

INTERVIEW OF SR. DEP. MATTHEW WONG

CASE NO. A09098

TAKEN: NOVEMBER 18, 2009
0959 HOURS

INTERVIEW CONDUCTED BY:

SGT. QUANICO #1429
AND
SGT. COLMENERO #1059

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SGT. QUANICO: The time is, uh, 0959 hours. Today's date is 11-18-2009. Today is Wednesday. We are currently at 25 Van Ness Avenue, room 350 here in San Francisco, the ISU office. Uh, 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, uh, Mr. Harry Stern from, uh, Rains, Lucia and Stern. And, uh, Harry, can you spell your last name for the record?

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

SGT. QUANICO: We have Senior Deputy Matthew Wong, uh, from County Jail Number Five East. And, uh, Senior Dep, can you spell your last name for the record?

SR. DEP. WONG: W-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, star number 1059.

SGT. QUANICO: Senior Deputy Wong, we will be the only investigators asking questions. Uh, we are from the Investigative Services Unit and acting as internal affairs investigators. Uh, this is a follow-up interview, uh, Senior Deputy Wong, uh, regarding the events leading to the death of, uh, [REDACTED] [REDACTED] on September 7th,

2009. Uh, on September 8th, 2009, we conducted the initial interview with you here at our office. Uh, please understand that the Lybarger admonition, uh, that was read to you is still in effect. Uh, this is an administrative interview only and that your compelled statement cannot be used in a later criminal proceeding. Do you understand that?

SR. DEP. WONG: Yes, sir.

SGT. QUANICO: Secondly, your rights under [3303] of the government code are still in effect. You have a right to have a representative, uh, present, and Mr. Harry Stern is here from Rains, Lucia and Stern. Uh, Senior Deputy Wong, on, uh, September 8th, 2009, you gave us a narrative. Uh, you gave us a recollection of the events that took place on, uh, September 7th. Uh, when I asked you, was Lieutenant Casey present, uh, in front of K tank, you said no. Uh, also according to your statement, I asked you, was Lieutenant Casey present at all during K tank or any of the movement to and from? And you said no. Lieutenant Casey had a-a-a different, uh, uh, view of what took place. He clearly indicated that he ordered the deputies to stand up inmate [REDACTED] after he was on the ground. He ordered them to hold -- uh, stand him up. And he said that he received a briefing from you in front of K tank. Specifically, you gave him a two to five-minute briefing while the deputies [held him up] off the ground. And you told him the events of-of-of what took place at post 11, what took place in K tank leading to the incident in front of K, according to Lieutenant Casey. He indicated that, after he -- you gave him a briefing and from what he, meaning Casey, saw on the main line, it was his decision to place inmate [REDACTED] in the safety cell. First of all, do you recall this?

SR. DEP. WONG: No.

SGT. QUANICO: Okay.

SR. DEP. WONG: I do -- I mean, I do not recall -- more specifically, I do not recall any of the statements that Lieutenant Casey made as my memory.

SGT. QUANICO: Okay. Do you recall giving him a briefing, uh, more importantly?

SR. DEP. WONG: I recall giving him a brief-briefing after the fact.

SGT. QUANICO: And meaning after the fact, meaning after [REDACTED] was deceased?

SR. DEP. WONG: Uh, n-no. It was -- I-I believe I gave him a briefing at the time, uh, medical was-was d -- was doing, uh, a rescue, uh, procedure and getting a hold of, uh, the paramedics that I talked -- I-I talked to Lieut-Lieutenant Casey.

SGT. QUANICO: So that is near safety cell number two then?

SR. DEP. WONG: No. Actually, it was -- uh, I believe it was in the front office.

SGT. QUANICO: Okay. But in terms of, uh, a briefing that Lieutenant Casey said that you gave him in front of K tank while [REDACTED] was still there being held up by more than likely Guitron and Gutierrez, and him and you basically explaining to him all the events that took place up to including how he ended up on the ground, you don't recall that?

SR. DEP. WONG: No, I do not.

SGT. QUANICO: Okay. Do you recall Lieutenant Casey telling you and the other deputies that were present in front of K tank, "Take him to the safety cell. I'll be there in a minute. I've got to take some -- take care of something more important in-in-in K tank." Do you recall that?

SR. DEP. WONG: No.

SGT. QUANICO: So today, you still believe that you gave the only order or the only instruction to send Mr., uh, [REDACTED] to the safety cell? It was your decision?

