

INTERVIEW OF LIEUTENANT CASEY #339

CASE NO. A09098

TAKEN: September 22, 2009
16:02 HOURS

INTERVIEW CONDUCTED BY:

SGT. QUANICO #1429
AND
SGT. COLMENERO #1059

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SGT. QUANICO: Okay. We're on, uh, audio. And we're also on video. Uh, today's date is, uh, Tuesday, September 22nd, 2009. The time of this interview is, uh, 16:02 hours. Uh, we're at 25 Van Ness, room 350 here in San Francisco. Uh, present today, we have, uh, Mr. Harry Stern, uh, from Rains, Lucia and Stern. We have, uh, Lieutenant John Casey here from, uh, County Jail Number 1 swing watch. I'm Sergeant Quanico. And this is, uh, Sergeant Colmenero. The purpose of this investigation is to conduct an interview with, uh, Lieutenant John Casey who, uh, is employed with the San Francisco Sheriff's Department, uh, in the capacity of, uh, watch commander. Uh, he's a lieutenant of, uh, County Jail Number 1 swing watch. Uh, Lieutenant Casey, this is an administrative investigation, uh, into the series of events that led to the death in custody of inmate [REDACTED] [REDACTED] on September 7th, 2009. This is an administrative investigation only, uh, looking into the series of events, uh, that led to the death of [REDACTED] [REDACTED] on September 7th, 2009. Do you understand that?

LT. CASEY: Yes.

SGT. QUANICO: However, since the allegation indicated that a possible crime may have been committed, I'm advising you that you have the right to remain silent. 2, anything you say can and will be used against you in the court of law. 3, you have the right to talk to an attorney and-and to have an attorney present before and during questioning. 4, if you cannot afford an attorney, one will be appointed free of charge to represent you before and during questioning if you desire. Do you understand each of these rights I have explained to you?

LT. CASEY: Yes.

SGT. QUANICO: Having these rights in mind, do you wish to talk to us now?

LT. CASEY: No.

SGT. QUANICO: Although you have a right to remain silent and not to incriminate yourself, your silence can be deemed insubordination and result in administrative discipline. Since any statement under compulsion of a threat of discipline cannot be used against you in a later criminal proceeding, I am ordering you to answer all my questions. If you do not answer my questions truthfully and fully, a charge of insubordination may be imposed, which could result in discipline up to and including termination. Do you understand this is only an administrative investigation?

LT. CASEY: Yes.

SGT. QUANICO: Do you understand that this is, uh, an administrative investigation into the series of events that led to the death in custody of inmate [REDACTED] [REDACTED]

LT. CASEY: Yes.

SGT. QUANICO: Do you understand, uh, from the-the power deemed by the sheriff, I was -- knowing that I'm a sergeant in this department, I have basically been given, uh, instruction to conduct this interview. Do you understand that?

LT. CASEY: Yes.

SGT. QUANICO: And do you understand that I'm ordering you to answer my questions and that, if you do not answer them truthfully and fully, it could result in disciplinary action up to including termination?

LT. CASEY: Yes.

SGT. QUANICO: This is an interview regarding case A09098, the, uh, incident case number is 090921864. Once again, this locate -- the location of this interview is 25 Van Ness, room 350. Present here today is Mr. Harry Stern from Rains, Lucia and Stern. Uh, Mr. Stern, could you spell your name for the record?

MR. STERN: I will. It's Harry, common spelling, Stern, S-T-E-R-N.

SGT. QUANICO: We have, uh, Lieutenant John Casey, uh, from County Jail Number 1 swing watch. And Lieutenant, can you please, uh, spell your name for the record and give me your star number?

LT. CASEY: C-A-S-E-Y, 339.

SGT. QUANICO: Great. Lieutenant Casey, you have certain rights under 3303 of the government code. We will review pertinent points of 3303. Further, you'll be ordered to answer questions and cooperate with this investigation. This interview is being recorded on video as well as audio. Uh, once again, 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, star number 1059.

