ambulance, ██████.

They were initially dispatched to the County Jail located on 7th Street. They entered the lobby and responded to the command center. They were told that nothing had occurred at this jail. They contacted their dispatch and learned that the correct location was the County Jail located at 850 Bryant Street.

He said that it took approx 5 minutes to move the ambulance from 7th Street to the front of the Hall of Justice. They responded to the County Jail located on the 6th Floor. They were directed to a safety cell close to jail medical services.

██████ observed multiple deputies and a nurse inside the room. They were performing CPR on the patient laying supine on the floor. The patient's head was within a few inches of the wall.

He never saw the patient's back. He said that the patient was moist and still warm to the touch. [REDACTED] did not observe any injuries on the patient. They received information regarding the incident from the deputies as they worked on the patient. They were providing bag valve mask respiration with oxygen. They had an external automated defibrillator on the patient but it was announcing not to shock. An IV was already placed on the patient. [REDACTED] his partner and the engine company took over care of the patient. They took over CPR. They put the patient on their heart monitor and the patient was flat line. The patient was asystolic when they arrived. They placed an oral airway (a device to move the patient's tongue) into the patient. They continued CPR. [REDACTED] said he had a difficult time intubating the patient. They gave him several doses of medication. [REDACTED] said that because they didn't know the patient's history, the patient also received a dose of Narcan. [REDACTED] did not see anyone put their full body weight on the patient.

The paramedic from the engine listened to the patient's heart. They did not feel a pulse. They were able to get an organized cardiac rhythm, but no pulse. They worked on him for about 30-35 minutes before consulting with the Dr. [REDACTED] at the base hospital, they discussed the patient's condition and death was pronounced at 1833 hours.

[REDACTED] explained procedures and protocols regarding the above.

The nurse on the scene said she would contact the Medical Examiner and the deputies maintained the scene.

[REDACTED] was advised that the patient struggled on his way to the safety cell. He was advised that the patient had a psychiatric history and a self inflicted eye injury.

[REDACTED] said he received the information from a deputy in the safety cell. [REDACTED] said that there were medical personnel in the cell while he was receiving the above information. [REDACTED] said that they stayed at the scene for an additional 45 minutes completing his paperwork and to receive additional medical information regarding the patient. [REDACTED] drew a diagram showing the placement of the deputies and nurses in the safety cell.

Medical Examiner's Report (2009-0899)

The Medical Examiner's Report was prepared by Dr Melnick of the San Francisco Medical Examiner's Office and dated 9/2/2010. Dr. Melnick determined the cause of death to be, "Probable respiratory arrest during prone restraint with morbid obesity." Dr. Melnick ruled the manner of death to be homicide.