SR. DEP. WONG: Yes.

SGT. QUANICO: Okay.

SR. DEP. WONG: That -- but I did -- but I did let Lieutenant Casey know that I was taking him to the safety cell.

SGT. QUANICO: When?

SR. DEP. WONG: As we were taking him down the line.

SGT. QUANICO: Okay. On the radio? Or personally?

SR. DEP. WONG: As I passed him by.

SGT. QUANICO: Okay. So as you were walking past Casey --

SR. DEP. WONG: Personal -- personally, yes.

SGT. QUANICO: Down the main line, you told him that you were en route to the safety cell --

SR. DEP. WONG: Well, we were all -- we had him in the -- and we were walking him -- uh, inmate [REDACTED] down the line from K tank. And Lieutenant Casey was walking towards, uh, post 10 as opposed to going towards post [nine]. And, uh, he -- we passed each other. And o -- and of course, you know, you can't miss us because there's six of us or seven or whatever. And, uh, I said, "We're taking this guy to the safety cell."

SGT. QUANICO: Okay.

SGT. COLMENERO: Whereabouts on the line were you at at that point?

SR. DEP. WONG: I would say, uh, somewhere around [Dorm 1 , G tank over] -- right-right at the split, post nine and 10.

SGT. COLMENERO: And you said you passed -- did you actually stop and have a conversation?

SR. DEP. WONG: No.

SGT. COLMENERO: Or-or a briefing or --

SR. DEP. WONG: Uh, no. It-it --

SGT. QUANICO: Even a statement?

SR. DEP. WONG: We were -- uh, we were in the middle of trying to keep, uh, [REDACTED] in control. And, uh, as we were moving, I go, "Hey, Lieutenant, we're taking him to the safety cell."

SGT. COLMENERO: Did he respond?

SR. DEP. WONG: Yes.

SGT. COLMENERO: What was his response?

SR. DEP. WONG: It was, uh -- I-I don't recall specifically. I -- it was a-an acknowledgement of sorts.

SGT. QUANICO: At that time, did he tell you, "Okay. Go to the safety cell. I've got to take care of something more important in K tank."

SR. DEP. WONG: I don't recall him saying anything.

SGT. QUANICO: Okay. Now, [there are inconsisitenc] -- this is from your transcript.

SR. DEP. WONG: Mm-hmmm.

SGT. QUANICO: I asked you, "Where was Lieutenant Casey during the entire process?" And you said, "I don't know. I think he was in the front office." I asked you, "Did he know what was going on?" And you said, "Uh, eventually, he found out. But I don't know -- another deputy must have told him because I was already involved in the incident. I couldn't report to him."

SR. DEP. WONG: Mm-hmmm.

SGT. QUANICO: Was there -- and this is me asking you this question, "Was there ever any direct orders for you to take over this incident? You're the scene commander. Senior Dep, take over. Was there anything like that?"

SR. DEP. WONG: Not that I recall.

SGT. QUANICO: And you-you said you-you didn't recall.

SR. DEP. WONG: No.

SGT. QUANICO: And then, I asked you, "Whose decision was it to place [REDACTED] in the safety cell?" You said, "It was my decision."

SR. DEP. WONG: Yes, sir.

SGT. QUANICO: And I asked you, "Okay. Did Lieutenant Casey know about that?" You said no -- you said no to that. But now, today, you said, as Casey passed you on the main line --

SR. DEP. WONG: Well, let me -- let me, uh, clarify.

SGT. QUANICO: Sure.

SR. DEP. WONG: When I made the decision, he didn't know about it.

SGT. QUANICO: Okay.

SR. DEP. WONG: I already made the decision w -- by the time we were moving down the line.

SGT. QUANICO: Okay.

SR. DEP. WONG: So yeah. Eventually, I told him.

SGT. QUANICO: Okay.

SR. DEP. WONG: But initially, I made the decision. I was not ordered to do so.

SGT. QUANICO: Okay. So you made the decision to place him in the safety cell.

SR. DEP. WONG: Yes.

SGT. QUANICO: Okay. And then --

SR. DEP. WONG: And it was after I made the decision at K tank --

SGT. QUANICO: Is when you walked past Casey?

SR. DEP. WONG: Is when I w-w -- yeah, when I told Lieutenant Casey.

SGT. QUANICO: [Okay.]