SGT. QUANICO: We will be the only investigators asking questions. We are from the Investigative Services Unit and acting as internal affairs investigators. Uh, Lieutenant Casey, I'm giving you a verbal notification regarding this investigation. Uh, and basically, that on Monday, September 7th, 2009 at approximately 17:40 hours while on duty on the 15:00 to 23:00 watch, which was Labor Day, you were the acting CJ1 watch commander during the death in custody of inmate [REDACTED] [REDACTED]. Your conduct during this incident is being investigated regarding possible violations of sheriff's department rules and regulations and/or policy and procedure. Generally, we are concerned regarding neglect of duty, misconduct and/or conduct unbecoming a deputy sheriff. However, no specific allegation is being made against you at this time. Further investigation, including your interview, may disclose additional acts related to the series of events, which are not currently known to the San Francisco Sheriff's Department. Any such acts discovered during further investigation may also result in discipline. So do you understand the verbal notification?

LT. CASEY: [I do.] Yes.

SGT. QUANICO: Okay. And, uh, you-you will not be subject to offensive or threatening language, promises or other inducement to answer questions. However, to be clear about this point, you are being ordered to tell the complete truth and cooperate with this investigation. Failure to answer truthfully or refusing to respond may result in a charge of insubordination, which could result in discipline. This interrogation will be limited to a reasonable period of time. We will allow you breaks to take care of your physical needs. That's restroom or meal breaks. The department will not release your name to the media without your consent.

Either or both sides may record this interrogation. And Mr. Stern, are you recording today?

MR. STERN: I am not.

SGT. QUANICO: Okay. Uh, we are both on audio and video on this side. You are entitled to a copy of the tape if further proceedings are contemplated and before subsequent interrogation. In the event of further proceedings, the d -- the department will provide all documents relevant to the investigation except those deemed confidential. You have a right to have a representative present during any interrogation. Mr. Harry Stern is here from Rains, Lucia and Stern. For the record, there is no intention for a criminal charge at this time. Lieutenant Casey, can you tell us how long you've been with the sheriff's department?

LT. CASEY: 35 years.

SGT. QUANICO: Okay.

MR. STERN: And I just -- with your permission, Sergeant Quanico, I just want to make very clear, uh, since it's a little bit of an unusual situation. And I know you touched on this, that you have direct authority from the sheriff, uh, giving you the ability to give Lieutenant Casey an order to answer questions truthfully despite the fact that, in a paramilitary organization, there really -- there's a rank differential here. Uh, so that -- I assume that's the case and that the sheriff has ordered you to order him in effect.

SGT. QUANICO: That is correct. And your point is taken.

MR. STERN: Okay. Okay.

SGT. QUANICO: [Yes.] How long have you been at your current assignment?

LT. CASEY: About three years.

SGT. QUANICO: Okay. And that's, uh, CJ1 swing watch.

LT. CASEY: Right.

SGT. QUANICO: Okay. Did you write an incident report for this particular matter?

LT. CASEY: No.

SGT. QUANICO: But you did, uh, sign off the incident reports for this particular, uh -

LT. CASEY: Correct.

SGT. QUANICO: Incident. Okay. And you were on, uh, overtime on Labor Day. Is that correct?

LT. CASEY: I guess you could say that. Holiday pay.

SGT. QUANICO: Okay. And were you the watch commander that evening?

LT. CASEY: Yes.

SGT. QUANICO: At this time, uh, Lieutenant, can you give us a narrative of what you recall took place on, uh, September 7th. And starting with your first knowledge, uh, or you th -- what you think is significant regarding inmate [REDACTED] [REDACTED]

LT. CASEY: You want me to just go over what -- where I was, uh, at -- during the night [at] --

SGT. QUANICO: Or what I want you to do is, when did you first become aware --

LT. CASEY: Okay.

SGT. QUANICO: Of the issue with [REDACTED] [REDACTED] And you can start from there.

