

**SUMMARY REPORT****CASE: A06082****Type of Complaint or Incident:**

Misconduct/Unnecessary Force

**Persons Involved:**

Complainant(s):

J#

SF#

Subject:

Deputy Scott Neu #1823

DOH: 01/02/02

SD Robert Trevizo #1104

DOH: 10/24/92

Witnesses:

SD Malechi Burris

#369

DOH: 10/15/75

Dep. Robert Cooper

#777

DOH: 03/02/81

Dep. Ben Foster

#1521

DOH: 09/08/98

Dep. Juan Guitron

#1894

DOH: 09/12/05

MD

SFGH

Radiology Dept.

MD

SFGH

Radiology Dept.

J#

SF#

J#

SF#

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SF#

J#

SF#

Date of Incident(s):

05/26/2006 @ 1000 Hrs.

Location:

County Jail #1 J-Tank Cell J-01

Date of Report:

04/22/2008

Investigator:

Sr. Deputy J. Quanico #1429

**Introduction:**

On 07/07/06, at approximately 0800 Hrs, Lt. Kennedy #540 OIC instructed me to review a packet that he received from Chief Arata #370 on 07/03/06. Lt. Kennedy instructed me to interview Inmate [REDACTED] on his allegation of excessive force by Deputy Scott Neu.

**Administrative case review and approval for closure or forwarding:**

This report of 17 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: 05.29.2008

**Summary:**

The following summary is based on a review of records, documents, incident reports and taped interviews.

**OVERVIEW:**

On May 26, 2006, during the 0700-1500 Watch at CJ#1, Deputy Scott Neu #1823 was assigned to Post 10 with Deputy Juan Guitron #1894 and Deputy Robert Cooper #777. Sometime during that watch, Inmate [REDACTED] was loud and disruptive. Deputy Scott Neu instructed Deputy Juan Guitron to pop open Cell J-01. Deputy Neu allegedly entered [REDACTED] cell and without reason punched [REDACTED] several times on the left side of his body. [REDACTED] alleges that Deputy Neu kneed him on the left side fracturing his ribs. Inmate [REDACTED] related that a day or two after the incident, Deputy Neu attempted to apologize and offered [REDACTED] a cookie. Inmate [REDACTED] had his ribs X-rayed on 05/30/06, X-ray confirmed fracture to left 9<sup>th</sup> lateral rib.

**BACKGROUND**

According to Facility and Medical records, Inmate [REDACTED] is a documented disruptive inmate. Inmate [REDACTED] has had several Safety Cell Placements for suicidal ideation. [REDACTED] has been charged for "Gassing" while in the custody of the SFSD. [REDACTED] has an extensive history of harassing female staff members.

**Captain Butler Memo dated 06/27/06 to Chief Arata paraphrased:**

Captain Butler received a grievance from Inmate [REDACTED] that was sent to Captain Butler by Sergeant Daggs (SFGH). [REDACTED] alleges that Deputy Neu entered his cell. Neu proceeded to punch, kick, and knee Inmate [REDACTED]. [REDACTED] alleged that he fractured his ribs. Captain Butler confirmed with JMS that [REDACTED] did indeed have fractured ribs. [REDACTED] did not indicate the time of incident, however he first complained about the ribs on 05/27/06 during a safety cell placement. Captain Butler was not aware of any situations where they had to struggle with Inmate [REDACTED] causing this injury. Sergeant Daggs told Captain Butler that there was one event where [REDACTED] had to be placed in four point restraints, but it was uneventful. Deputy Neu was assigned to Post Ten on 05/26/2006. Several inmates with (PSY) codes have made allegations against Neu. Captain Butler wrote that Neu had entered her office and asked her if there was anything that he was doing that she wanted to talk to him about. Butler found that strange. The allegations are made by psychiatric inmates, however an inmate has broken ribs and Neu is the only Deputy that was mentioned. Please review and advise.

## **INTERVIEWS:**

**07/12/2006 @ 1548 Hrs.**

Taped Interview with [REDACTED] J# [REDACTED] SF# [REDACTED]  
Paraphrased: Inmate Maaref did not recall the exact date of the incident, but later recalled that it was the same day he received a Notice of Rule Violation from SD Trevizo (05/26/06). [REDACTED] was housed in a five man cell (J-Tank) on the day of the incident. On that day, [REDACTED] was attempting to call his lawyer, but an individual housed in J-Tank kept interrupting. [REDACTED] admitted that he raised his voice. [REDACTED] related that Deputy Neu, who he described as a white muscular male, walked into J-Tank. [REDACTED] related that Neu had a mental disorder and anger management issues. [REDACTED] related that Neu told Guitron to "Pop Open" his ([REDACTED]) cell door. Angrily, Neu grabbed [REDACTED] hair with his (Neu's) left hand. [REDACTED] said Neu punched the left side of his body 7 times and kneed him one time in the same area. [REDACTED] said the knee fractured his #9 and #10 left ribs. [REDACTED] said X-rays were taken. [REDACTED] said Neu attempted to apologize to [REDACTED] a few days after the incident. [REDACTED] said he [REDACTED] acted as if he accepted his apology. [REDACTED] said Neu offered him a cookie. [REDACTED] said he told Neu, "I did not tell Captain Butler about this incident." Neu asked [REDACTED] "Did she ask you about this?" [REDACTED] said, "No." [REDACTED] said he had difficulty breathing because of the injury. When asked, [REDACTED] said it was Neu that broke his ribs. [REDACTED] related that he did not sustain the rib injury from another incident. [REDACTED] said he heard a pop after Neu kneed him. [REDACTED] said he wanted to sue Deputy Neu. [REDACTED] said he was afraid of him. [REDACTED] said Guitron just opened the door, he did not get involved. [REDACTED] said the inmates that were housed across from J-Tank could have seen the incident. [REDACTED] said he told medical about his ribs right away.