SGT. COLMENERO: So let me just be clear. So there was no radio traffic that said, "One en route to the safety cell?"

SR. DEP. WONG: No.

SGT. COLMENERO: There's -- uh, from K tank w-- before you leave to head towards the safety cell?

SR. DEP. WONG: No. Because the situation, I felt, was contained. Uh, there was no further need for, uh, assistance. So I just proceeded.

SGT. QUANICO: In the interviews that we conducted, Senior Deputy Wong, uh, th - - someone said that Deputy Song had one side, and Deputy Guitron had the other side in-in the attempt to put [REDACTED] into K two. Do you recall Song going hands on with [REDACTED] in K tank and specifically placing [REDACTED] into K two?

SR. DEP. WONG: No, I don't. And actually, y -- it-it -- uh, post-post 10 -- Deputy Song was assigned to post 10. Therefore Deputy Song had the keys. Okay. Deputy Song opened the-the gate to K tank. He had already opened the tank door to, uh -- the gate to, uh, K two. And then, he secured K tank. But when we got there, he opened the gate. And we stepped in. So, uh, Deputy Song was like at the gate. He wasn't --

SGT. QUANICO: At-at which gate?

SR. DEP. WONG: Uh, K tank gate.

SGT. QUANICO: Okay. So the front gate?

SR. DEP. WONG: Yeah.

SGT. QUANICO: Okay. Now, who do you -- who do you recall, uh, placed [REDACTED] in -- or attempted to put him into K two? Who-who had grasp of his arms?

SR. DEP. WONG: Me and Deputy Gutierrez.

SGT. QUANICO: Okay. W-where was Deputy Guitron?

SR. DEP. WONG: I don't recall.

SGT. QUANICO: Okay.

SR. DEP. WONG: Probably right behind [me].

SGT. QUANICO: Are you certain it was yourself and, uh -- and Gutierrez?

SR. DEP. WONG: Yeah. I-I-I'm pretty certain it was me and Deputy Gutierrez because I remember Deputy Gutierrez was, uh -- was -- he -- well, I remember him being there.

SGT. QUANICO: Okay.

SGT. COLMENERO: What side were you on, Senior Dep? What's -- you said you had his arms? You had, uh, inmate [REDACTED] arms? Is that right?

SR. DEP. WONG: At that point, if-if you allow me to --

SGT. COLMENERO: [unintelligible]

SR. DEP. WONG: Uh, K two is here. Dep -- uh, inmate [REDACTED] was facing outwards towards the main line and standing here like this. I recall --

SGT. QUANICO: So [REDACTED] has his hands behind his back?

SR. DEP. WONG: He still was cuffed.

SGT. QUANICO: Okay.

SR. DEP. WONG: Yes, sir. And he was standing this way facing the main line, facing out of K tank.

SGT. QUANICO: Okay.

SR. DEP. WONG: Deputy Gutierrez was standing here.

SGT. QUANICO: And you're pointing to basically to --

SR. DEP. WONG: H -- the -- inmate [REDACTED] left.

SGT. QUANICO: Okay.

SGT. COLMENERO: Left.

SR. DEP. WONG: I was standing on his right. I was n -- I was -- I was not -- I didn't secure him. I stepped back and told him to step in. I was on his right side.

SGT. QUANICO: Okay. Okay. On the way out, do you recall if Deputy Song had grasp of his, meaning [REDACTED] head, uh, which would be the usual protocol in escorting somebody to the safety cell or someone who was being disruptive. Do you remember Song pushing down on-on, uh, [REDACTED] head on the way out of K tank?

SR. DEP. WONG: I don't even recall Deputy Song being near us because he was at the gate. I mean, as far as I remember, he was standing outside of K tank. And, uh, you know, he -- we were inside [of it].

SGT. QUANICO: Okay. Now, you're out on the main line, uh, with [REDACTED] When he went down to the ground, do you recall -- first, you. Do you recall placing your knee on his back or his legs at any time?

SR. DEP. WONG: No.

SGT. QUANICO: Do you recall any of your staff having to place his knee on his back or on his legs?

SR. DEP. WONG: No.

SGT. QUANICO: Okay. Sarge, those are the only questions I had to ask. Do you have anything?

SGT. COLMENERO: No, [I've just got to ask], uh, you said, uh, that you let the lieutenant, Lieutenant Casey, know as you were en route to safety cell, but you didn't stop on the main line with inmate [REDACTED] And, uh, where did the lieutenant go after you said you were taking [REDACTED] to the safety cell?

