

INTERVIEW OF DEPUTY MELVIN SONG

CASE NO. A09098

TAKEN: NOVEMBER 24, 2009
1617 HOURS

INTERVIEW CONDUCTED BY:

SGT. QUANICO #1429
AND
SGT. COLMENERO #1059

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SGT. QUANICO: Okay. The time of this interview is 1617 hours. Today's date is November 24, 2009. We are currently at 25 Van Ness, uh, room 350 here in San Francisco, the ISU office. This is a follow-up interview for case A09098, the death in custody of inmate [REDACTED] which took place on September 7th, 2009 at County Jail Number One. Present here today, we have Harry Stern from Rains, Lucia and Stern and Deputy Melvin Song. Starting with you, Mr. Stern, can you spell your last name for the record?

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

SGT. QUANICO: Deputy Song?

DEP. SONG: S-O-N-G.

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

SGT. COLMENERO: Sergeant Colmenero, C-O-L-M-E-N-E-R-O --

SGT. QUANICO: We will --

SGT. COLMENERO: Star number 1059.

SGT. QUANICO: We will be the only investigators asking questions. We are at the Investigative Services Unit and acting as internal affairs

investigators. Deputy Song, uh, this is a follow-up interview, uh, regarding the events leading to the death of inmate [REDACTED] Uh, Deputy Song, on September 17th, 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. This is an administrative case only and interview only and that your compelled statement cannot be used in a criminal -- uh, later in a criminal proceeding. Do you understand that?

DEP. SONG: Yes, I do.

SGT. QUANICO: So basically, the statement cannot be used in a later criminal proceeding. Secondly, your -- under -- 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 Song, on-on September 17th, you gave us a narrative of your recollection of the events that led to the I -- to the Dow -- uh, to the death of [REDACTED] [REDACTED] uh, and safety cell placement at County Jail Number One. After review of all the interviews, uh, that we took -- that we -- that we had conducted here in the office and reviewing incident reports, uh, there is a gross disparity amongst the interviews and-and the inter -- and the incident reports. The three incident reports as well as the interviews clearly indicate that Senior Deputy [Wong] was the scene commander and that he was in charge of the, uh -- in front of the K tank as well as the safety cell placement of inmate [REDACTED] Uh, in your September 17th statement, you said you saw Lieutenant [Casey] near K tank, but he was doing something else. Do you recall that?

DEP. SONG: Uh, vaguely, yes.

SGT. QUANICO: Okay. And we can always go over the transcripts if we ne -- if need be. But after reviewing your transcript, you said that Lieutenant [Casey] was in the area, but he was doing something else. And, uh, do you recall what he was doing?

DEP. SONG: He had some paperwork in his hand. That's all I remember.

SGT. QUANICO: Okay. And was he on his way somewhere else? Or did he stop in the hallway? Or was he in a tank?

DEP. SONG: I saw him in front of, uh, [Henry] tank.

SGT. QUANICO: Okay.

DEP. SONG: And he was walking back toward post nine.

SGT. QUANICO: And in your interview -- and this is when [REDACTED] was in front of K tank, correct?

DEP. SONG: I think it was on his way down to the safety cell.

SGT. QUANICO: Okay. So this is after he was taken up off the ground that you saw [Casey]?

DEP. SONG: Yes, I think so.

SGT. QUANICO: Okay. Are you certain?

DEP. SONG: No. [laughs]

SGT. QUANICO: Okay. You said Senior Deputy [Wong] was in charge. Uh, are you certain of that on that day?

DEP. SONG: Yes.

SGT. QUANICO: Okay. Now, according to Lieutenant Casey, Lieutenant-Lieutenant [Casey] clearly indicated that he, meaning [Casey], ordered the deputies to stand up inmate [REDACTED] who was in front of K tank. So [REDACTED] was taken down to the ground. He was leg shackled. And he told the deputies to take him up off the ground. Uh, he then asked Senior Deputy [Wong] for a briefing at that time while [REDACTED] was being held up by the deputies. He-he indicated, meaning [Casey], that after [Wong's] briefing and his observations, meaning [Casey's] observations, he then ordered Senior Deputy [Wong] to place inmate [REDACTED] in the safety cell and that it was his decision for the safety cell placement, not Senior Deputy [Wong's]. So my first question to you is, do you recall -- do you recall Senior Deputy [Wong] giving [Casey] a briefing in front of K tank?

