SUMMARY REPORT

CASE: A09098

Type of Incident:	Death in Custody			
Deceased:	Inmate			
Subject(s):	Lt. John Casey SD Matthew Wong SD Kevin Macksoud Dep. Melvin Song Dep. Tonyette Smith Al-Ghani Dep. Edward Gutierrez Dep. Juan Guitron Dep. Daniel White Dep. Kenneth Lomba	#339 DOH: 04/06/1974 #1360 DOH: 03/04/1996 #1698 DOH: 09/05/2000 #1269 DOH: 02/13/1995 #1576 DOH: 07/10/1999 #1928 DOH: 09/05/2006 #1894 DOH: 09/12/2005 #2115 DOH: 12/15/2008 #2074 DOH: 08/25/2008		
Witnesses:	SD Kenny Lewis Dep. Jimmy Bui	#1466 DOH: 03/16/1998 #1853 DOH: 04/01/2002		
JMS/JPS				
SFFD				
INMATES				



Date of Incident(s): September 7th, 2009

Location: County Jail #3 (Formally known as CJ#1) Safety Cell #2

Date of Report: 06/22/2011

Investigator: Sergeant J. Quanico #1429

Introduction: On Monday, September 7, 2009, at 1925 Hrs, Lt. Flewellen OIC/ISU instructed me to respond to County Jail #3 (Formally known as CJ#1) as the primary investigator for a Death in Custody. Inmate

J# 2409303 was declared dead by SFFD Paramedics at 1833 Hrs. Inmate stopped breathing during a Safety Cell Placement at County Jail #1.

Administrative case review and approval for closure or forwarding:

This report of 47 pages has been reviewed and approved for:

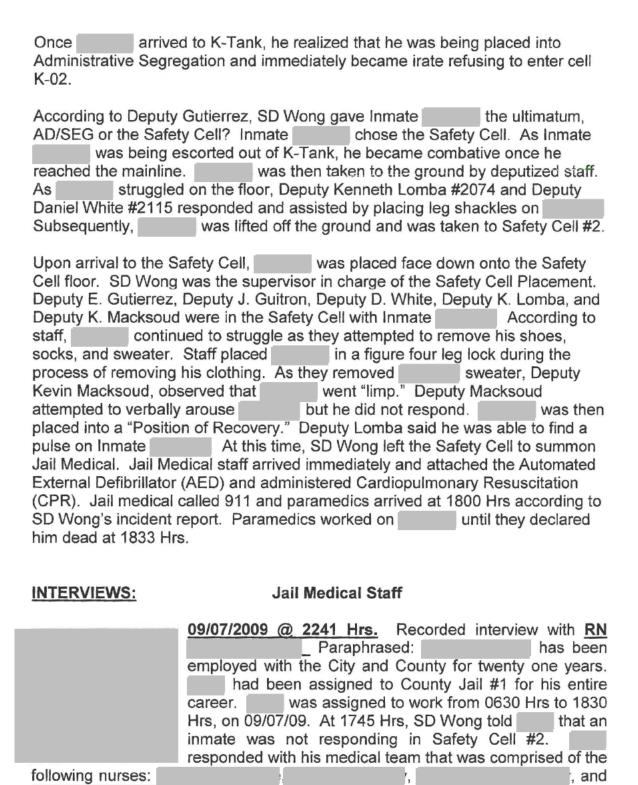
A. Forwarding to the Undersheriff for review and finding/or action as deemed appropriate by the Sheriff's Department Administration or;

B. Case closed without further administrative review as there is no further basis for administrative investigation or action or;

C. Case closed as case was opened for documentation only

OIC/ISU Date: 6/30/1/

Summary: The following summary is based on a review of records, documents, incident reports and taped interviews.
Background:
was a thirty-one year old, Black Male Adult. was listed at 6'1" tall and weighed three hundred and seven pounds. was in the custody of the San Francisco Sheriff's Department since March 8, 2009 on the following charges:
Overview:
On Monday, September 7 th , 2009, Inmate was housed in 1M-13, Housing at County Jail #3 (Formally known as CJ#1). According to inmate witnesses, at approximately 1700 Hrs, Inmate was engaged in an argument with Deputy Smith-Al Ghani over the volume of the televisions. Due to Inmate argumentative behavior which could incite other inmates, SD Matthew Wong #1360 decided to re-house to Administrative Segregation Housing (K-02).
According to Deputy Edward Gutierrez's #1928 Incident Report, Gutierrez fictitiously told that he was going to General Population as a means to persuade to leave 1M-13. Inmate thinking he was leaving housing and returning to General Population agreed to the move. was then escorted to K-Tank by SD Matthew Wong, Deputy Gutierrez, and Deputy Juan Guitron #1894.



said upon their arrival, Inmate

said the inmate was wearing Jail issued pants and a T-Shirt.

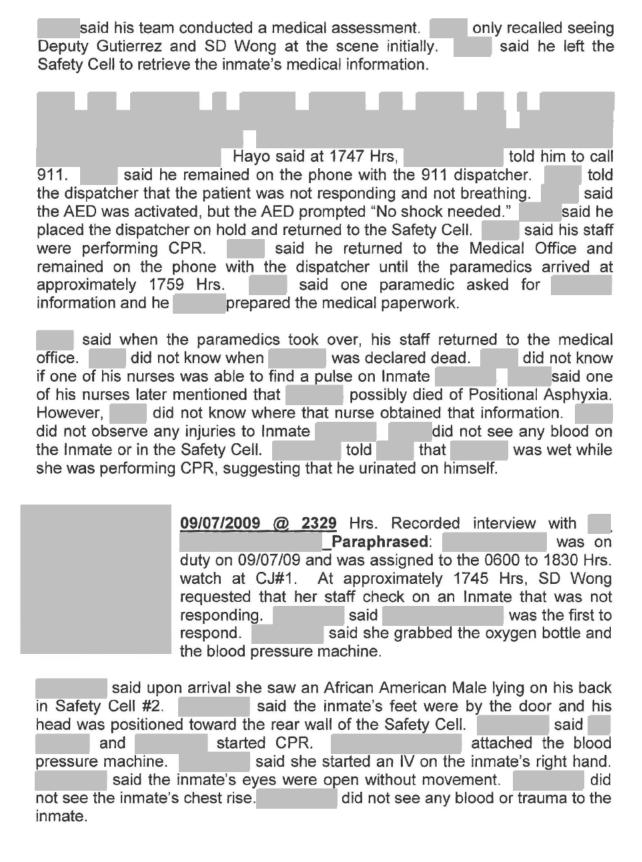
did not recall if the inmate was handcuffed or

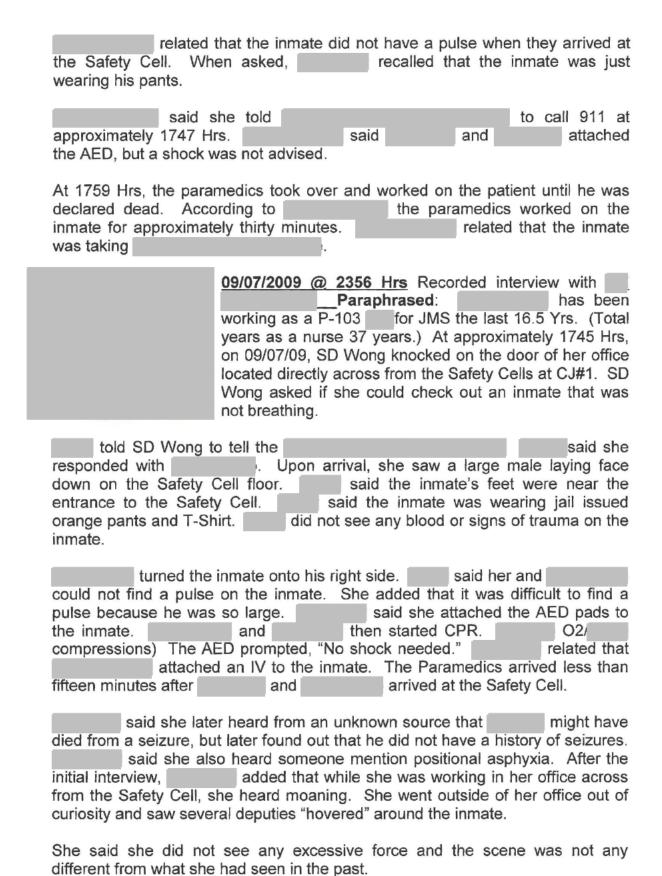
was laying

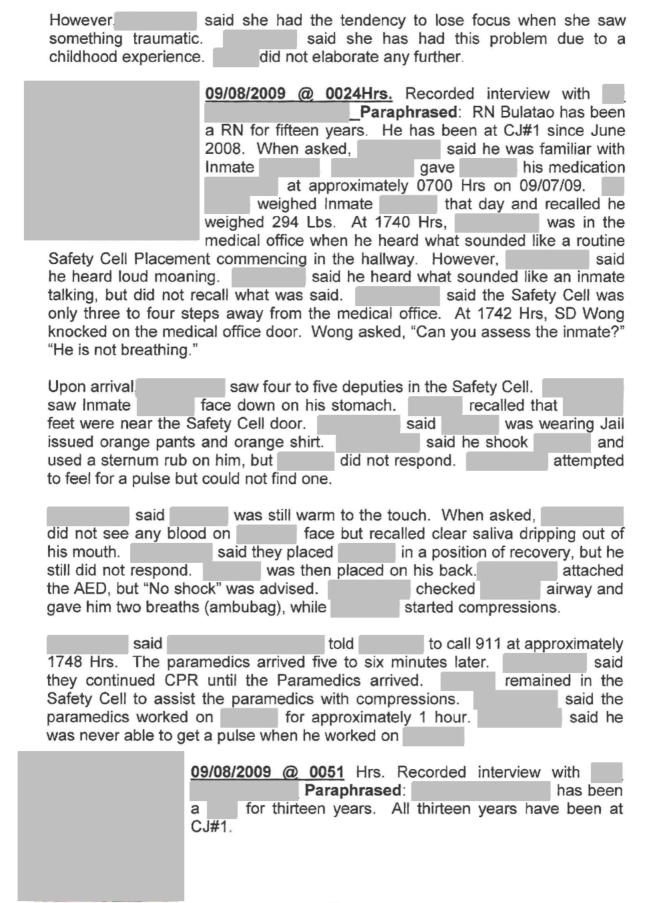
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face down on his stomach.