**07/13/2006 @ 1156 Hrs.**

Taped interview #2 with [REDACTED]  
Paraphrased: Inmate [REDACTED] was informed by this investigator that he needed to be interviewed a second time to clarify a couple of items. This investigator read the photo lineup admonishment to [REDACTED] and had him sign it. [REDACTED] was given a photo lineup of the deputies that were assigned to Post 10 on 05/26/2006. [REDACTED] was able to identify every deputy in the photo lineup except Deputy Cabuloy. [REDACTED] identified Deputy Guitron as the deputy that opened the gate to his cell. When asked, [REDACTED] recalled that Guitron opened the gate from outside. When asked, [REDACTED] recalled that Guitron did not enter his cell. When asked, [REDACTED] said his cell was right next to the main door to the tank. [REDACTED] said the incident happened in his cell not the common area



**07/13/2006 @ 1515 Hrs.**

Taped interview with **Deputy Juan Guitron # 1894**

Synopsis: Deputy Guitron was assigned to the Swing Watch on the day of the incident. He recalled that he was assigned to Post Ten with Deputy Neu, Deputy Cooper, and Deputy Wolske. When asked, Deputy Guitron related that he did not recall anything out of the ordinary that day. When asked about Inmate [REDACTED] Guitron recalled that he was loud that day. When asked a second time if he recalled anything specific about Inmate [REDACTED] that day, Guitron recalled that Deputy Neu told him to open J-Tank. Guitron related that he was pre-occupied with pill call and the jail noise, so he was not able to look into [REDACTED] cell. Guitron said Neu told him to open J-Tank. Guitron complied. Neu then told Guitron to open [REDACTED] cell. Guitron complied. Guitron assumed that Neu was going to take [REDACTED] to Toper. Guitron said it became quiet. Guitron related that he heard Neu say, "Turn around and cuff-up?" [REDACTED] told Neu to "Fuck Off." At this time, Guitron was reminded that he had recently graduated from the academy and core class. He was reminded that his JTO instructor more than likely instructed him to keep an eye on his partner when entering an ADSEG cell. When asked a second time, Guitron related that Neu entered [REDACTED] cell. Guitron heard "muffling sounds." Guitron then heard "thuds." Guitron was not able to describe what the "thuds" were. Guitron said he did see [REDACTED] on his knees with his chest pressed up against his bunk. Guitron said Deputy Neu was over [REDACTED] Guitron said he saw Neu push [REDACTED] into his bunk. Neu then said something like, "Respect the men in the black!" Neu exited and then he slammed the cell door. [REDACTED] never went to Toper. When asked, Guitron related that Deputy Neu always appeared "Pissed Off." When asked, Guitron said Neu's demeanor when he exited the tank was the same as always (referring to being "pissed off."). On that same day, Deputy Guitron said he made a round in J-Tank with Deputy Cooper. [REDACTED] told Guitron and Cooper, "My ribs hurt," "I think they are broken." Cooper told [REDACTED] that he was alright. When asked, Guitron said Deputy Neu never called a supervisor. Deputy Guitron never entered [REDACTED] cell. The next day, Guitron spoke to [REDACTED] Guitron related that [REDACTED] said his ribs were still hurting. [REDACTED] said, "Neu broke my ribs." Guitron recalled that this conversation took place when [REDACTED] was in the safety cell. Guitron recalled that [REDACTED] wrote in feces, "Neu the poo" on the Safety Cell Wall. When asked, [REDACTED] did not attack Neu. When asked, [REDACTED] was compliant. When asked Guitron believed the "thud" was when [REDACTED] fell to his knees. [REDACTED] was never handcuffed according to Guitron. Guitron was asked if he thought Neu's actions were inappropriate. Guitron said, "yes," "I was trained differently."

**02/12/2007 @ 1540 Hrs.** Taped interview #2 with **Deputy Juan Guitron #1894**

ADA Diane Knoles present. Synopsis: Deputy Guitron's account of the incident was consistent to the interview given on 07/13/06, except: 1) After Guitron heard thuds in Cell #1, Guitron looked into the cell and heard [REDACTED] say, "Fucken Neu, I think you broke my ribs."

When Maaref made that statement, Neu was on top of him. 2) Guitron did not recall Neu telling Maaref to take down ties or artwork. 3) After the first interview, Neu approached Deputy Guitron and asked him if he had spoken to IA regarding the incident with Maaref. Guitron said Neu was surprised that Guitron did not tell him. Neu said, "Dude weren't you going to tell me." Guitron said Neu apologized for putting him in this situation.