DEP. SONG: No, I [don't].

SGT. QUANICO: Would you have recalled something like that?

DEP. SONG: So much going on, but I don't think he was.

SGT. QUANICO: Okay. Giving a briefing?

DEP. SONG: Yeah.

SGT. QUANICO: Okay. Do you recall [Casey] saying "Matt, or Senior Deputy [Wong], take him to the safety cell?" Do you recall that?

DEP. SONG: I didn't hear that either.

SGT. QUANICO: Okay. During that time right there or possibly on the way out of K tank, at any time did you hear [REDACTED] say that he couldn't breathe?

DEP. SONG: [No, I didn't.]

SGT. QUANICO: Okay. Do you recall Lieutenant [Casey] saying, "I'll meet you guys at the safety cell. I've got to take care of something else in K tank." Or, "I have to take some -- take care of something else that's more important."

DEP. SONG: No.

SGT. QUANICO: Those interviewed said that you possibly assisted in trying to get inmate [REDACTED] into K-2 physically. In your statement, you said you were standing by K one standing by and that the only thing that you did was take his property out and then you helped hold his head down.

DEP. SONG: Yes.

SGT. QUANICO: Do you recall at any time helping Deputy Guitron assist [REDACTED] into K-2?

DEP. SONG: No.

SGT. QUANICO: But you did hold his head down --

DEP. SONG: Yes.

SGT. QUANICO: On the way out of K tank?

DEP. SONG: No. I held his head when, uh, they were about to take him to the safety cell.

SGT. QUANICO: And did you go all the way down --

DEP. SONG: No.

SGT. QUANICO: The corridor?

DEP. SONG: No.

SGT. QUANICO: Okay. And then, you stopped after he went to the ground, I take it?

DEP. SONG: Uh, we only -- he only took like m -- one or two steps. And then, I s -- Senior Deputy [Wong] said, "Take him down."

SGT. QUANICO: Okay. Did you or any of your coworkers -- and in our first interview, I may have asked, "Did you -- did you kick, strike, uh, punch inmate [REDACTED] while he was on the ground in front of K tank?" That might have been the question I asked you. Uh, I'm specifically going to ask you, did you or any of your coworkers place a knee on inmate [REDACTED] in front of K tank?

DEP. SONG: No.

SGT. QUANICO: Did you -- is that both you and your coworkers?

DEP. SONG: I did not -- uh, I didn't see them -- uh, I took his head down. And all I know is he went down and, uh, [there were] two deputies on his side and, uh, that's when Senior Deputy [Wong] said, "Get a pair of leg shackles."

SGT. QUANICO: Okay. And just to -- and just to be clear, did -- at any time, did you place your knee on his back or any part of his body?

DEP. SONG: No.

SGT. QUANICO: Did you see any of your coworkers place their knee on his back or on any part of his body?

DEP. SONG: No.

SGT. QUANICO: In front of K tank?

DEP. SONG: No.

SGT. QUANICO: Okay. Sarge, you need to clarify anything? Harry?

MR. STERN: No, thank you, sir.

SGT. QUANICO: Okay. Is there anything that you want to clarify --

DEP. SONG: Uh --

SGT. QUANICO: Deputy Song? Anything that you want to add?

DEP. SONG: No.

SGT. QUANICO: Okay. Uh, same admonishment stands. Uh, this is still a, uh, ongoing investigation. Uh, refrain from talking about this. Of course, you can talk to Mr. Stern.

DEP. SONG: Okay.

SGT. QUANICO: Okay. Uh, time is 1625 hours. This will conclude our interview with, uh, Deputy Mel Song. Thank you.

DEP. SONG: Okay.

[End of recorded material]