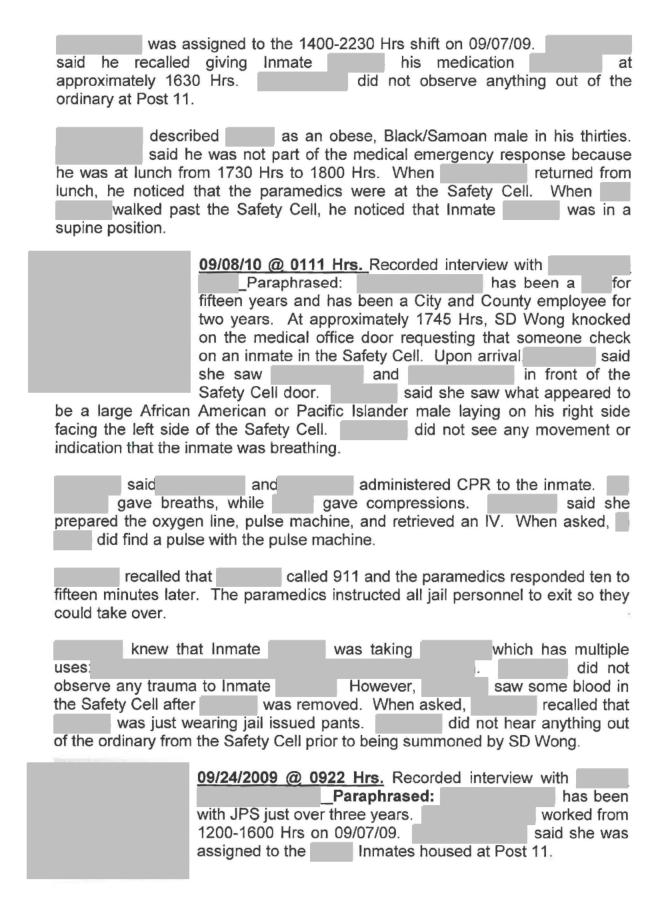
leg shackled.



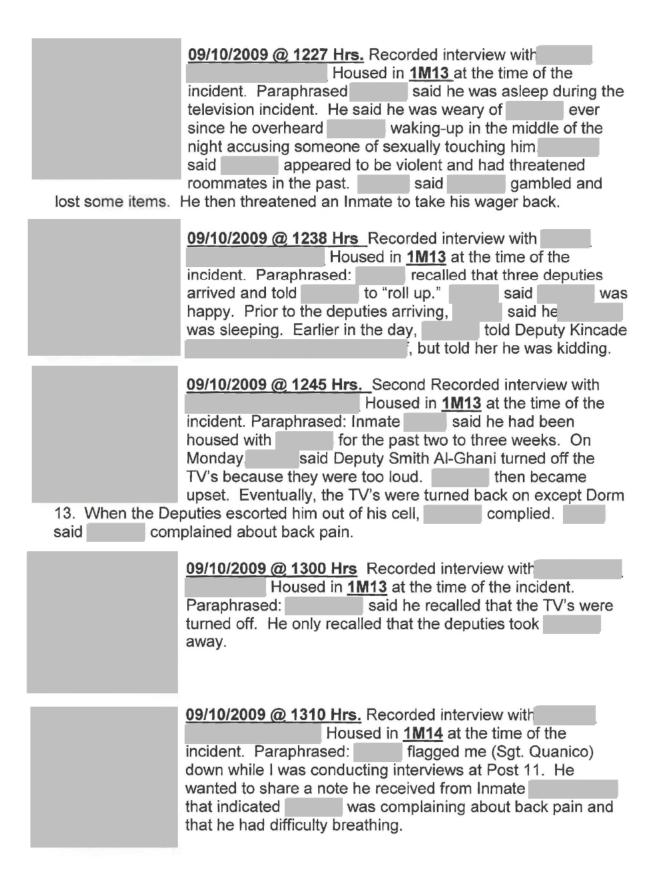


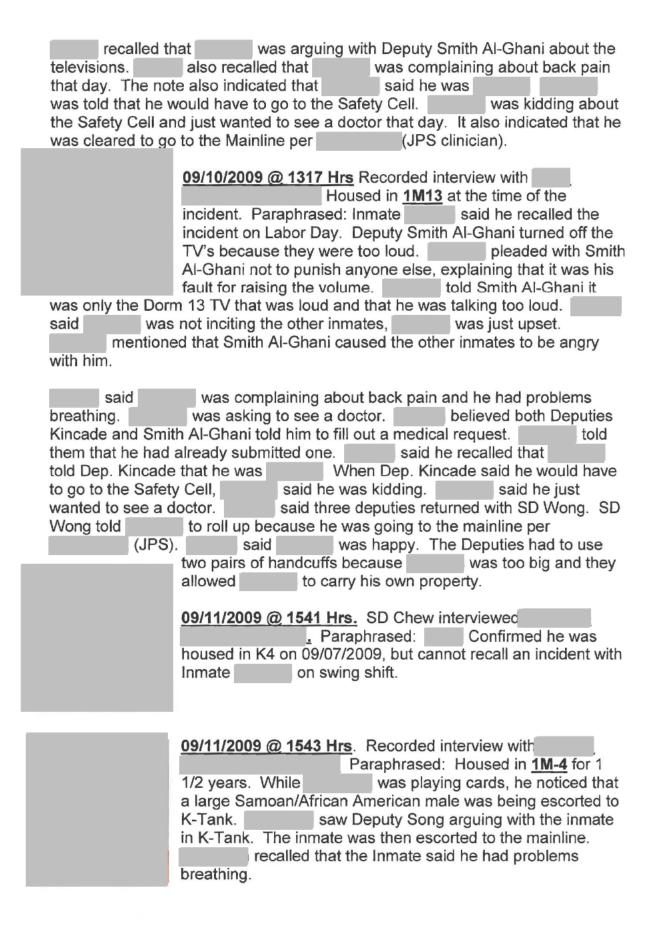


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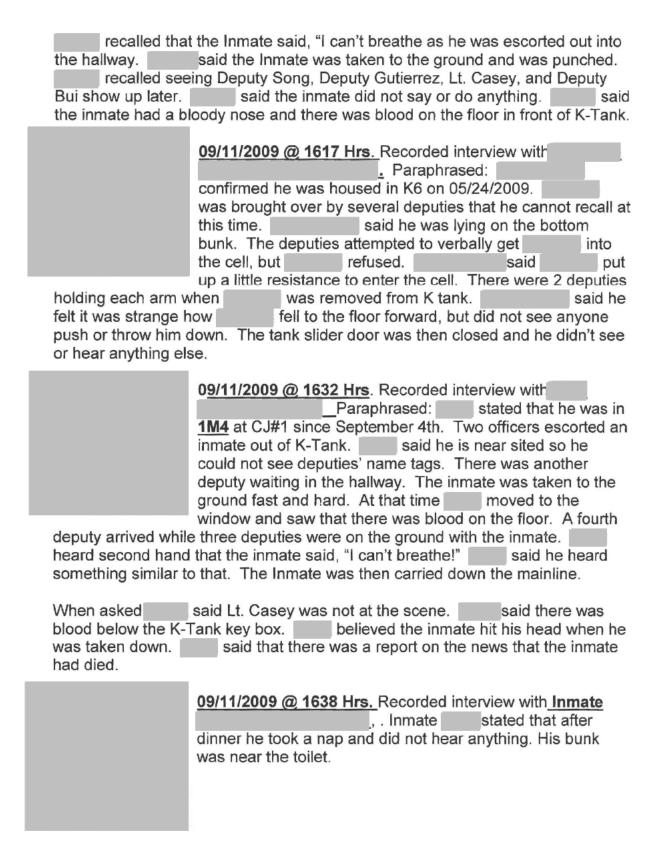