**02/16/2007 @ 1518 Hrs.** Taped interview #3 with **Deputy Juan Guitron #1894**

ADA Diane Knoles present Synopsis: When asked, Guitron did not recall observing Neu going into Maaref cell to retrieve contraband. When asked, Guitron did not recall Neu mentioning contraband. When asked, Guitron did not recall getting an explanation on why Maaref did not go to Toper or the Safety Cell. When asked, Guitron was under the impression that Neu was going to cuff Maaref at the gate, but he did not. Instead, Neu told Guitron to open the gate. When asked, Guitron said he was distracted for 5 to 10 seconds after he opened the cell for Neu. When asked, Guitron said the reason why he did not look into the cell was not because he did not want to witness what was going on. Guitron related that he spoke to OE3 representative Dave Gossman. When asked, Guitron said he did not tell Neu that [REDACTED] ribs were broken. However, Guitron said he assumed that Neu was aware that they were broken because he (Neu) mentioned that Maaref was "Tuned-up" by the midnight crew during a Safety Cell Placement.

**04/14/2006 @ 1058 Hrs.**

Taped interview with [REDACTED]

Synopsis: [REDACTED] recalled the incident regarding Deputy Neu. He recalled that a disruptive inmate that the inmates called "Poppy" was being loud that day. [REDACTED] recalled that "Poppy" was housed in the first cell in J-Tank. [REDACTED] recalled that there were words exchanged between Deputy Neu and the inmate.

Deputy Neu ordered the inmate to be quiet several times, but the inmate continued to be disruptive. [REDACTED] recalled that profanity was exchanged on both sides. [REDACTED] recalled that Neu asked another deputy to open J-1. The deputy opened the door from the Mainline and Neu entered the cell. [REDACTED] recalled that he heard a commotion. [REDACTED] said he heard shoes moving around. [REDACTED] related that he could not see anything. [REDACTED] related that Neu was in the inmate's cell for 45 to 60 seconds. When asked, [REDACTED] said he did not hear Neu or any deputy say "Turn around and cuff-up." When Neu exited the tank, [REDACTED] recalled that the inmate was upset because Neu ruined his artwork. [REDACTED] said the inmate told him ([REDACTED]) that his ribs hurt. [REDACTED] told [REDACTED] that Neu kicked him in the ribs. [REDACTED] recalled that the inmate saw medical a day or two after the incident. [REDACTED] has not seen the inmate since. When asked, [REDACTED] said there was not a supervisor present when he entered the inmate's cell. When asked, [REDACTED] said the inmate was not on the phone.



When asked, [REDACTED] said he [REDACTED] was the only inmate in the tank that did not have psychological issues. He related that he was in the tank for protective custody reasons.

**07/28/2006 @ 1109 Hrs.** Taped interview with [REDACTED]

Synopsis: At the onset of this interview it appeared that [REDACTED] recalled the incident. When this investigator related the allegation, [REDACTED] stated, "That isn't true." When I started the formal tape recorded interview, [REDACTED] did not recall the incident. [REDACTED] claimed that he arrived to Napa State Hospital on 05/18/06. The SFSD Inmate Tracking records indicate that he was delivered to Napa State Hospital on 06/27/06.

**08/04/2006 @ 1509**

Taped interview with **Sr. Deputy Malachi Burris #369**

**Paraphrased:** Burris recalled [REDACTED] Burris recalled a conversation with [REDACTED] regarding broken or injured ribs. Burris said [REDACTED] told him that Deputy Neu broke his ribs. Burris said he talked to [REDACTED] everyday. They talked about music. When [REDACTED] told Burris about his ribs, Burris checked with medical. Burris related that there were no records indicating injured ribs. Burris said he had a conversation with Deputy Neu. Burris said he told Neu to stay away from [REDACTED] Burris told Neu that [REDACTED] alleged that he (Neu) assaulted him. Burris related that Neu talked to [REDACTED] to settle their differences. Burris related that it appeared that Neu was apologetic for what ever he did. Burris related that he spoke to medical to have [REDACTED] x-rayed. Burris then related what Neu actually told him about his contact with [REDACTED] Burris said Neu approached [REDACTED] about his art work in his cell. Neu entered [REDACTED] cell and instructed [REDACTED] to step to the rear. [REDACTED] approached Deputy Neu. At this time Neu pushed [REDACTED] back. Neu said [REDACTED] fell to the ground and began to complain about his ribs. Burris said the incident happened in cell #1. Burris could not recall who opened the gate for Neu, but it was possibly Guitron. Burris related that he told Neu several times that an ADSEG inmate needed to be handcuffed. Burris also said that he told Neu to "Just keep it low key." (Meaning his job in general.)