LT. CASEY: Okay. I came in that night. And I did the normal paperwork. And I had a lot of, uh, NRVs, actions requests, uh, grievances. And I went in the back of the jail -- that'd be the felony wing -- to deal with them. I went into F tank. I probably was in there about a half hour. And, uh, I looked at one of the grievances. And the grievance, uh, stated that there was an inmate in K8 who was, uh -- said his life was in danger. He's having trouble. He has to get out of the-the tank. The night before, I had g -- I had gone -- [gone into], uh, K8 because there was, uh, only two inmates. There were [SSSXI] inmates. They were in there. I had a grievance the night before from a very large Samoan inmate, 6'4", 300 pounds. And he told me he was having trouble with his partner. And, you know, it could get violent and all that. So I interviewed him. And, uh, I told him, "Hold on. I'm going to get a hold of classifications. And

we're going to --" I-I couldn't find anything. Classifications couldn't find anything. So I went back to him. And I said, "We'll go over again what you're going to do." And I said, "Are you really going to fight this guy?" And he said, "No. I'm-I'm really not going to. Uh, but I'm not happy with the guy. And I think I can hold on for a couple of days." And I said -- and I-I s -- I said, "I'm having a very difficult time getting housing for you." Okay. With that in mind, I'm sitting in F tank for a half hour dealing with all the inmate problems there. And I look down at the next, uh, grievance or action request I had. And that was the other guy that was in there. And I realize we have a problem. And I better get to K tank because I've seen how that goes. The guy is really giving all the hints that maybe something happened, or it's about to. I leave F tank. I -- and I start walking toward K. When I look down the line, I see Matt [Wong] in front of K tank with a very large inmate. He's handcuffed from behind. He's kind of walking around and yelling and screaming at him. And I see some of the deputies, uh, some coming to it and a couple of them there.

SGT. QUANICO: Who-who was yelling and screaming at who? I'm sorry, Lieutenant.

LT. CASEY: He, the-the inmate.

SGT. QUANICO: Okay. Go on.

LT. CASEY: Uh, I started walking toward K tank. And then, I saw the guy go to the ground with the deputies, uh, pulling him to the ground. Then, I ran to the scene. When I got there, they had put -- just were putting leg shackles on him. Uh, at that point, I told everybody to calm down. I told, uh, the deputies to now prepare to lift him up. They lifted him up. I told the inmate, uh, "You've got to calm down. Everything will be all right. Just listen to what the deputies have to say." We had him up at that time. I looked over at [Wong]. And I said to him, "What's happening?" He told me that the guy was in -- I-I-I didn't get this that clear. But he was in post 11. There was something happening over there. The deputies had to turn off the TV I think it was, something about the TV. And, uh -- and also, that -- I think it was Smith [Al-Ghani] [he quoted as saying] that the guy -- this [REDACTED] this guy that was there, was running the tank. I said, "Okay. And then, you brought him over here?" And he goes, "Yeah. To [adseg]." And he goes s -- and, uh, I could see, you know, K-K2, and it was a single cell. That's the only place you could put him. And said, "I brought him over here. And he wouldn't go into K tank or K2."

I brought him out here. At -- I-I tried to talk to the guy. In the conversation, he mentions something to me about this is a ma -- about, uh, uh --

SGT. QUANICO: Matt, meaning Senior Deputy [Wong]?

LT. CASEY: Uh, yeah. Senior Deputy [Wong]. Uh, about the guy wanting to go to mainline. There was something about the mainline in there. I told him he can't go to mainline. There's-there's no way. Uh, and then, I said, "Well, you know, you've got danger to others over in that tank. You tried to put him in [adseg]. He won't go. I just saw the way he was acting toward you and the way he fought with the deputies. That's danger to staff. I-I-I think we have enough to have him go to the safety cell." So I looked at everybody. I said, "He's going to the safety cell." But I said to them then, I said, "But I'm going to be there a little late because I have a matter I have to get in here to K tank right now. So I went into K tank. The smaller [SSSXI] inmate was sleeping. But I could see his face. I didn't see any marks. I went over to the big guy. And I said, "Remember our conversation last night? Has anything gone wrong in here? Has anything gone wrong?" And he told me -- he goes, "No. I-I ch -- I-I -- nothing's happened. We-we-we not talking. But-but there's no fight. Nothing's [going on]." I said, "Okay. I will see you in 15 minutes." I walked out of K tank, kind of jogged down to the safety cell. When I -- when I got to the safety cell, I saw Matt [Wong] outside of it. He kind of looked dis-disgusted look on his face. And he said, "The guy went limp." I looked over to the in -- the safety cell door was open. I saw deputies coming out. And then, I saw the body there. And then, I saw the medi-medical staff going. And then, we got -- we were preparing then to take him to the hospital because I was told that he still had a pulse. And then, as the time went on, everything, you know, eventually changed.