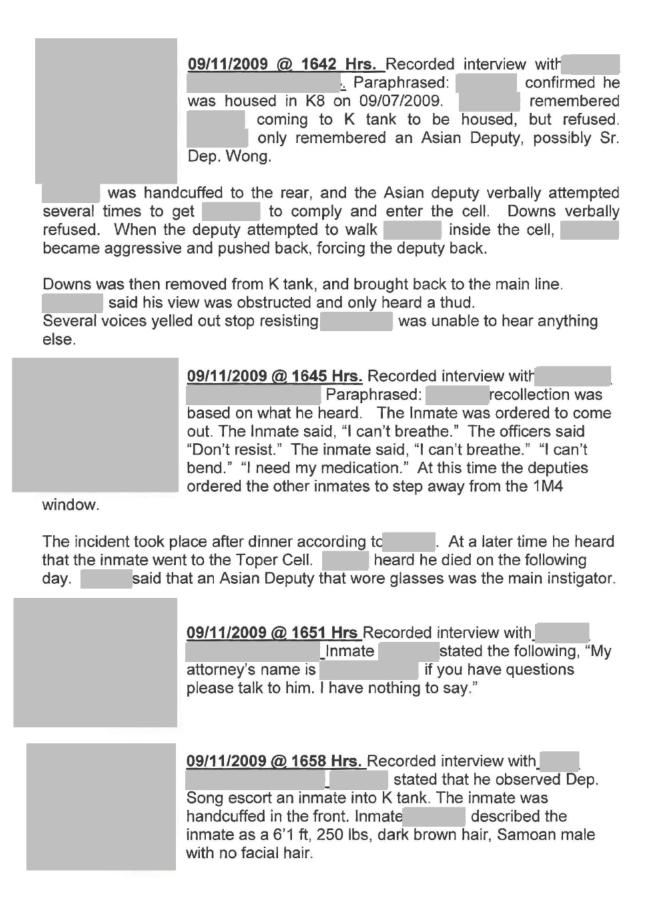
When asked, at no time did recommend that be returned to general population. said was not suitable for general population. was not contacted by SFSD staff regarding on 09/07/09 before 1600 Hrs.
However, was aware that SD Wong wanted to move to AD/SEG at 1730 Hrs on 09/07/09 based on an E-Mail that she received from SD Wong. When asked did not know that deputized staff told that she gave the authorization to re-house back into General Population.
NMATES: POST 11 Cell1M-13, 1M-14, 1M-4, and K-Tank
This Interview conducted by SD Vince Chew #809
audio recorded. Paraphrased: The incident started after dinner. Dep. Smith-Al-Ghani #1576 turned off the TV in cell 13 because it was too loud. was upset and started yelling down the corridor to get the deputies attention. Dep. Smith-Al-Ghani went back and turned the volume down on all the televisions, except tank 13. became ncreasingly upset, paced around the tank and continued to yell.
around the tank. A short time later several deputies that could not identify arrived and spoke to
said he was unable to see from his position, but it sounded like agreed to leave tank 13. It appeared the deputy told him that he was going to the mainline, something he recalled requested.
did not hear any struggles or disruptions when left the tank nad nothing more to add.
O9/10/2009 @ 1211 Hrs Recorded interview with Housed in 1M13 at the time of the incident. Paraphrased: recalled that two days before was removed from cell IM-13, he spoke to about moving to the Mainline. On Monday, (09/07/09) was ordered to roll up. said he bagged his property and was removed
from Cell 1M-13. Prior to being removed, recalled that there was an argument petween and Deputy Smith Al-Ghani. recalled that there was an argument recalled that on me." recalled that was working out prior to being removed from cell 1M-13.





Deputy Song, and his face. said he was approse see anyone punc	d possibly Deputy Espiritu. said the inmate landed on said one of the deputies had a knee on his back. oximately 8 to 10 feet away from the incident. did not h or kick the inmate. said Lt. Casey arrived after the to the floor. said the inmate was not combative.
deputy. was blades. physicall	Paraphrased: Confirmed he was housed in K4 on 09/07/2009.
attempted to pul backwards out of	I him inside the cell. was picked up and walked view.
	09/11/2009 @ 1601 Hrs Recorded interview with Paraphrased: said he was on his bunk when he saw an inmate bent over and handcuffed being escorted down the mainline. said he was about 25 feet away from his bunk. said he did not see the inmate on the ground.
	Paraphrased: said he would not give a recorded interview until he spoke to his attorney recalled that Deputy Song was the main instigator. said that Song and the inmate had a verbal altercation. recalled that the Inmate was handcuffed in front. said the Inmate was either African American or Samoan. He recalled that he was at least 6'00" tall and large.





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. stated Dep. Song placed his knee behind the inmate's neck, Inmate while on the ground. The inmate was then lifted to his feet and escorted away. recalled Dep. Ho, Dep. White, Lt. Casey, an unknown deputy, and Dep. Song were present. Inmate described Dep. Song as 5'6 ft, 140 lbs, salt & pepper hair, with a thin mustache. 09/11/2009 @ 1700 Hrs. Recorded interview with . Paraphrased: confirmed he was housed in K3 on 09/07/2009. said 3 to K tank to be housed. deputies brought remembered that Dep. Song #1269 and Dep. Guiterrez #1928, but could not remember the third deputy. refused to enter the tank. said inside by grabbing his arm and pushed him Dep. Song tried to put said, "I'm not going in, toward the cell, but refused to move. 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 vell out "What are you doing", but did not see what happened. 09/11/2009 @ 1705 Hrs. Recorded interview with Paraphrased: said he had been housed in 1M-4 Since February 2009. said he was playing Dominoes when he saw two deputies open the door said he was approximately ten feet away to K-Tank. from K-Tank. recalled that a heavy-set African American male wanted to move to another tank. recalled that Deputy Song and a white deputy was present. The inmate was handcuffed from behind and was bent over while he was escorted out of K-Tank. said the deputies forced him to the ground. At that time, other deputies responded to assist. The Inmate was then escorted backwards down the mainline. said the inmate landed face first when he was taken to the said the inmate had a bloody face, specifically the temple area. ground. also recalled that the deputies placed their knees on his legs.

The inmate looked at Dep. Song and apparently refused to enter the cell. Dep.

	09/11/2009 @ 1731 Hrs. Refused to be interviewed. Housed in 1M4 since September 4 th .
	09/11/2009 @ 1735 Hrs. Recorded interview with stated that after dinner, he went to sleep on his bunk which was located near the bathroom. Inmate said he was sound asleep until 8 PM.
said he recalled se injuries on the inmataken down hard.	Paraphrased said he saw four deputies on top of an Inmate. said he was approximately ten feet away from the incident. 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 the other inmates to return to their bunks. When asked, seing Deputy Gutierrez. When asked, did not see any atte or blood in the immediate area. said the inmate was On a scale of 1 to 5, said he rated the landing a four.
	O9/11/2009 @ 1748 Hrs. Recorded Translated interview Inmate is a Spanish only speaker. Inmate stated that he went to bed after dinner. Inmate entrance and that he did not hear anything.
	09/11/2009 @ 1750 Hrs. Declined to give a statement before speaking with his attorney.

	09/11/2009 @ 1755 Hrs. Declined to give a statement before speaking with his attorney
	Inmate declined to give a statement.
	09/11/2009 @ 1815 Hrs Non-recorded interview with said he just heard a commotion.
escorted calmly ou Inmate stated the inmate or depu	this inmate was handcuffed behind the back and was tof his cell by four unknown male deputies to the mainline. The did not witness any forceful actions or comments made by ties. Inmate could not positively identify this inmate as
Sworn Staff Interv	09/08/2009 @ 2046 Hrs. Recorded interview with S/D Matthew Wong #1360 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.

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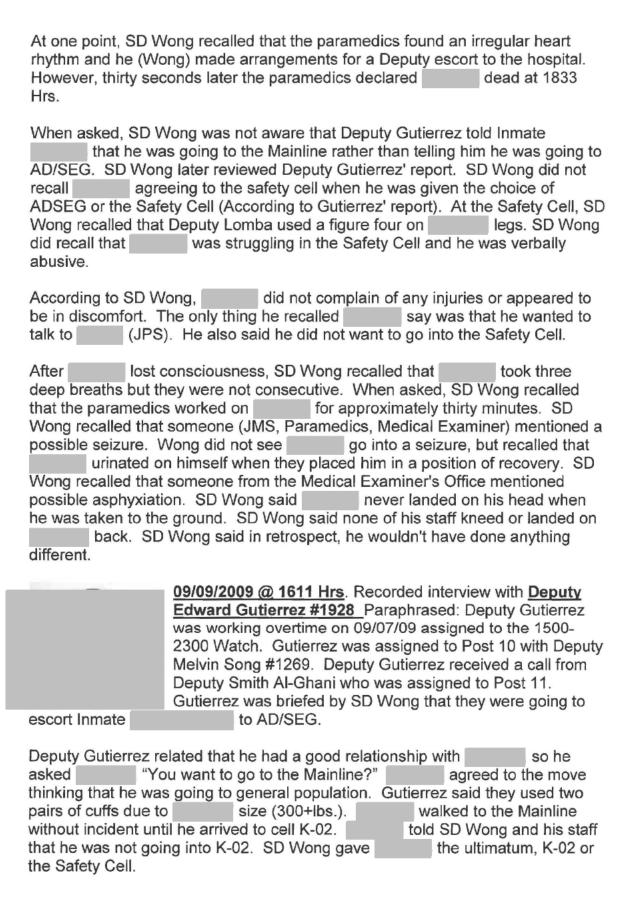
Smith Al-Ghani. She told SD Wong that Inmate was inciting other inmates at Post 11. Smith Al-ghani told SD Wong that refused to turn down the television in Tank 13. SD Wong decided to place Inmate in ADSEG. SD Wong called for Deputy Gutierrez and Deputy Guitron to help escort Inmate to 1MK-02. Inmate was handcuffed and escorted to K-Tank via the Mainline. Upon arrival to K-Tank, Inmate refused to enter K-02 (ADSEG) thinking that he was being rehoused in General Population. According to SD Wong he told Inmate if he refused to enter K-02 he would end up in the Safety Cell. SD Wong said it was his decision to place Inmate in the Safety Cell. SD Wong said his decision was not punishment. However, Inmate did not display a "danger to others" until he was escorted to K-Tank. SD Wong said Inmate became combative by kicking and refusing to walk backwards. At that time SD Wong called for backup. SD Wong instructed Deputy Gutierrez and Deputy Guitron to take Inmate to the ground. Deputy White and Deputy Lomba arrived and assisted with the combative was proned and leg shackled. was raised to his feet and was taken backwards to the Safety Cell. SD Wong said passively resisted on the way to the Safety Cell. Upon their arrival to Safety Cell #2 at approximately 1745 Hrs, proned out on the floor. SD Wong supervised as Deputy Guitron, Deputy Gutierrez, Deputy Lomba, Deputy White, and Deputy Macksoud commenced with the Safety Cell Placement. SD Wong ordered his staff to remove Inmate shoes, socks, and sweatshirt. As they removed Inmate sweatshirt, Deputy Macksoud told SD Wong that was not responding. SD Wong ordered his staff to place in a position of recovery. SD Wong recalled that Deputy Lomba was able to find a pulse, but was not responding as they shook him. SD Wong then called for medical. Jail Medical staff arrived and started CPR. 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, (CJ#1/CJ#2) first.