**08/30/2006 @ 1406 Hrs.**

Taped telephone interview with [REDACTED]

**Paraphrased:**

[REDACTED] said he was currently a patient at Metro State Hospital. [REDACTED] said he was speaking to me on a telephone located in his Social Worker's office. [REDACTED] did not recall the exact date of the incident, but [REDACTED] recalled that he was housed in J-04 at CJ#1. [REDACTED] recalled there was an Arabic Inmate housed in J-01. [REDACTED] recalled hearing a commotion. [REDACTED] recalled that Deputy Neu ordered the inmate to cuff-up. [REDACTED] recalled that Neu instructed another deputy to open the cell door to J-01. [REDACTED] was not sure who the other deputy might be. [REDACTED] said it was either Foster or a Filipino Deputy.

██████ recalled that the Deputy that opened the door was paranoid to open the gate. Neu had to tell the Deputy four times to pop open the gate. ██████ said he saw Neu walk into the cell. ██████ said it was only Neu that entered the cell. ██████ said he heard hollering. ██████ said he heard Neu kick the inmate at least three times. ██████ said he heard grabbing then the Arabic guy went to the floor. ██████ described Neu as Caucasian. He recalled that he was heavy set and had a "Hitler" haircut. ██████ recalled that the inmate said, "My ribs!" "My ribs!" ██████ said he told Neu that he was not supposed to do what he did. Neu said, "You know how we do it!" ██████ recalled that Deputy Cooper and possibly Lt. Dorsey gave the Arabic guy three plates of chicken. ██████ recalled that Neu lectured the Arabic guy while he assaulted him. ██████ recalled that the incident happened after lunch.

**08/22/2006 @ 1534 Hrs.**

Taped interview w/ ██████ from case A06089  
██████ related that Inmate ██████ told him that Deputy Neu broke his ██████ ribs. ██████ related that ██████ complained about his ribs in late May 2006. ██████ related that Deputy Neu filled an empty milk carton with water from a mop bucket and attempt to give it to ██████, who was in a Safety Cell.

██████ related that Inmate ██████ would only act up when Deputy Neu was working. When asked, ██████ said he did not have any animosity toward Deputy Neu. ██████ said Neu treated him fair.

**09/07/2006 @ 1352 Hrs.**

Taped interview with **Deputy Robert Cooper #777**

Paraphrased: Deputy Cooper regarded Deputy Neu as a co-worker only. Deputy Cooper did not socialize with him away from work. Cooper related that he called Neu one time, so that Neu could retrieve his bank card from his locker. Cooper said Neu lived by him so it was convenient. Deputy Cooper recalled Inmate

██████ He related that ██████ was loud and complained a lot. Cooper recalled that ██████ said he was "roughed up," but Cooper did not know anything specific. Cooper recalled that ██████ complained that his back and sides were hurting. Cooper recalled that ██████ mentioned being roughed up at a Safety Cell, not J-Tank. Deputy Cooper did not recall working with Neu at Post 10 on or about 05/26/06. When asked, Cooper said he did not have any conversations with Deputy Neu regarding ██████ Cooper did not recall any contact with ██████ in the presence of Neu and Deputy Guitron. When asked, Cooper said ██████ did not tell him that Neu had done something to him. When asked, Cooper said ██████ did not tell him that Sheriff's Personnel had injured him. When asked, Cooper said he recalled that his ribs were hurting that night. Cooper said a nurse came to see ██████ at the Safety Cell between 2000 Hrs.-2100 Hrs. Cooper related that ██████ was in the Safety cell when he mentioned being "roughed up" and complained about pain to his side and back.



When asked if he told [REDACTED] that he would be all right after [REDACTED] told him that he had broken ribs, Cooper said, "I would never say that." Deputy Cooper did not hear anything about Deputy Neu assaulting Inmate [REDACTED]. When asked, Cooper said he did not give this inmate any extra food other than what was served.

**09/07/2006 @ 1614 Hrs.** Taped interview with **Sr. Deputy Robert Trevizo #1104** **Paraphrased:** SD Trevizo characterized Deputy Neu as a co-worker not a friend. SD Trevizo recalled Neu told him that [REDACTED] had paperwork on the walls of his cell and [REDACTED] refused to take the paperwork down. Neu entered the cell as a deputy stood by. [REDACTED] advanced toward Neu. Neu extended his hand and pushed [REDACTED] against the cell wall.

