

INTERVIEW OF DEPUTY KENNETH LOMBA 2074

CASE NO. A09098

TAKEN: NOVEMBER 13, 2009
1440 HOURS

INTERVIEW CONDUCTED BY:

SGT. QUANICO #1429
AND
SGT. COLMENERO #1059

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SGT. QUANICO: Okay. We're on. Uh, the time of this interview is 1440 hours. Uh, today's date is November 13th, 2009, and today is Friday. We are currently at 25 Van Ness Avenue, room 350 here in San Francisco. This is a follow-up interview for case -- for-for case A09098, the death in custody of inmate [REDACTED] which took place on, uh, 9-7-09 at County Jail Number One. Present here today, we have, uh, Mr. Harry Stern from Rains, Lucia and Stern and Deputy Kenneth Lomba. Starting with you, Mr. Stern, can you, uh, spell your last name for the record?

MR. STERN: Sure. It's S-T-E-R-N.

SGT. QUANICO: Deputy Lomba?

DEP. LOMBA: Uh, L-O-M-B-A.

SGT. QUANICO: Great. And your star number?

DEP. LOMBA: 2074.

SGT. QUANICO: Great. I'm Sergeant Quanico, Q-U-A-N-I-C-O, star number 1429.

SGT. COLMENERO: I'm Sergeant Colmenero, C-O-L-M-E-N-E-R-O, star number 1059.

SGT. QUANICO: We will be the only, uh, investigators asking questions. Uh, we are at the ISU office and acting as internal affairs investigators.

Deputy Lomba, this is a follow-up interview, uh, for the events leading up to the death of, uh, [REDACTED] Uh, Deputy Lomba, on September 9th, 2009, we conducted the initial interview with you here at our office. Please understand that the Lybarger admonition that was read to you is still in effect. Do you understand that?

DEP. LOMBA: Yes.

SGT. QUANICO: This is an administrative interview only and that your compelled statement cannot be used in a later criminal proceeding. Do you understand that?

DEP. LOMBA: Yes.

SGT. QUANICO: Secondly, your rights under 3303 of the government code are still in effect. You have a right to have a representative, and Mr. Harry Stern is here from Rains, Lucia and Stern. Deputy Lomba, on September 9th, 2009, you-you gave us a narrative of your recollection of the events that led to [REDACTED] safety cell placement and his subsequent death. Uh, there is a gross disparity amongst those interviewed in this investigation. The three incident reports as well as the interviews conducted clearly indicate that Senior Deputy [Wong] was the scene commander and that there -- and that he was in charge in front of the K tank, uh -- the incident that took place in front of K tank as well as the, uh -- the safety cell placement. In your September 9th, 2009 statement, uh, you said you did not see Lieutenant [Casey] at post nine or post 10. When asked if he had a part in the incident, meaning with [REDACTED] you said no. [Casey] did not appear until a later time. You said you were not focused or looking for [Casey]. And this is all in the transcript. And we can -- you know, if you need to check it, uh, Mr. Stern, we can.

MR. STERN: We'll take your word for that.

SGT. QUANICO: Okay. At a later time, you said -- and this is a quote from your, uh -- from your transcript s -- transcript. Uh, I asked you, "When did you finally see Lieutenant [Casey]?" And you said, "Uh, well, I remember seeing him. I could have seen him during this. But everything was just happening so quickly. And it might have been around the main line hall area, or it might have been at post nine, right at the intersection of post nine and the safety cell hallway area."

Okay. That's what you said after I asked you initially. I asked you a second time. You said you might have seen him. Okay. Lieutenant [Casey] clearly indicated that, at the time in front of K tank when [redacted] was in front of K tank, you and Deputy White responded. Uh, Lieutenant [Casey] says that he responded. Basically, the deputies that were there raised him from up -- from up -- raised him up from [off] the ground and basically asked Senior Deputy [Wong] what happened. What's going on? Something along those lines. He indicated that, after [Wong's] briefing and his observations, meaning [Casey's] observations of what he saw when he -- before he arrived, he ordered Senior Deputy [Wong] to place inmate [redacted] in a safety cell. It was his, meaning [Casey's] decision, for the safety cell placement, not Senior Deputy [Wong's]. Okay. My question to you today is, was Lieuten -- was Lieutenant [Casey] there?