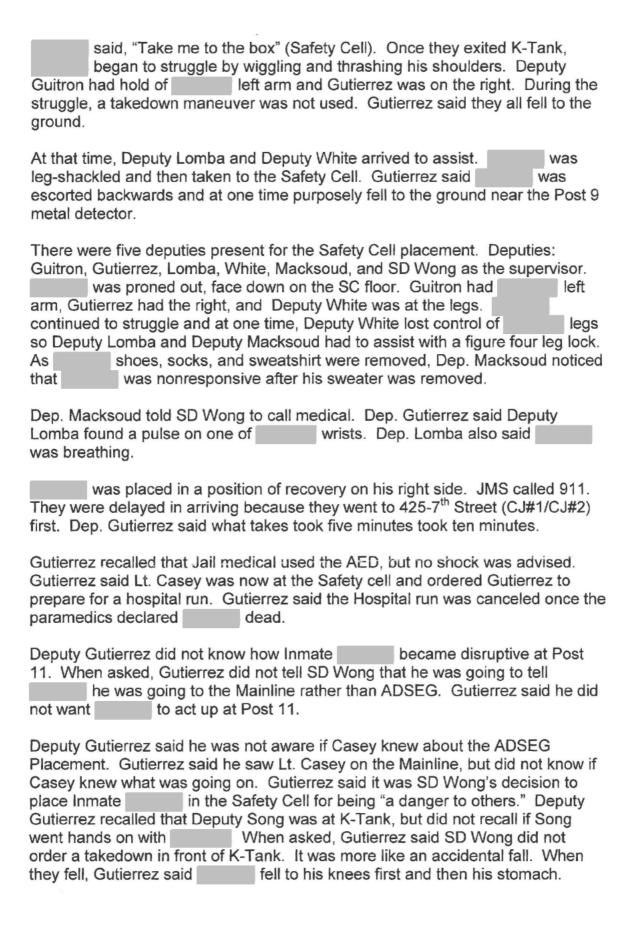
SD Wong said he went to the front office to brief Lt. Casey. According to SD Wong, Lt. Casey was not present for the Safety Cell Placement nor was he

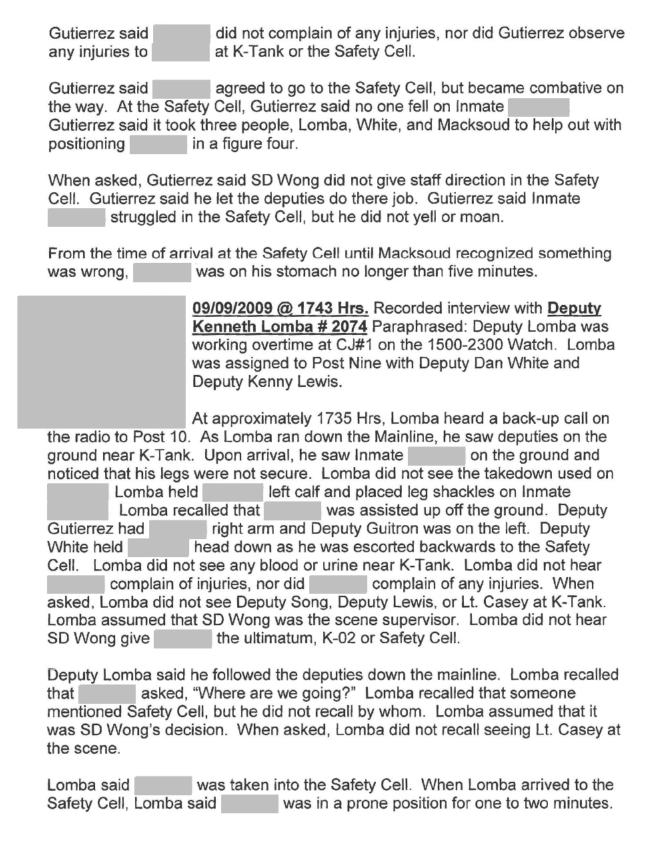
At approximately 1630-1645 Hrs, SD Wong received a phone call from Deputy

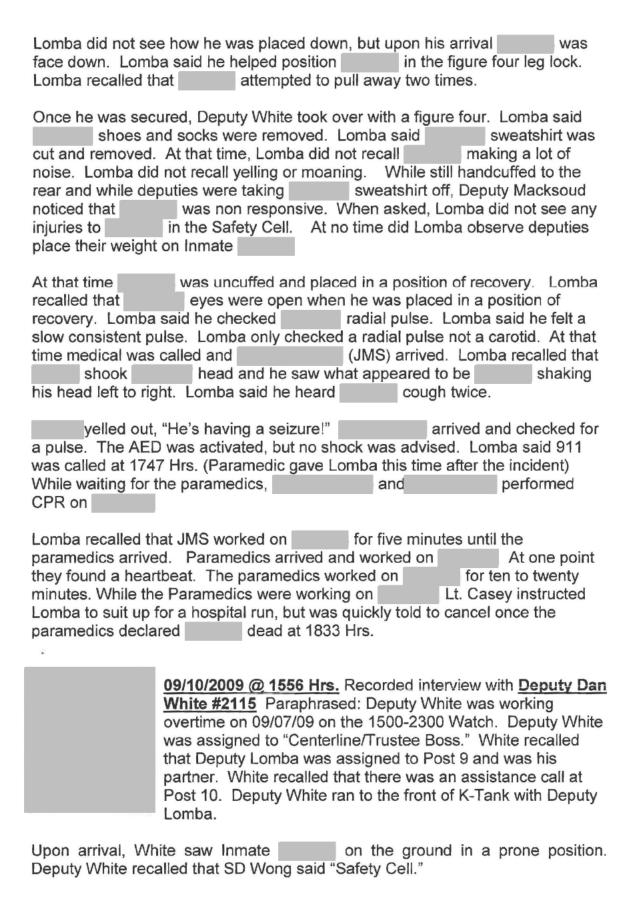
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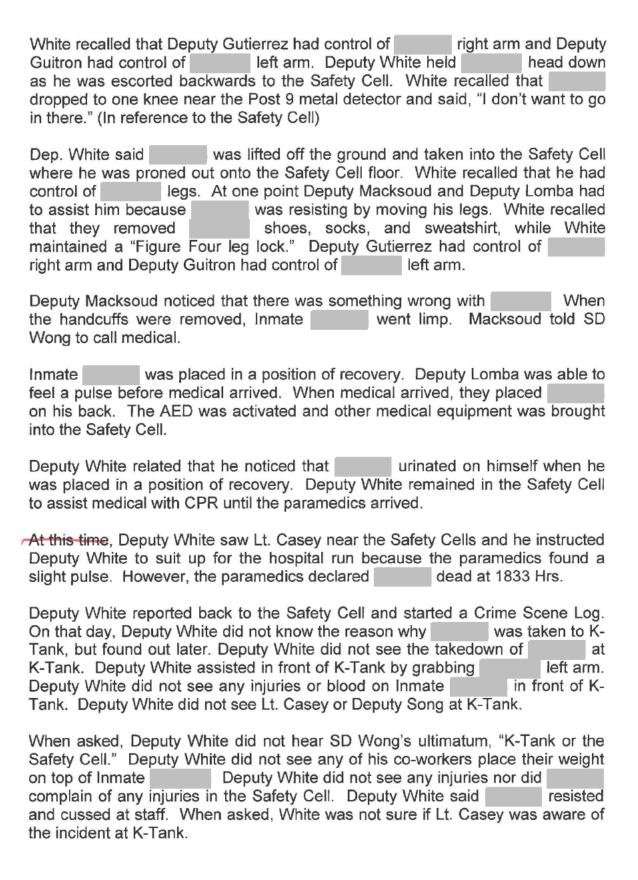
present for the incident at K-Tank.