Neu exited the cell. After Neu told Trevizo about his contact with [REDACTED], SD Trevizo instructed Neu to generate a NRV. SD Trevizo related that the NRV presented to him today was the same NRV Deputy Neu handed him on 05/26/06. When asked, SD Trevizo was asked why the NRV narrative by Neu was different than his (Trevizo's) recollection today. Trevizo said he recalled Neu telling him about the threats. When asked why he did not include the violation regarding paperwork in [REDACTED] cell, Trevizo said he did not know why. When asked if he heard the actual threats made to Neu, Trevizo said no. Trevizo said he heard other threats, but did not recall what he said specifically. SD Trevizo said he did not observe Neu enter [REDACTED] cell. SD Trevizo did not recall seeing Cooper or Guitron. When SD Trevizo adjudicated the NRV, [REDACTED] did not complain of any injuries. However, SD Trevizo recalled that [REDACTED] made allegations against Neu during a Safety Cell Placement after 05/26/06. [REDACTED] said, "Watch out I got broken ribs!" "Neu did it to me." SD Trevizo did not believe [REDACTED] at that time because he moved around without discomfort. When asked, SD Trevizo said he did not contact medical. When SD Trevizo was asked if he conducted his own investigation, SD Trevizo said he thought he told Medical but did not remember what they said. When SD Trevizo was told that he said he "did not" tell medical earlier in the interview, SD Trevizo said, "I told Medical." When asked to clarify when he heard the threats from [REDACTED] SD Trevizo said it was after Neu approached him (Trevizo) about the incident with [REDACTED]. SD Trevizo related that Deputy Neu approached him sometime in June. Neu told Trevizo that he expects IA to interview him (Trevizo) because [REDACTED] alleged that he (Neu) broke his ribs. SD Trevizo said he went to medical to confirm that [REDACTED] ribs were broken. SD Trevizo said there were two reports. One report confirmed that his ribs were broken. When asked if the broken ribs were a concern, Trevizo said he did not take it seriously due to [REDACTED] past behavior. When asked, SD Trevizo said he did not instruct Neu to write an incident report.



**09/08/2006 @ 0944 Hrs.** Taped interview with **Deputy Ben Foster #1521**

Paraphrased: Deputy Foster was on duty on 05/26/06. Deputy Foster recalls Inmate [REDACTED] Deputy Foster had limited contact with [REDACTED] and described [REDACTED] to be a problematic inmate. Deputy Foster was assigned to Post 3/5 on 05/26/06 and did not recall anything out of the ordinary during his watch. Foster has no knowledge of this inmate being assaulted or alleging that he was assaulted. Foster did not hear anything regarding an inmate having his ribs broken. When asked, Foster said he did not hear any conversation from anyone regarding [REDACTED] and Deputy Neu. Foster related that he never was in J-Tank on 05/26/06.

**10/04/2007 @ 1128 Hrs.** Taped interview with [REDACTED]

ADA Diane Knoles present. Paraphrased: Dr. [REDACTED] reviewed the X-rays which were available on disc during the interview. Dr. [REDACTED] was able to re-confirm a fracture to the left 9<sup>th</sup> rib on the X-ray taken on 06/02/06 in which he originally reviewed on 06/02/06. Dr. [REDACTED] could not confirm a fracture to the left 10<sup>th</sup> rib due to the low quality resolution on the screen available to him at this time. [REDACTED] suggested reviewing the X-rays at a hospital workstation at a later date. On 06/02/06, [REDACTED] was able to see a fractured 10<sup>th</sup> left rib. Dr. [REDACTED] reviewed Dr. [REDACTED] X-ray on 05/30/06. He confirmed a broken 9<sup>th</sup> left rib, but could not see a fractured 10<sup>th</sup> left rib. Dr. [REDACTED] said there were three views of the ribs taken on 05/30/06, but the CD available at this time only contained one view. Dr. [REDACTED] reviewed X-rays of [REDACTED] taken on March 10<sup>th</sup> and 12<sup>th</sup> of 2006. **(Before incident with Neu)** There was no indication of a fracture to the left 9<sup>th</sup> or 10<sup>th</sup> rib. When asked, [REDACTED] could not tell the difference between the fractured rib on 05/30/06 and 06/02/06. [REDACTED] said there is usually a one to two week window before a fractured rib begins to heal.

**10/18/2007 @ 1620 Hrs.** Taped phone interview with **Dr. [REDACTED] UCSF**

Paraphrased: Dr. [REDACTED] was currently at home in [REDACTED] Dr. [REDACTED] related that he reviewed the two x-rays that were missing during our interview on 10/04/07. After reviewing the two additional views at a workstation on 10/16/07, Dr. [REDACTED] was able to see a fracture to the ninth left rib, but not the 10<sup>th</sup> left rib.

**10/26/2007 @ 1530 Hrs.** Non-taped Interview with **Dr. [REDACTED]**

Paraphrased: Dr. [REDACTED] reviewed X-rays from 05/30/06 and 06/02/06 @ a workstation specifically used to review images on CD. Dr. [REDACTED] reviewed the images taken on 06/02/06. Originally, Dr. [REDACTED] reviewed these images and observed a fracture to the 9<sup>th</sup> and 10<sup>th</sup> left ribs. Dr. [REDACTED] related that he only saw a fracture to the 9<sup>th</sup> left rib. Dr. [REDACTED] related that he could not see a fracture to the 10<sup>th</sup> left rib on the 06/02/06 images due to the angle of the x-ray. Dr. [REDACTED] reviewed the images that were taken on 05/30/06. Dr. [REDACTED] re-confirmed that he only saw a fracture to the 9<sup>th</sup> left rib.

When asked, Dr. [REDACTED] indicated that it is difficult to determine how old a fracture is by reviewing X-rays. When asked, Dr. [REDACTED] could not determine if the patient would have experienced excruciating pain. [REDACTED] related that everyone has a different tolerance for pain.