SGT. QUANICO: Okay. Why don't you go on if you want to go through, like, the notifications and all that stuff, Lieutenant.

LT. CASEY: Oh, yeah. I-I don't -- I can't remember all that. But I-I-I, uh, found the, uh, death in custody procedures. And basically found -- I followed it, uh, [phoning, uh] -- I phoned some. And I had another deputy help me out phoning some other -- uh, uh, other people.

SGT. QUANICO: And now, is that a written document that --

LT. CASEY: It's a written document. Yes. [unintelligible]

SGT. QUANICO: Now, is that an updated document?

LT. CASEY: It was [fairly] accurate. It was pretty -- it was a good [doc] -- I-I think it was fairly u-updated.

SGT. QUANICO: Okay. Anything else regarding your, uh --

LT. CASEY: Not much else. Uh, just like I said, I called the sh -- I called the -- uh, you know, for him to go to safety cell.

SGT. QUANICO: Okay.

LT. CASEY: And, uh, I, uh -- I felt that it was necessary for me to go into K tank at that time because I-I was a I -- very worried about that situation. And then, after I got out of there -- it didn't seem like I was there very long. And then, I t -- went kind of a semi job down to the, uh - the safety cell.

SGT. QUANICO: Okay. Quick, I'm going to ask a few questions here. You made it clear in your narrative. But for the record, did you have knowledge that inmate [REDACTED] -- and that's the inmate we're talking about, [REDACTED] Did you have knowledge that he was disruptive in, uh, tank 13 at post 11?

LT. CASEY: From -- to my knowledge, it came from Matt [Wong].

SGT. QUANICO: Okay. When did he tell you that?

LT. CASEY: In front of K -- in front, uh, K tank.

SGT. QUANICO: Okay. Were you aware that Deputy Smith [Al-Ghani] had contacted Senior Deputy [Wong] earlier in the shift to let him know that inmate [REDACTED] was, one, inciting the inmates at post 11, and two, uh, was disobeying Smith [Al-Ghani]'s orders?

LT. CASEY: The only thing -- uh, only first I knew about that was, uh, from, uh, Matt [Wong] at K -- at K tank. Uh, uh, what I heard th -- what I remember him saying about Smith [Al-Ghani], it was r -- he was running the tank and the TV. That's what I k -- I kind of remember.

SGT. QUANICO: [Okay.] Did you authorize the [adseg] placement sheet for inmate [REDACTED] Or was that Senior Deputy [Wong]?

LT. CASEY: The [adseg] placement sheet?

SGT. QUANICO: Yes, for [REDACTED] [REDACTED]

LT. CASEY: It wouldn't have -- it -- since he wasn't in there yet, we wouldn't have made it out.

SGT. QUANICO: Uh, apparently, uh, Smith [Al-Ghani] filled it out.

LT. CASEY: Oh, the a -- [oh, oh, I would say] I was thinking about the safety cell placement?

SGT. QUANICO: No. No. The [adseg].

LT. CASEY: The [adseg], uh, sheet. It never came up in the conversation. I would have probably just assumed that that was something that had been filled out.

SGT. QUANICO: Okay. So that's something that you weren't aware of.

LT. CASEY: That she had filled it out?

SGT. QUANICO: Yes.

LT. CASEY: No, I wasn't.

SGT. QUANICO: Okay. [I think I have a copy here.] Here's a copy of the [adseg] sheet. And apparently Senior Deputy [Wong] signed it off, right?