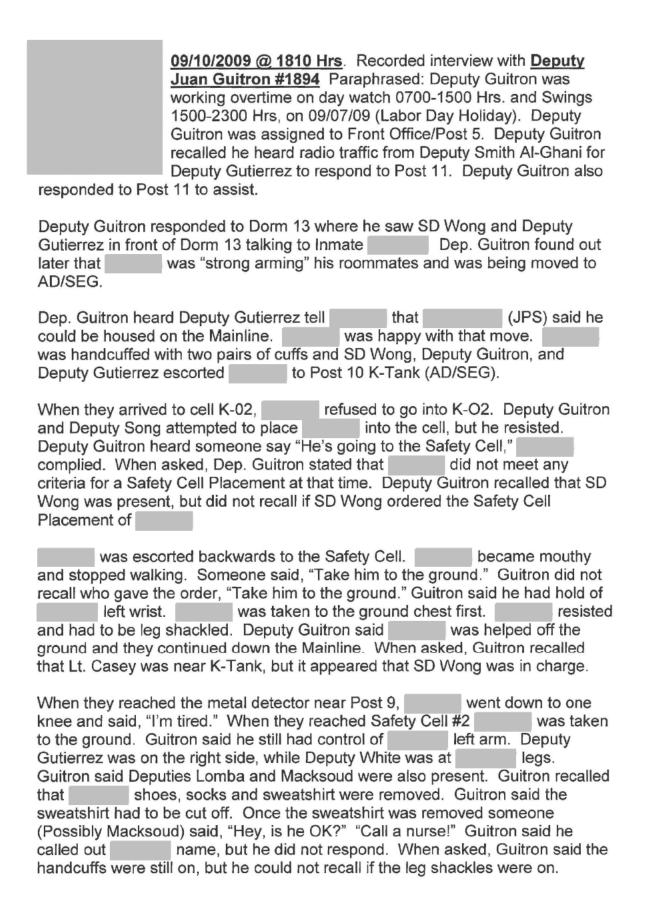


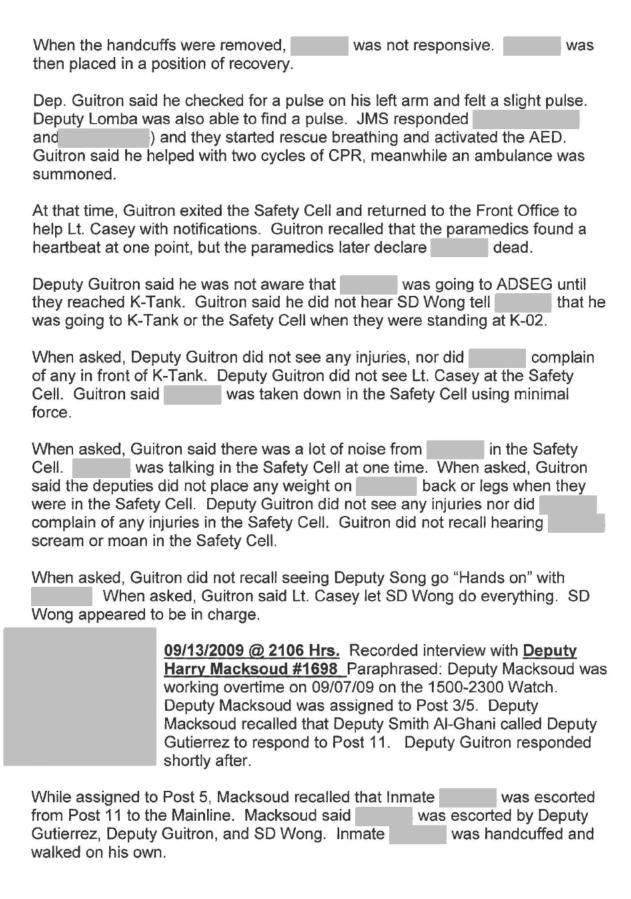


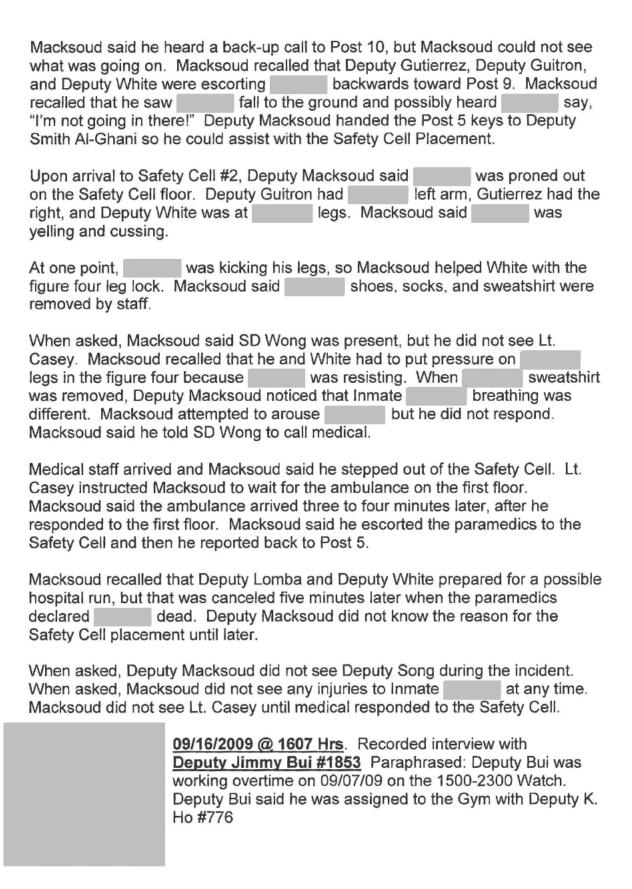








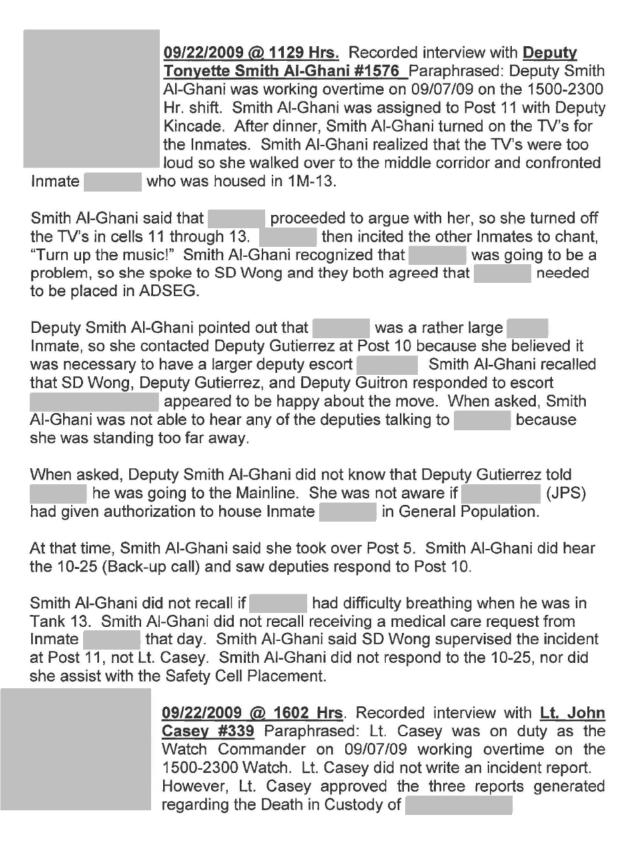




After inmate dinner was served, Deputy Bui recalled gathering the "Drop out" inmates that were housed at Post 11 at approximately 1630-1640 Hrs. Deputy Bui did not observe anything out of the ordinary as he gathered the "gang drop out" Inmates at Post 11.

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 Deputy Song later told him that refused to go to ADSEG and was taken to the Safety						
Cell.						
09/17/2009 @ 1601 Hrs. Recorded interview with Deputy Melvin Song #1269 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 to ADSEG. Deputy Song prepared for their arrival. Song recalled that was						
taken to K-Tank by Deputy Guitron, Deputy Gutierrez and SD Wong.						
Upon their arrival to K-02, Inmate 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 (which is directly across from K-02) when Guitron and Gutierrez escorted into K-Tank. Song said he did not go hands on with in K-Tank.						
Song said when was taken out of K-Tank, he grabbed property and placed it in front of 1M-04. At that time, SD Wong told he was going to the Safety Cell. Song said he had his hands behind head as Guitron and Gutierrez walked backwards. struggled and resisted and was taken to the ground. Song said he stepped out of the way. A struggle ensued in front of K-Tank until Deputy White and Lomba responded to assist.						
Dep. Song said was leg-shackled and stood up. was escorted to the Safety Cell. Dep. Song remained at Post 10.						
When asked, Song said SD Wong was in charge, but Lt. Casey was on the line taking care of something else. Deputy Song said he did not hear SD Wong tell "K-Tank or the Safety Cell." Initially, Song believed it was choice to go to the Safety Cell. When was taken to the ground, Song did not see any injuries to nor did he complain of any. When asked, Dep. Song said he might have heard someone say, "Take him down!" Song said when was taken down, he landed on his stomach. Song did not hear say, "I can't breathe," but he did hear say, "She lied to me." When asked, Song did not know who said, "She lied to me!"						