**04/16/2008 @ 1113 Hrs.**

**Taped interview with Deputy Scott Neu #1823**

Paraphrased: Neu related that he was on duty at CJ#1 on 05/26/06. At approximately 1000 Hrs, Neu discovered contraband in [REDACTED] cell. Neu related that [REDACTED] was making Origami Dress Ties out of pages from magazines. Neu said he ordered [REDACTED] to dispose of the contraband, but [REDACTED] did not comply when Neu returned to his cell an hour later. When asked again, [REDACTED] refused to turn over the contraband. Neu related that he told Guitron to pop open Cell J-01. Neu ordered [REDACTED] to step back as Neu entered [REDACTED] cell to confiscate two magazines located on [REDACTED] top bunk. [REDACTED] then approached Neu with his hands in the air. Neu said he pushed [REDACTED] with his right hand. On a scale of 1 to 5, Neu said the force he used was a two. [REDACTED] fell to his knees and placed his head on his bunk. Neu related that he took the contraband and vacated [REDACTED] cell. Neu later said after he pushed [REDACTED] ended up on his knees with his body wedged between the toilet and the wall. When asked, the only contact Neu made with [REDACTED] was when he pushed [REDACTED] left shoulder. When asked, Neu said [REDACTED] did not sustain any injuries. Neu related that SD Trevizo was satisfied with a verbal report of the incident. Neu was not aware that [REDACTED] was injured until two weeks after the incident. Neu related that SD Trevizo and he spoke to an unknown nurse to confirm that [REDACTED] had X-rays done. Neu related that [REDACTED] did not pose any eminent danger; therefore there was no need to handcuff him. When asked, Neu said he did not review [REDACTED] Field Arrest Card nor did he investigate the reason why he was in ADSEG prior to entering his cell. Neu said [REDACTED] was not combative. When asked, Neu related that SD Burris did advise him to handcuff ADSEG inmates, but only if they are removed from their housing area. Neu said he just followed SD Burris as an example, because Burris would enter Inmate's cells to remove contraband. When asked, Neu said Deputy Guitron wouldn't have been in plain view if he was at the "Lockbox." When asked, Neu said he did not call for back up or ask for a supervisor. When asked, Neu said he did not tell [REDACTED] "Don't mess with the guys in the black." When asked, Neu said he did not talk to Deputy Guitron regarding the IA Investigation.

**The Time Table on the following page is based on Medical records, Inmate Housing Records, and interviews.**





## **ALLEGATIONS:**

- **Allegation #1:** You entered [REDACTED] ADSEG Cell before contacting a supervisor.

If Deputy Neu's intention was to extract [REDACTED] for being loud and disruptive he violated **SFSD D-11 S.O.R.T /Cell Extraction**

**SFSD Policy and Procedure D-11 "S.O.R.T /Cell Extraction stipulates:**

### **PROCEDURE:**

#### **I. Assessment Phase**

- A.** When a deputy recognizes that a prisoner located in a cell, is acting in such a way that immediate removal to another area may be necessary for the safety and security of the prisoner and the facility, the following actions shall be followed:
  - 1.** The Deputy shall call for backup and will not unlock the cell door. The cell door should not be opened until a supervisor arrives, except in a life threatening emergency, immediate action may be required.

If Deputy Neu's intention was to transport [REDACTED] to Toper or the Safety Cell, [REDACTED] was housed in Administrative Segregation with a MR level-3 Restraint Level (e.g. Belly Chains, leg irons, and escorted by one deputy). [REDACTED] should have been placed in restraints.

Deputy Neu related that he entered [REDACTED] Cell (J-01 ADSEG) because [REDACTED] refused to hand over magazines that he used to make Origami ties.

#### **Pg. 7 Deputy Neu's Transcript**

Deputy Guitron said Neu was going to take [REDACTED] to Toper but [REDACTED] never left J-01.

#### **Pg. 3 Deputy Guitron's Transcript dated 07/13/06.**

Deputy Guitron recalled that Neu said he wanted to take [REDACTED] to the Safety Cell because he was making noise.

#### **Pg. 12 Deputy Guitron's Transcript dated 02/12/07**

[REDACTED] never went to the Safety Cell on 05/26/06.

#### **Pg. 25 Deputy Guitron's Transcript dated 02/12/07**

█████ related that he █████ raised his voice as he was telling a cell mate to "be quiet." Deputy Neu entered █████ cell and assaulted him.

**Pg. 4 and 5 Maaref's Transcript dated: 04/12/2006**

Deputy Neu instructs Guitron to open █████ gate. Guitron assumed that Neu was going to handcuff █████ because he backed up to the gate. █████ was not handcuffed when Neu entered.

**Pg. 22 Deputy Guitron's Transcript dated 07/13/06**

Deputy Neu related that █████ was calm and did not pose any danger to him

**Pg. 16 Deputy Neu's Transcript**

Deputy Neu related that he just followed Sr. Deputy Burris' customs because Burris would enter ADSEG cells by himself to remove contraband.

**Pg. 25 Deputy Neu's Transcript**

When asked, Deputy Neu said SD Burris did instruct him to handcuff ADSEG Inmates. Neu said it was only necessary to handcuff when transporting an inmate from his cell to another location. Neu said he was not moving █████ However, Guitron believed Deputy Neu said he was taking █████ to Toper or the Safety Cell.