SR. DEP. WONG: Uh, I don't know, Sarge.

SGT. COLMENERO: [Did you see]?

SR. DEP. WONG: No.

SGT. COLMENERO: Okay. And then, you also mentioned that you gave him a more-more complete briefing at some point.

SR. DEP. WONG: Yes.

SGT. QUANICO: And I wasn't clear. Was that y -- uh, in the front office? Or was it at the safety cell?

SR. DEP. WONG: You know, it -- I-I-I want to -- I w -- I want to say the front office. But, uh, I remember speaking to him in the front office. And I remember speaking to him in front of the safety cell [too]. But I don't remember at which point I had briefed him, uh, y -- on, uh, those s-s -- uh, specific facts because I spoke to him several times. And, uh, so I'm -- uh, I would -- I would have to say the front office. I mean, uh, for that -- for that particular set of facts because I was constantly in contact with him, you know, uh, during that whole time, uh, [REDACTED] was trying to -- was getting, uh, uh -- they were attempting to resuscitate him.

SGT. COLMENERO: So you were in contact with the lieutenant at the safety cell. Did you call the lieutenant to the safety cell? Or did he come up there? Or do you know?

SR. DEP. WONG: I don't -- I don't remember. I don't -- I don't remember.

SGT. COLMENERO: Okay. [Okay.] And so some information was passed to the Lieutenant at the safety cell?

SR. DEP. WONG: Yes.

SGT. COLMENERO: And then, also in the front office.

SR. DEP. WONG: Yes.

SGT. COLMENERO: It sounds to me like what you're saying is that there was a more complete briefing from the beginning of what-what happened with inmate [REDACTED] Is that right?

SR. DEP. WONG: Yes.

SGT. COLMENERO: Okay.

SR. DEP. WONG: You know, and-and when I say other information, I -- what I'm referring to is things like, uh, medical, call 911. Uh, [408s] on the way. Uh, you know, this and that. W --

SGT. COLMENERO: So by the time you're in the front office now, inmate [REDACTED] is-is deceased? Is that --

SR. DEP. WONG: I-I [when I get to the] front office. Yeah.

SGT. COLMENERO: Okay.

SR. DEP. WONG: Well -- yeah.

SGT. QUANICO: Okay. Senior Deputy Wong, just to make it clear, I-I-I just want -- I want to read an excerpt from Lieutenant Casey's statement. And this is regarding when he was in front of K tank apparently with you and the other deputies with [REDACTED] [It] says, "Yeah. Senior Deputy Wong, uh, about the guy wanting to go to the main line. There was something about the main line in there. I told him he can't go to main line. There's no way. And then, I said, 'Well, you know, you've got danger to others over in the tank. You tried to put him in ad seg. He won't go. I just saw the way he was acting towards you and the way he fought with the deputies. That's danger to staff. Uh, I-I think we have enough to have him go to the safety cell.' So I looked at everything. I said, 'He's going to the safety cell.' But I said to them -- I said, 'But I-I've got a g -- I'll be there a little late because I have a matter I have to get to in K tank right now.' So I went into K tank, uh, to-to talk to this [smaller SX -- SXI who was sleeping." Do you remember that?

SR. DEP. WONG: No, I don't.

SGT. QUANICO: Okay.

SGT. COLMENERO: I just have a question. I'm sure the Sarge already went over this part with you. But on that day, what was your designated post? Or did you have a designated post?

SR. DEP. WONG: I bel --

SGT. COLMENERO: Your assignment?

SR. DEP. WONG: I believe I was just assigned as assistant watch commander.

SGT. COLMENERO: Okay.

SGT. QUANICO: Okay. Harry, is there anything you want to clarify now?

MR. STERN: No.

SGT. QUANICO: Okay. Uh, Senior Deputy Wong, is there anything that you'd like to add at this time? I don't have any other questions.

SR. DEP. WONG: No.

SGT. QUANICO: Okay. Uh, Senior Deputy Wong, this is still an ongoing investigation. Uh, the admonishment I gave you not to talk to anyone still stands. [crosstalk] Of course, you can talk to Mr. Stern. Uh, if there's nothing else, the time is, uh, 1018 hours. Uh, this will conclude our interview with, uh, Senior Deputy Wong. Thank you, Senior Dep.

SR. DEP. WONG: Thank you, Sergeant.

[End of recorded material]