Song did not recall ifhit the wall or key box as he fell to the ground in front of K-Tank. Song said Lt. Casey on-viewed the incident in front of K-Tank. When asked, Song did not know why he (Song) was not mentioned in any of the incident reports.					
Song did say he made eye contact with Guitron when started to get angry. At that time, Guitron and Gutierrez escorted outside of the tank. Deputy Song was not part of the Safety Cell Placement team.					
O9/21/2009 @ 0958 Hrs. Recorded interview with Deputy Kenny Lewis #1187 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 walking past					
Post 5 handcuffed and dragging his property behind him. Lewis recalled that was trailed by three deputies, but walked on his own. Lewis did not recall which deputies escorted					
Dep. Lewis did not hear radio traffic for assistance at K-Tank or the Safety Cell Placement. Lewis said he left the ODR to check the overtime book in the front office. This is when Deputy Smith Al-Ghani, who was assigned to Post 5, told Lewis that there was a problem with an Inmate at the Safety Cell.					
Dep. Lewis said he walked toward the Law Enforcement interview room where he spoke briefly to Deputy Gutierrez. Gutierrez told him an Inmate had died. Lewis walked over to the Safety Cell where he saw SD Wong, Deputy White, a female RN, and possibly Deputy Lomba. Lewis said SD Wong asked him to help with CPR.					
When Lewis entered the Safety Cell, he saw paramedics in the cell and Inmate face up with his legs toward the Safety Cell door. Lewis did not see any injuries to or any blood in the area. However, it appeared that urinated on himself. Lewis recalled helping with compressions for approximately four minutes.					
At one time, the paramedics found a pulse, but was eventually declared 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 Staff mentioned that might have died of Positional Asphyxia.					



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Lt. Casey recalled that he was in F-Tank on the Mainline taking care of a grievance at the time of the incident in front of K-Tank.

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 and was struggling with 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 from off the ground.

Casey said face was red and he appeared to be 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 was held by two deputies. SD Wong told Casey that 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 needed to be placed in the Safety Cell.

According to Casey, he did not know that SD Wong had already determined that was going to the Safety Cell. According to Casey he did not know about the incident (Inciting inmates) at Post 11 regarding Deputy Smith Al-Ghani or that 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 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.

Casey said he saw Inmate lying on the floor of the Safety Cell as nurse was giving him chest compressions. Casey said JMS had called 911. Casey said the paramedics arrived approximately ten minutes later. Casey said he later learned that the paramedics went to 425-7th Street (CJ#1/CJ#2) first.

Casey said the paramedics found a heart rhythm, so he (Casey) prepared for a hospital run. Shortly after, the paramedics declared deceased at 1833 Hrs.

Lt. Casey said he made all the necessary notifications and preserved the Safety Cell as a crime scene.

When asked, 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 had been assigned to a deputy post, he would have been assigned to Post 9/10.

When asked, Casey said he did not agree with Deputy Gutierrez' method to lure 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 on this incident, he said 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

K-Tank. Casey did not see any blood on

Tank. 09/24/2009 @ 0922 Hrs. Recorded interview with JPS has been with JPS just over worked from 1200-1600 Hrs on three years. 09/07/09. said she was assigned to the Inmates housed at Post 11. At no time did recommend that was able to return to general population. said was not suitable for general population. was not contacted by SFSD on 09/07/09. However. staff regarding became aware that SD Wong wanted to move to ADSEG at 1730 Hrs on 09/07/09 from an E-Mail that she received from SD Wong. did not know that deputized staff used her name when telling that he was being moved to General Population.

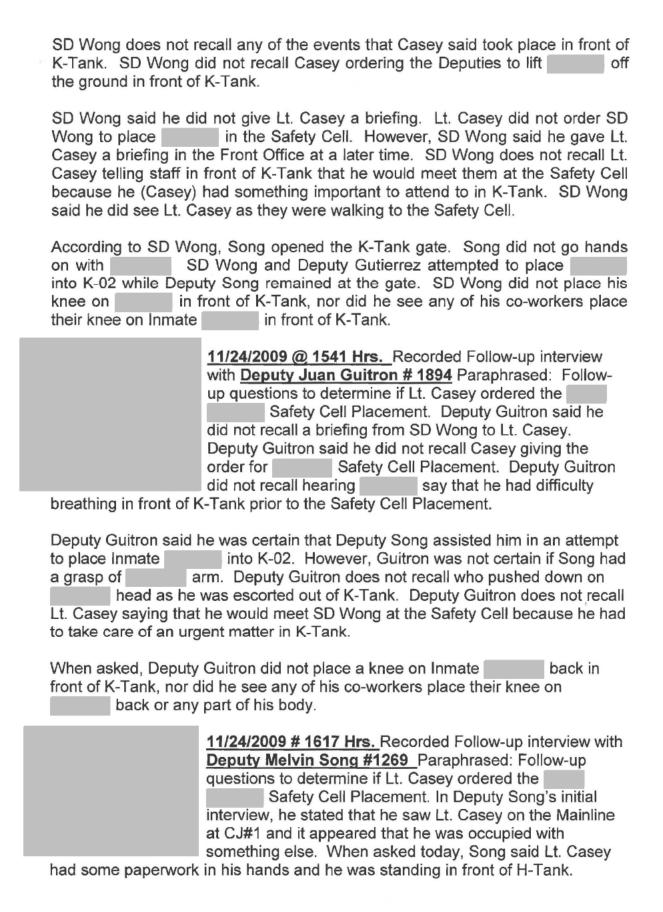
10/28/2009 @ 1606 Hrs Recorded follow-up interview with Lt. John Casey #339 Paraphrased: Follow-up questions to determine if Lt. Casey ordered the Safety Cell Placement. When asked, Lt. Casey said he was present in front of K-Tank when the deputies were placing legshackles on ankles. Casey stated that SD Wong and he both ordered the deputies to raise from the ground simultaneously. Lt. Casey was sure that he received

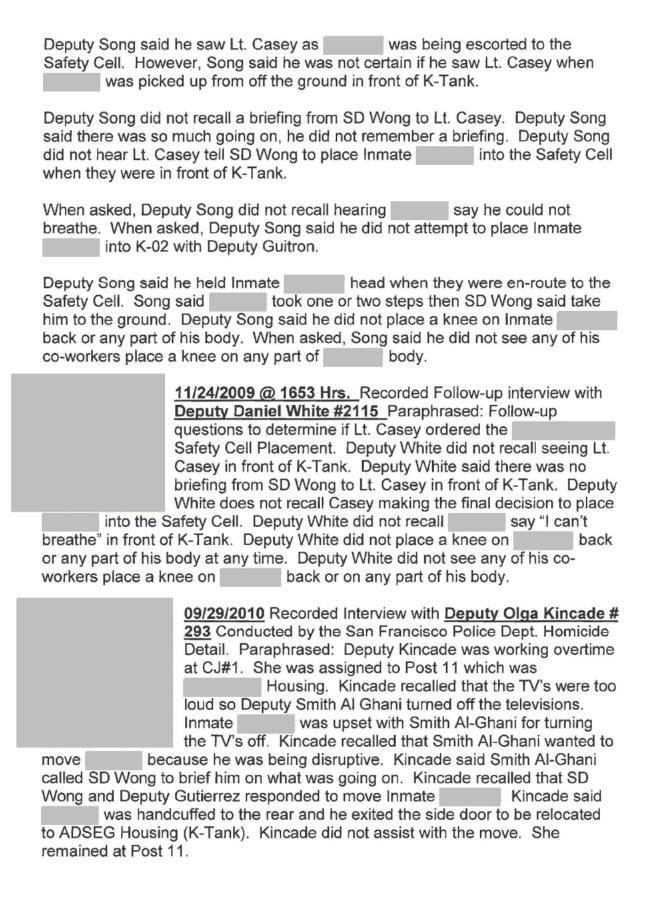
when he was in front of

or on the floor in front of K-

a briefing from SD Wong in front of K-Tank. 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.

Casey said SD Wong did mention in his briefing that he recommended the Safety Cell. However, Lt. Casey was sure that he (Casey) gave the final instruction to place in the Safety Cell. SD Wong mentioned that 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 SD Wong in front of K-Tank took three to five minutes as the deputies held When asked, Lt. Casey said did not mention that he had problems breathing. Lt. Casey described to be exhausted as he was held by his staff.						
	d if he recalled who he instructed to prepare for the "hospital d not recall because he was under a lot of stress at the time					
	11/13/2009 @ 1440 Hrs. Recorded Follow-up interview with Deputy Kenneth Lomba #2074 Paraphrased: Follow-up questions to determine if Lt. Casey ordered the Safety Cell Placement. Deputy Lomba did not recollect seeing Lt. Casey in front of K-Tank when 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 that occurring.						
	11/18/09 @ 0917 Hrs. Recorded Follow-up interview with Deputy Edward Gutierrez #1928 Paraphrased: Follow-up questions to determine if Lt. Casey ordered the Safety Cell Placement. 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 he did not recall a briefing.					
Safety Cell. Deputy needed to Gutierrez said Guitro not involved. Gutie	ez, SD Wong made the decision to place into the y Gutierrez did not recall Lt. Casey telling SD Wong that go to the Safety Cell when they were in front of K-Tank. on and he attempted to place into K-02, Song was errez said Song opened the K-Tank gate and cell K-02. Inot recall Song holding head down as they exited					
	11/18/09 @ 0959 Hrs. Recorded Follow-up interview with SD Matthew Wong #1360 Paraphrased: Follow-up questions to determine if Lt. Casey ordered the Safety Cell Placement. SD Wong was told what Lt. Casey said about a briefing in front of K-Tank.					





Interviews of San Francisco Fire Department Personnel were conducted by the San Francisco Police Department Homicide Unit and San Francisco District Attorney's Office.