**Pg. 25 Deputy Neu's Transcript**

Deputy Neu said he did not contact a supervisor. Neu asked Deputy Guitron to "Pop Open" █████ gate and Neu walked in.

**Pg. 23 Deputy Neu's Transcript**

- **Allegation #2** You used unnecessary force on Inmate █████ causing serious injuries.

█████ alleges that Deputy Scott Neu entered his cell, grabbed him █████ by the hair, punched and kneed him causing a fractured left rib.

**Pg. 4 and 5 █████ Transcript dated: 04/12/2006**

Deputy Scott Neu related that he entered █████ cell to take contraband that █████ refused to hand over. As Neu was taking the two magazines (contraband) he saw █████ approach him with his hands in the air. Neu said he placed his right hand on █████ left shoulder and pushed █████ On a scale of one to five, one being the least five being the highest, Neu said the level of force was a two. Neu said █████ fell to his knees. Neu said that was the only force used. **Pg. 8 of Deputy Neu's Transcript Pg. 22 of Deputy Neu's Transcript**

Deputy Guitron related that he stood at the control box as Deputy Neu entered cell J-01. Guitron said he did not look into the cell the entire time, but he heard muffling sounds and then thuds. Guitron said he saw Deputy Neu push [REDACTED] as he [REDACTED] was kneeling on the ground. Guitron heard Neu say, "Respect the men in the black!" **Pg 22-26 of Deputy Guitron's Transcript dated 07/13/06**

Before Deputy Neu exited [REDACTED] cell, Deputy Guitron heard Inmate [REDACTED] say, "Fucking Neu, I think you broke my ribs!" **Pg. 17 of Deputy Guitron's Transcript dated 02/12/2007**

Prior to 05/26/06, [REDACTED] medical records do not mention any injury to his ribs nor did [REDACTED] complain of any injury to his ribs. [REDACTED] told Deputy Guitron and Deputy Cooper that his ribs hurt ten to fifteen minutes after contact with Deputy Neu on 05/26/06. On May 30, 2006, Inmate [REDACTED] had X-rays taken at CJ#1. X-rays taken on 05/30/06 show a fracture to the ninth left rib.

- **Allegation #3** You failed to seek medical attention for Mr. [REDACTED] injuries.

Deputy Neu said that he was not aware that [REDACTED] sustained broken ribs until weeks after his contact with [REDACTED] which was on 05/26/06. Neu said he told SD Trevizo and they checked with medical. They discovered that [REDACTED] was X-rayed but were not aware of any results. Deputy Neu said if [REDACTED] hadn't been seen by medical, he was going to make arrangements for him to be examined. **Pg 10 and 11 of Deputy Neu's Transcript**

Before Deputy Neu exited [REDACTED] cell, Deputy Guitron heard Inmate [REDACTED] say, "Fucking Neu, I think you broke my ribs!" **Pg. 17 of Deputy Guitron's Transcript dated 02/12/2007**

After Deputy Neu's contact with [REDACTED] on 05/26/06, Neu did not ask [REDACTED] if he was injured and [REDACTED] did not complain of any injuries. **Pg 24 of Deputy Neu's Transcript**

When Sr. Deputy Burris told Deputy Neu to stay "low key" around [REDACTED], Deputy Neu told Burris that he had contact with [REDACTED] and had to push [REDACTED] away from him. Neu said [REDACTED] fell on the floor and complained about his ribs. Burris said he told Neu that [REDACTED] mentioned that he (Neu) broke his ribs. Sr. Deputy Burris did not recall when he told Neu, but Burris spoke to [REDACTED] on either 05/26/06 or 05/27/06. **Pg. 02 of SD Burris Transcript**  
**Pg. 9, 10, &11 of Sr. Deputy Burris' Transcript**



█████ related that he did not receive medical attention until one week after his contact with Deputy Neu on 05/26/06.

**Pg. 12 of █████ Transcript**

**After Inmate █████ told Sr. Deputy Burris that his ribs were broken, Burris informed medical to have █████ X-rayed on 05/30/06 by an on-site X-ray technician.**

Deputy Guitron and Deputy Cooper spoke to Inmate █████ shortly after Neu allegedly assaulted █████ told Cooper and Guitron that he believed his ribs were broken. Guitron said Cooper told █████ that he would be all right. █████ did not receive medical attention.

**Pg. 30 of Deputy Guitron's Transcript.**

### **OTHER ALLEGATIONS:**

#### **Departmental Investigations**

#### **Cooperation/Unethical Conduct/Truthfulness**

#### **9.6 Departmental Investigations- Unethical Conduct**

Deputy Neu informs Sr. Deputy Trevizo that he (Neu) is being investigated because █████ had accused him of breaking his ribs. Neu told Trevizo that since he was the supervisor his name might come up. Sr. Deputy Trevizo and Deputy Neu checked with JMS to see if Maaref Ribs were broken. Trevizo said one report indicated █████ ribs were broken and another report indicated they weren't. **Pg 31 & 32 of Sr. Deputy Trevizo's Transcript**

Deputy Neu approached Deputy Guitron and asked Guitron why he did not divulge that he was interviewed by Internal Affairs. Deputy Neu asked Guitron what did he tell IA. Guitron said he told IA what he saw. Neu apologized to Guitron for placing him in this situation.