DEP. LOMBA:

You know, like I said before, when the call came out, I ran down there, saw deputies struggling with the inmate. I can't really tell you who was where because all I saw were deputies in black. I saw their backs, you know, trying to control the inmate. I controlled his, uh, legs, leg shackled him. And then, when we were walking away, when things started to settle down a little bit, I, you know, saw who was leading with him and so forth. But, uh, the initial response, I can't -- I know deputies were there, saw deputies dressed in black. I can't say for sure, you know, Lieutenant [Casey] was here. Senior Deputy [Wong] was here. Who was where.

SGT. QUANICO:

Okay.

DEP. LOMBA:

So --

SGT. QUANICO:

L-Lieutenant [Casey] basically said that, upon his arrival in front of K tank, he basically may have asked -- him and Senior Deputy [Wong] may have both simultaneously said, uh, "Raise him up off the ground." And when Lieutenant [Casey] received this briefing, uh, basically a briefing, uh, explaining to [Casey], [Wong] giving [Casey] basically a briefing regarding the incident that took place at post 11, the incident in K and then whatever happened in the front of K tank. [He] said it might have been like a two, possibly even a five-minute bri -- two to five-minute briefing according to him. W-would you have remembered that?

DEP. LOMBA:

Uh, no. I just remember that, uh, after I leg shackled him, we stood him up. And then, we turned him around and walked him away.

SGT. QUANICO: Okay. So if you remembered, would you -- would you have recalled a briefing from Senior Deputy [Wong] to Len -- Lieutenant [Casey] and basically a briefing that he says took that-that much time?

DEP. LOMBA: Uh, you know, if it was five minutes, I probably would remember it for sure. You know, everything was pretty quick.

SGT. QUANICO: Okay. Do you recall Lieutenant [Casey] giving the final order, "Yeah. Let's take him to the safety cell."

DEP. LOMBA: I'm not sure.

SGT. QUANICO: Okay. But you would have remembered a-a briefing of that type or holding up an inmate or Mr. [REDACTED] for that period of time while Senior Deputy [Wong] was giving Lieutenant [Casey] a briefing?

DEP. LOMBA: Yeah. I'm not sure. I can only tell you what I remember, you know. [laughs]

SGT. QUANICO: Okay.

DEP. LOMBA: So I responded there. They were struggling on the ground. You know, I controlled his leg, leg shackled him. You know, seconds later, we stood him up. Seconds later, we turned him around and walked him away.

SGT. QUANICO: Do you remember who -- once again -- we can check later, but do you remember who raised him up from off the ground?

DEP. LOMBA: I'm not positive. No.

SGT. QUANICO: Did you help raise him up?

DEP. LOMBA: No. I stood on the, uh, chain of his leg shackles just to kind of add further control of his legs.

SGT. QUANICO: Okay. Do you recall Lieutenant [Casey] saying that, "I will be at the safety cell in a few minutes. I've got to take, uh, care of something a little more important."

DEP. LOMBA: No.

SGT. QUANICO: Would you have remembered something like that if he said that to you guys while you were en route to the safety cell?

DEP. LOMBA: During that time? Probably not.

SGT. QUANICO: Okay. I don't [think I have] anything else. Do you have anything, Sarge?

SGT. COLMENERO: No.

SGT. QUANICO: Okay. Harry, any clarification --

MR. STERN: No, thank you.

SGT. QUANICO: Okay. Uh, the admonishment still remains in terms of, uh, keeping this confidential. This is still an ongoing deal. Uh, we've basically interviewed everybody. But there are a few other people that we need -- still need to talk to.

DEP. LOMBA: Mm-hmmm.

SGT. QUANICO: Do you understand that.

DEP. LOMBA: Sure.

SGT. QUANICO: Okay. If there's nothing else, the time is, uh, 1448 hours. This will, uh, conclude our interview with, uh, Deputy Kenneth Lomba. Thank you, Deputy Lomba.

DEP. LOMBA: Great. Thank you.

[End of recorded material]