LT. CASEY: Well, yeah. He did sign off there. That's his -- that's [his].

SGT. QUANICO: Okay. Did you have knowledge about this prior to --

LT. CASEY: No.

SGT. QUANICO: Uh, [REDACTED] being transported?

LT. CASEY: Uh, I did know about the t --w -- I w -- we would have been filling it out when he went in there --

SGT. QUANICO: Okay.

LT. CASEY: But, uh, uh -- but no. I y -- I had no knowledge of that. I just knew that, uh -- that the, uh -- he had made a conclusion that he should go into the administrative segregation.

SGT. QUANICO: Okay. There's -- there is --

LT. CASEY: And I -- and I told him also that, uh, I thought that was a good call.

SGT. QUANICO: Okay. Now, there is something that we need to clarify. This was a holiday watch, correct?

LT. CASEY: Yeah.

SGT. QUANICO: And, uh, is it similar to a-a weekend lineup?

LT. CASEY: Only -- let me -- the only thing [is I-I write down the people that are on a holiday off.]

SGT. QUANICO: Okay. And-and-and here's the question I want to ask you, Lieutenant. Uh, it -- the minimum at CJ1 swing watch is one supervisor, 13 deputies. Is that correct?

LT. CASEY: Yes. Matt [Wong] --

SGT. QUANICO: Okay.

LT. CASEY: Would have been in the position here as a deputy.

SGT. QUANICO: Okay. And that's my question. I need clarification here. Uh, was sen-senior --

LT. CASEY: Well, I can explain why he's [just in] watch commander that evening.

SGT. QUANICO: Okay. And that -- and that's the next question I'm going to ask. Was Senior Deputy [Wong] assigned to a post? Or-or did you have him as an acting supervisor?

LT. CASEY: He was really assigned as an acting supervisor. The reason being that on m -- on, uh, holidays and weekends, rebooking does not occur. That position does not [have to] -- that was where I could put him in a s -- in a supervisory slot.

SGT. QUANICO: Okay. And is that standard practice?

LT. CASEY: I would say, yes. Yeah. I never put him in -- uh, at a post.

SGT. QUANICO: Okay. And if he wasn't a senior deputy and he was just a deputy, what post would he be placed in?

LT. CASEY: Post nine and 10.

SGT. QUANICO: Okay. So the reason why he didn't work a post was because he was a senior deputy?

LT. CASEY: Right. I -- because it's really difficult to work that place with one supervisor.

SGT. QUANICO: Okay.

LT. CASEY: I guess the way to clarify, you-you really only have 12 posts there on a, uh -- on a holiday.

SGT. QUANICO: Okay.

LT. CASEY: Because one of them is eliminated. That one isn't there.

SGT. QUANICO: So there is no rebooking --

LT. CASEY: Right.

SGT. QUANICO: On a Monday --

LT. CASEY: Right.

SGT. QUANICO: Uh, following a weekend --

LT. CASEY: Correct.

SGT. QUANICO: Which would have been a holiday, uh, Labor Day.

LT. CASEY: Right.

SGT. QUANICO: Okay.

SGT. COLMENERO: Can I ask a question? If there was no senior deputy that had signed up and there was a deputy signed up only, where would that deputy have been posted?

LT. CASEY: [Be the s --] p-post nine and 10.

SGT. COLMENERO: Post nine and 10.

SGT. QUANICO: Yeah. I think he answered that. I think he s --

SGT. COLMENERO: Okay.

SGT. QUANICO: I think you said post nine and 10.

LT. CASEY: Which would have put, uh, Matt back there [I think.]

SGT. QUANICO: Right.

LT. CASEY: [If I -- he -- that I did put him there.] But I-I felt that it was best to, uh, have him as, uh, just supervisor, not have him at a post.

SGT. QUANICO: Have you received verbal, uh, instruction, direction that, uh, it is okay to put a senior deputy as an assistant watch commander when the minimum is at one and 13?

LT. CASEY: Uh, if there's no sergeant there, he is the assistant watch commander.