**Pg 34 and 35 of Deputy Guitron's 02/12/07 Transcript.**

#### **9.7 Truthfulness**

**#1**

**Neu alleges that he entered Maaref's cell to remove contraband and that █████ was not loud and disruptive**

Deputy Neu related in his interview that he made contact with █████ on two occasions. At approximately 1000 Hrs, he directed █████ to remove contraband from his cell. One hour later the Contraband was not removed. Neu said he instructed █████ to surrender two magazines that █████ was using to make Origami ties with, but █████ refused.

Neu then instructs Guitron to open the gate. Neu pushes [REDACTED] as he approached him. Neu said [REDACTED] was calm and not disruptive. Neu related that he made contact with [REDACTED] a second time later in the shift when [REDACTED] threatened him. Neu related that [REDACTED] was irate with him at that time.

**Pg 7 from Deputy Neu's Transcript**

Deputy Guitron recalled that [REDACTED] was being extremely loud and obnoxious. Neu instructs Guitron to open the gate to J-01. Guitron said this was the only time Guitron opened [REDACTED] gate.

**Pg 5 and 6 of Deputy Guitron's Transcript dated 02/12/07.**

Guitron did not recall any previous encounters between Neu and [REDACTED] on 05/26/06. Guitron opened [REDACTED] gate only one time.

When Neu entered [REDACTED] cell, Guitron did not recall Neu asking for paper ties or entering his cell to remove contraband. **Pg 33 and 34 of Deputy Guitron's Transcript dated 02/12/07**

Deputy Guitron recalled that Neu said he wanted to take [REDACTED] to the Safety Cell because he was making noise.

**Pg. 12 Deputy Guitron's Transcript dated 02/12/07**

[REDACTED] related that he [REDACTED] raised his voice as he was telling a cell mate to "be quiet." Deputy Neu entered [REDACTED] cell and assaulted him.

**Pg. 4 and 5 [REDACTED] Transcript dated: 04/12/2006**

**#2 Neu said he did not attempt to handcuff [REDACTED]**

Deputy Neu denied handcuffing or attempting to handcuff [REDACTED]. However, Guitron recalled Deputy Neu ordering [REDACTED] to turn around to be handcuffed. Guitron believed Neu handcuffed [REDACTED] before Neu ordered him (Guitron) to open J-01. **Pg. 4 of Deputy Guitron's 02/16/07 Transcript. Pg 16 of Deputy Neu's Transcript.**

**#3 Neu related he never said, "Don't mess with the guys in black."**

Laughing, Deputy Neu denied saying "Don't mess with the guys in the black!" Besides don't mess with the guys in black, Deputy Guitron said he heard him say "Don't fuck with the guys in black" or "Respect the men in black." **Pg. 27 from Deputy Neu's transcript. Pg 26 from Deputy Guitron's Transcript dated 07/13/05 Pg. 20 from Deputy Guitron's Transcript dated 02/12/07 Pg. 13 from Deputy Guitron's Transcript dated 02/16/07**

**#4 Neu denies talking to Sr. Deputy Burris about this incident since 05/26/06**

**9.6 Departmental Investigations- Unethical Conduct and 9.7 Truthfulness**

Deputy Neu denies talking to Sr. Deputy Burris about this particular incident since 05/26/06. However, Sr. Deputy Burris said he spoke to Neu regarding [REDACTED] allegations and told Neu to stay away from [REDACTED]. Neu even described the incident to SD Burris. **Pg 4 of Sr. Deputy Burris' Transcript Pg. 27 from Deputy Neu's Transcript**

**#5**

**9.6 Departmental Investigations- Unethical Conduct and 9.7 Truthfulness**

Deputy Neu denies talking to Deputy Guitron about this particular incident since 05/26/06. However, Deputy Guitron said Neu approached him sometime after Guitron's July 13<sup>th</sup>, 2006 interview and inquired why Guitron did not tell him (Neu) that he was interviewed. Neu asked Guitron what he told Internal Affairs. Neu apologizes to Guitron for placing him in this situation.

**Pg 28 from Deputy Neu's Transcript Pg. 34 and 35 from Deputy Guitron's Transcript dated 02/12/06 Pg. 13 and 14 from Deputy Guitron's Transcript dated 02/16/06**

[REDACTED]

**05/30/2006** X-Ray reviewed by Dr. [REDACTED] MD  
Fracture of lateral 9<sup>th</sup> rib with a small left effusion.

**06/02/2006** X-Ray reviewed by Dr. [REDACTED] M.D.  
Acute lateral 9<sup>th</sup> and 10<sup>th</sup> left-sided rib fractures.

On 11/17/2006, this case was presented to the District Attorney's Office for criminal review. On 01/16/2008, ADA Diane Knoles informed this unit that after careful review, their office decided not to prosecute Deputy Neu. ADA Knoles believed that they would not be able to show burden of proof in this case.

[REDACTED]

**Sr. Deputy J. Quanico #1429**