09/15/2009 @ 1505 Hrs.	<u>, EMT</u>
EMT was dispatched to the jail a When his truck arrived at the jail they de responded to 850 Bryant. The SFFD pe patient in a padded cell. Deputies were female nurses were monitoring an AED to	rsonnel went to the jail and found the performing CPR on the patient while two
The AED advised not to shock. The dep the patient so that the paramedics could patient for breathing and pulse. There wand a bag value mask was attached to the patient for 2 minutes. IV lines were attached in his airway for breathing. This was attached.	attend to him. checked the vere none. The paramedics began CPR he patient. CPR was performed on the ched to the patient and a tube was
There was no electric activity detected in briefly returned in response to medication. The heart rate stopped again and the more response to further medications.	n that was given, but it did not stay long.
The paramedics called Dr Rodriguez at Scease treatment at 1833 hours.	SFGH and he gave the authority to
09/17/2009 @ 1552 Hrs.	SFFD EMT
We spoke with at Fire Station he'd been an Emergency Medical Technology evening of September 7, 2009, restricted in the jail on 7 th Street. Eventually, they read Bryant, where the engine company and the ambulance all ascended in the elevator the spokes.	ecalled, they were initially dispatched to alized they needed to enter from 850 he paramedics who arrived in the
	saw no blood or other fluids. did heard no cracking sounds during the it his full weight on

	amedics had difficulty intubating CPR pronounced dead following a consultation with the
	ring efforts ceased, the SFFD personnel gathered names to a deputy, and left. did not not make the management of the second seco
09/17/2009 @ 1625 Hrs.	SFFD Firefighter/Driver
in or beside the fire engine t	t 1625 hours, also at Station #8. said he stayed the entire time and never entered the jail. He did not ut the incident when the rest of the team returned to call.
09/17/2009 @ 1700 Hrs.	, SFFD Firefighter/Paramedic
at Fire Station #41, 1 September 17, 2009. Nine with Hayward, and ten 7, 2009, they were initially d the block to 850 Bryant. The medical staff and deputies p back. His feet were towards the cell. An AED, an IV, and	ctor Lynch and Matt Irvin, (DAI), spoke with 325 Leavenworth, at about 1700 hours on said he'd been a firefighter for nineteen years. with San Francisco. He recalled that on September ispatched to 7 th Street, and then had to drive around ey were escorted to a cell where saw jail performing CPR. saw was on his at the door and his head near the right rear corner of d a bag valve mask had been attached to him. IV (in right hand) and bag valve mask
support protocols, including They moved down airway. Paramedic t He was unable to then was able to suc no blood or foam in	rescue efforts according to the advanced cardiac life administering medications and continuing CPR. about a foot to gain better access to his head and ried three different kinds of endo-tracheal tubes on get him intubated. They lifted shoulders. cessfully intubate said that he saw mouth or throat. Suction had been applied to his mpts to intubate him.
was placed into the questions regarding whethe attacked. The woman answ among the deputies, except	rered "no" to each. There was no discussion with or in rotating CPR responsibilities.
said that never CPR was terminated and	ver displayed a viable cardiac rhythm. Eventually, was pronounced dead.

	said r						He smelle		
urine.							ney briefly r e, even an e		
	use bl	eeding	g and tr				ver, he did		
09/17/	2009 (180	5 Hrs.			, SFF	D Acting I	Rescue (Captain
firefight Station 1981. initially location SFFD moniton that "a CPR, it	ter/pa #31, He red dispa on. On took of or show fresh but eve electric	ramed 441 12 called tched ce ups ver CF ved ve heart,' en the cal act	ic and the state of the state o	Acting Resource. September Street, but to the jail, the began additional electrical for the tic." CPR	scue Cap er 7, he a quickly fo ney saw (ministerin activity fr ng, will s performe owed onl	otain said he'd and the bund the CPR being medion how elected on by brief p	e, (DAI), so the seriest of the seri	at aramedic SFFD Te ne correct ned on FFD's ow with in result to prove	Fire since sam were t
•	der his secur	shoule an a	ders to irway.	enhance	the team	's acces	a corner, a ss to his bo the team o	dy.	nket was was
	s not ii	n restr saw n	aints. I o traum	His body fo a to	elt neithe He s	r unusu said tha	head was of ally hot not the team of forearm on	r cold. used thei	
or spea	nbered aking.	askin	g typica	al question said he ne	s like wh	en ived a d	eputies and had la clear answe ring to hide	st been s er. The S	tanding SFSD
09/22/2	2009 @	D 113	0 Hrs.	LT		SFFD E	MT		
recalle Compa Street. team, i togethe	d that any #8 They includi er.	on the when then l ng the sa	evenir they w earned engine id that	ng of Septe ere dispat the corre	ember 7, ched initi ct addres and the	2009, h ally to 0 s was 8	D for sixteene was work County Jail 350 Bryant. Ince crew, well he was su	king with #9 at 425 The ent went up t	Engine 5 7 th ire SFFD o CJ #1

There were about four other persons in the cell with performing CPR. There were also Sheriff's deputies outside the cell. Yonts said that the only time he saw anyone put his weight on was during the administration of CPR.				
Yonts described as completely unresponsive. He'd urinated, Yonts said, and had poor color. Yonts 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. It 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 said he also learned that became non-responsive about ten minutes before SFFD arrived on scene.				
09/16/2009 @ 1000 Hrs , 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, Medic #83.				
They were initially dispatched to the County Jail located on 7 th 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. 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 defribulator on the patient, but it was announcing not to shock. An IV was already placed on the his partner and the engine company took over care of the patient. patient. They took over CPR. They put the patient on their heart monitor and the patient was flat line. The patient was asytolic when they arrived. They placed an oral airway (a device to move the patient's tongue) into the patient. They said he had a difficult time intubating the patient. They continued CPR. said that because they didn't know gave him several doses of medication. the patient's history, the patient also received a dose of Narcan. 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. Rodriguez at the base hospital, they discussed the patient's condition and death was pronounced at 1833 hours. 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. was advised that the patient struggled on his way to the safety cell. He was advised that the patient had a said he received the information from a deputy in the safety cell.

said that there were medical personnel in the cell while he was receiving the

minutes completing his paperwork and to receive additional medical information

said that they stayed at the scene for an additional 45

drew a diagram showing the placement of the

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deputies and nurses in the safety cell.

above information.

regarding the patient.

INVESTIGATION:

Inmate March 8, 2009 to the c was housed i day he was taken to A Cell on September 7 th	day he was declared n Cell 1M-13 (dministrative Segre	Housing) from	7, 2009. Inmate 08/13/09 until the
On 09/07/09, Labor Da was listed as the Assis the time was one supe as the assistant watch change in the Daily Lir minimum was one. Lt Wong's assistance. Li and Notice of Rule Vio	stant Watch Comma ervisor and thirteen commander instea ne-up was out of the . Casey said it was t. Casey related tha	ander. The holiday medeputies. SD Matthe do of being assigned to ordinary since the subusy that day, so he to he had several grie	ninimum at CJ#1 at w Wong was listed o a post. This upervisory needed SD
POST 11 According to Deputy S involved in an argume too loud. Smith Al-Ghamoved. SD Wong sub Administrative Segrega	nt with Deputy Smit ani went directly to sequently made the	h Al-Ghani over the t SD Wong to request	elevisions being that be
Watch Commander Lt. to records (ADSEG Paplacement was because Inmates."	aperwork/Field Arres		or the ADSEG
Inmate M13 in the past. stated in his interview	stated that also described that he heard	had threatened his r as violent. Do was strong armin	eputy Guitron
	athing prior to being Smith Al Ghani and of the jail, did not re non-sworn witnesse	moved to Administra , who we ecall any complaints	vere both assigned
Inmates housed in 1M was that day, I		t told Deputy le that he was just kid	/ Kincade that he
SD Matt Wong, Deputy	y Edward Gutierrez, , which is located n		uitron escorted

Post 10 is approximately 425 feet from cell 1M-13. In order to entice Inmate to move to ADSEG, Deputy E. Gutierrez told that he was going to General Population per his counselor, Pricilla Schlottman. Schlottman never authorized this move. In fact, Schlottman stated in her interview that was not ready for General Population housing. Deputy Gutierrez admitted that he told he was going to general population so he would not resist the move.
K-Tank Under the impression that he was going to General Population, walked on his own to Post 10, while handcuffed to the rear. Due to his size, the deputies had to use two pairs of handcuffs. Upon arrival to K-Tank, realized he was being rehoused in ADSEG and refused to enter cell K-02.
According to Deputy E. Gutierrez, SD M. Wong gave the ultimatum, ADSEG or the Safety Cell, while they were inside K-Tank. chose the Safety Cell according to Gutierrez. SD Wong admitted that he gave the choice, but said he did not intend on using the Safety Cell as punishment. However, SD Wong and other witnesses said did not show signs of being a "danger to others" until exited K-Tank. Therefore, there was no justification for the placement when SD Wong gave his order. When asked, SD Wong said he was not going to take back to 1M-13 or place him in a holding cell.
Four out of the seventeen inmates interviewed out of 1M-4 recalled that Deputy Melvin Song went hands-on with Inmate and was deemed the instigator that set off Deputy Song said he (Song) stood near cell K-01 while Deputy Guitron and Deputy Gutierrez attempted to place Inmate into K-02. Song said he (Song) never went hands on while in K-Tank.
Song said he placed his hands on head as he was escorted backwards out of K-Tank. resisted and was taken to the ground. Song said he stepped away while was taken to the ground.
According to Deputy Juan Guitron, Deputy Song helped him (Guitron) in attempting to place in K-02, not Deputy Gutierrez. There were three Incident reports generated for this incident. None of the reports memorialize Song's involvement at K-Tank. Sworn personnel that were interviewed in this case recall Song being in the Post 10 area, but did not recall seeing him go hands on with with the exception of Deputy Guitron. Guitron said Deputy Song was the one that assisted him (Guitron) in attempting to place in K-02 not Gutierrez.