SGT. QUANICO: Okay. H -- so if there's no sergeant, he's the assistant watch commander. Now, is that -- is that written somewhere?

LT. CASEY: If-if he -- if he is at work I mean. You know, if he's not at work, then he would -- then, we'd have -- I'd be doing watch commander. I'd be the watch commander.

SGT. QUANICO: Okay. Now, does -- now, Senior Deputy Wong would-would just get regular senior deputy pay on a holiday. Correct?

LT. CASEY: Yeah.

SGT. QUANICO: Okay. And, uh -- but you are the watch commander.

LT. CASEY: Right.

SGT. QUANICO: All right. According to Deputy Gutierrez's incident report, Lieutenant Casey-Casey, he stated the i -- that he had a good relationship with inmate [REDACTED] and that he went over to help Smith [Al-Ghani], uh, to lure this guy down to -- out of post 11, in this case tank 13. I-I think you already told us that you had no knowledge of what was going on at post 11. Did you have -- did you have any knowledge of the game plan that they had put together to get [REDACTED] to cooperate, to get him out of 13 and get him to K tank?

LT. CASEY: No. I didn't know anything about that. I was at-at F tank most likely at that time.

SGT. QUANICO: Okay. Did they try to contact you on the radio?

LT. CASEY: I didn't hear any contact, uh, nor when they walked by F tank. They must have walked by it, and I didn't see anything there. [It was just when I came out, uh --]

SGT. QUANICO: Does Senior Deputy [Wong] normally tell you what's going on during the course of a watch?

LT. CASEY: Yeah. Yeah. [unintelligible]

SGT. QUANICO: For any reason, uh, were you extremely busy? Was it just, uh, a real busy day where --

LT. CASEY: Oh, yeah.

SGT. QUANICO: He would not communicate with you and tell you what's -- what was going on during the course of a watch?

LT. CASEY: It was a busy night for me, uh, because of all the, uh, leftover write-ups and-and-and, uh, uh, grievances and, you know, just a few action requests in there. I mean, I was getting to it. I decided that I'd get my paperwork out of the way. And then, uh, get to back of the jail. I-I could have been there a half hour or longer in-in-in F tank.

SGT. QUANICO: Now, were they leftover grievances and NRVs that day watch didn't complete?

LT. CASEY: No. No. They were the-the-the NRVs [for it.] Grievances were for our watch. NRVs, I can't -- I-I -- there must have been some in there, but I can't remember specifically.

SGT. QUANICO: Okay.

LT. CASEY: The -- sometimes, they write these things. And you have to give them the 24-hour notice. And you've got to wait till the next day.

SGT. QUANICO: Okay.

LT. CASEY: Some of them might have been leftover from Saturday. It's possible.

SGT. QUANICO: All right.

LT. CASEY: I was there Sunday night. I -- but I remember I got quite a bit of work. I couldn't get a lot of it done. And I wanted to get on it.

SGT. QUANICO: Okay. Lieutenant, Casey, if Senior Deputy [Wong] told you that he was going to tell inmate [REDACTED] that he was going to the mainline rather than [adseg] to get him to comply to going to K tank, would you have approved of that tactic?

LT. CASEY: Him-him going to mainline?

SGT. QUANICO: Yes. Instead of saying, "Hey, you're going to [adseg]," telling him that he was going to the mainline. And that's --

LT. CASEY: [I would -- I would not.]

SGT. QUANICO: Clearly written in the incident report. Would you approve if you had knowledge of that?

LT. CASEY: I would not mention that he -- that he was going to mainline. Because if you have K2 open as an [adseg] cell, there's no other - there's no reason to make a statement like that.

SGT. QUANICO: Okay. And, uh, did you read that when you approved the incident report?

LT. CASEY: I don't remember much about the incident report offhand right now.

SGT. QUANICO: Okay.

LT. CASEY: I-I --

SGT. QUANICO: Okay.

LT. CASEY: I didn't want to make any statement to these guys when I was -- you know, change something. Or I-I -- that's not for me to do.