Outside of K-Tank When Inmate exited K-Tank, resisted and was subsequently taken to the ground. According to SD M. Wong, he ordered Deputy Gutierrez and Deputy Guitron to take to the ground.
Several Inmates that were housed in 1M-4 stated that was taken down to the ground, "face first." Two inmates said they witnessed the deputies using excessive force. Some inmates said there was blood on the floor and on face.
During the course of this investigation, there was no evidence of blood on the floor in front of K-Tank or on Inmate face. All Sworn staff interviewed during this investigation deny any use of excessive force on Inmate The Medical Examiner's report does not mention any injuries/trauma to
face. Several Inmates housed in 1M-4 said they heard say, "I can't breathe."
Deputies that were interviewed in this case did not recall say he had problems breathing. Several Inmates said they either saw deputies on top of Inmate or had placed their knees on his back or neck. Inmate stated that he observed Deputy Song take to the ground and then placed his knee behind neck.
All Sworn staff members interviewed in this case deny placing their weight or their knees on Inmate while in front of K-Tank or the Safety Cell. According to the deputies interviewed in this case, was proned on the floor after the takedown in front of K-Tank. struggled and leg shackles were placed on his legs.
Lt. J. Casey There was a gross disparity between SD Wong's recollection of what took place in front of K-tank compared to what Lt. Casey recalled.
Lt. Casey stated that he was present near K-Tank when the deputies were placing leg shackles on Inmate Lt. Casey said he ordered the deputies to raise Inmate from off the ground.
Casey said he asked Wong what was happening. While was being held by staff in front of K-Tank, SD Wong gave Lt Casey a three to five minute briefing of the incident that took place at Post 11 and the events leading to the takedown in front of K-Tank.
Lt. Casey said he gave the order to send Inmate to the Safety Cell.

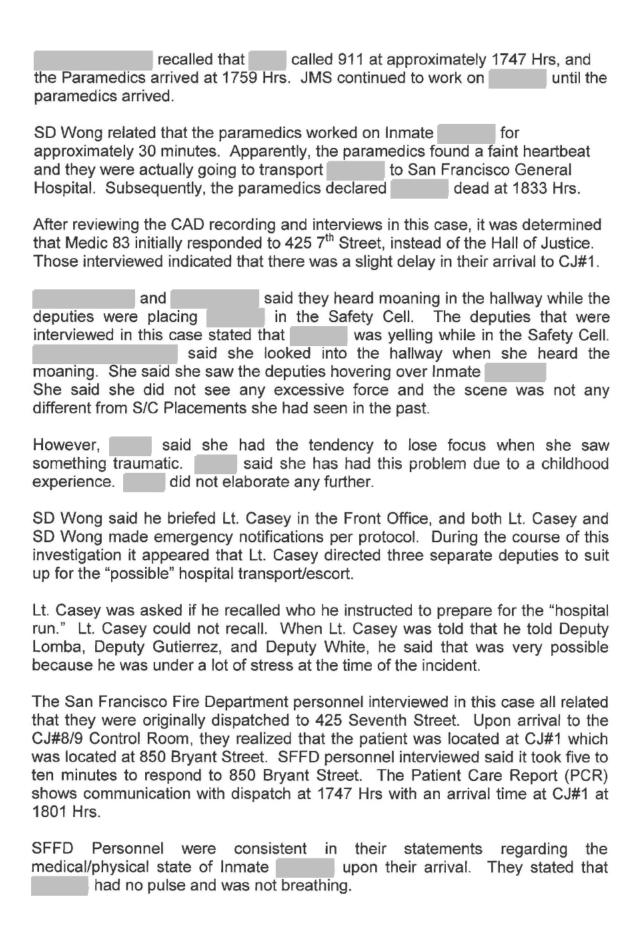
Lt. Casey also said he told SD Wong that he would meet the team (SD Wong, Deputy Guitron, Deputy Gutierrez, Deputy Lomba, and Deputy White) at the Safety Cell shortly, because he had another important matter to deal with in K-Tank. (Transgender inmate housed in K-Tank was in danger of being assaulted.)

S/D M. Wong SD Wong stated that he did not recall Lt. Casey giving the deputies the order to lift from off the ground in front of K-Tank. SD Wong did not give Lt. Casey a briefing while the deputies held Inmate in front of K-Tank. Lastly, SD Wong said he (Wong) gave the order for the Safety Cell Placement, not Lt. Casey.
Deputy Gutierrez, Deputy White, Deputy Lomba, and SD Wong each said they did not recall seeing Lt. Casey in front of K-Tank when was taken to the ground. Deputy Guitron said he saw Lt. Casey at POST 10, but SD Wong was in charge. The other deputies that were involved in this incident do not recall Lt. Casey giving the order for the Safety Cell Placement or receiving a briefing from SD Wong in front of K-Tank. Deputy Song saw Lt. Casey near K-Tank occupied with something else.
Escort to the Safety Cell According to interviews, Deputies Guitron, Gutierrez, Lomba, White, and SD Wong escorted to Safety Cell #2. Deputy Melvin Song remained at his Post which was Post 10. Lt. Casey said he had to deal with a separate issue inside of K-Tank.
was then escorted backwards toward the Safety Cells. Deputy Guitron and Deputy Gutierrez each had an arm, while Deputy White kept head down as they walked backwards.
A majority of those interviewed mentioned that they recalled falling to one knee near the metal detector located at Post 9. Those interviewed described to be tired as he fell to one knee. Some said he was passively resisting. Deputy White recalled hearing say, "I don't want to go there" as he fell to one knee. was subsequently helped from off the ground and was taken to Safety Cell #2. At that time, Deputy Macksoud, who was at Post 5, said he recognized that they were taking to the Safety Cell, so he responded to assist.
Safety Cell #2 Upon arrival to the Safety Cell, those who were involved in the Safety Cell Placement said they placed Inmate stomach first onto the Safety Cell

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Floor.

arm, Deputy Gutierrez was controlling right arm, and Deputy Wh positioned at the legs. SD Wong was the only supervisor at the Safety C Deputy Macksoud's recollection of the positioning of staff for the Safety C Placement was consistent with the other deputies that were interviewed. only inconsistencies were the locations of Deputy Macksoud and SD Wo during the safety cell placement.	nite was cell. Cell The
According to Deputy Gutierrez, SD Wong let the deputies conduct the Sa Placement as Wong observed. Those interviewed indicated that Lt. Case clearly not present for the placement.	
According to SD Wong, remained upset during the Safety Cell Placement, asking to speak to (JPS). Deputy Guitron that they removed shoes and socks. When the leg shackles we removed, Deputy Gutierrez said started to buck and kick. Deputy White said with the help of Deputy Macksoud they placed in a figure four leg lock to prevent from kicking.	stated ere legs
Deputy Guitron said they had to cut off his sweatshirt because handcuffed. While cutting the sweatshirt, Deputy Macksoud noticed that was something wrong with those interviewed described limp and/or unconscious. At that time, the deputies placed in a post of recovery. SD Wong indicated that from the time was placed is Safety Cell to the time he apparently lost consciousness, approximately forminutes had elapsed. Deputy Lomba and Deputy Guitron said they were feel a pulse on Inmate those interviewed said it appeared that might have urinated on himself because his pants were wet. Deputy Guitron Said they Guitron Said that might have urinated on himself because his pants were wet.	there going position nto the ive able to
said had a convulsion prior to becoming unresponsive. SD Wong knocked on the Medical Room door directly across from Safety #2. The nurse inside the room to too too too too the Charge Nurse. SD Wong said he walked over to the Jail Medical Office was approximately fifteen feet away from Safety Cell #2. SD Wong said Nurse to check on	/ Cell e which
When arrived, said he observed lying or stomach, (not a position of recovery). said he could not find on Inmate when he arrived, but was still warm to the tot that point said, with the help of the deputies, they placed a position of recovery. said was present and they CPR. said they attached the AED, but "no shock" was recommended.	a pulse uch. At in
was present. She recalled telling to ca	II 911.



SFFD personnel stated that upon arrival, a Sheriff Deputy was giving chest compressions. SFFD Personnel also stated that the AED was attached to the Inmate, but no shock was recommended.

When the paramedics attached their monitoring equipment, they described to be "Flatline" or asystolic. (No Pulse No Rhythm). Per protocol, SFFD personnel provided Advanced Life Support (ALS). When given ALS, the paramedics administer all pertinent medications to revive an asystolic patient.

At one point, the paramedics received pulseless electrical heart activity. However, went quickly back to "Flatline." After approximately 45 minutes of Advanced Life Support, they contacted the on duty physician (Dr. Rodriguez) who declared deceased at 1833 Hrs.

SFFD personnel interviewed related that it was very difficult to Intubate Inmate (Provide an Airway). Paramedics attempted to use three different methods to Intubate before they were successful.

MEDICAL EXAMINER'S REPORT

Case # 2009-0899

CAUSE OF DEATH: Probable respiratory arrest during prone restraint with

morbid obesity.

OTHER CONDITIONS: Hypertensive cardiovascular disease,

schizoaffective/bipolar disorder.

MANNER: Homicide