SGT. QUANICO: Okay.

LT. CASEY: I just get the thing looking like a decent incident report and take it from there.

SGT. QUANICO: Okay. You made it clear that it was, uh, Senior Deputy [Wong] who signed off the administrative segregation paperwork. Is that correct?

LT. CASEY: That looks like his signature.

SGT. QUANICO: Okay. If you were the watch commander, uh, the only supervisor supposedly on the watch, can -- have you allowed Senior Deputy [Wong] to sign off paperwork like that?

LT. CASEY: No. Not -- on-on a administrative segregation thing, I would have signed that one.

SGT. QUANICO: Okay. But you did not know about that?

LT. CASEY: I didn't know about it. I -- an-any administration a-[adseg] thing that I'm -- that I'm -- well, I'm a -- I would have the Sergeant [Gochez] if he was there. I don't think that would have been a problem. But, uh -- but no. I think almost in every case that I know about it, I sign off as much as, you know. . .

SGT. QUANICO: Whose decision was it to place inmate [REDACTED] in the safety cell?

LT. CASEY: That would have been, after I heard all the things, I said, that-that there's enough there. We can put him in a safety cell.

SGT. QUANICO: Okay. And-and that's from what you observed?

LT. CASEY: It was from what he told me had happened over at, uh, post 11 or cell 13. And from what I observed of the way he was moving around the, uh, uh -- the way he was yelling at Matt, the movements and then the struggle with the deputies.

SGT. QUANICO: Okay. If you read Senior Deputy -- or excuse me -- Deputy Gutierrez's incident report --

LT. CASEY: [All right. I have read it.]

SGT. QUANICO: He clearly indicates that Senior Deputy [Wong] says, "Safety cell or -- safety cell or K? Or-or at -- or basically [adseg]. Do you recall --

LT. CASEY: No.

SGT. QUANICO: [Wong] saying that?

LT. CASEY: No. [He did not.]

SGT. QUANICO: And-and you were there when the decision was made to go to the safety cell.

LT. CASEY: I made it.

SGT. QUANICO: Okay.

LT. CASEY: I arrived when the shackles were put on when he was down on the floor. They were just getting put on at that time.

SGT. QUANICO: Okay. Lieutenant, you made it clear that when you reviewed these incident reports, you really did not want to interfere or compel the deputies --

LT. CASEY: No.

SGT. QUANICO: What to say in their incident reports. You-you made that clear.

LT. CASEY: What-whatever they want to write, they write it. I am not going to --

SGT. QUANICO: When you review these incident reports, did it appear to you that there were some faults, uh, or observations that you did not see, uh, in front of K tank? I mean, in-in other words --

LT. CASEY: I-I have to r --

SGT. QUANICO: Do you believe -- I mean, I -- you-you took [the time] --

LT. CASEY: [What do you think false I saw him. I-I don't care.] Uh --

SGT. QUANICO: Was there anything that you saw while you were -- while you were reviewing those reports that evening, were there some questionable documentation in any of these incident reports.

LT. CASEY: I would have to read them again. I don't think I could make a --

SGT. QUANICO: W -- okay.

LT. CASEY: [crosstalk] I-I -- well, I-I-I saw [when he was] reading it. I-I-I-I don't -- I don't remember Matt ever saying something about standing people -- standing the guy up. I mean, I was the one saying that.

SGT. QUANICO: Okay.

LT. CASEY: [I'd hate to see that in my reports. That I-I kind of find that hard to - - hard to -- I mean, the deputies are down. There's a lot of stress there, so it's possible.

SGT. QUANICO: Mr.-Mr. Stern, I think -- I think -- can we take a break for a minute?

MR. STERN: Absolutely.

SGT. QUANICO: Could we -- could we have the lieutenant review these incident reports, so I can ask these questions rather than, uh --

MR. STERN: Sure.

SGT. QUANICO: Burning tape while he's reading them.

MR. STERN: That makes sense.

SGT. QUANICO: Okay. Uh, the time is 16:29 hours. We're going to go ahead and take a break at this time.

[End of recorded material]