

PORTLAND POLICE BUREAU
Internal Affairs Division Worksheet

IAD # 2006-B-0016 PPB # 06-84962 DATE RECEIVED September 19, 2006
 Assign as IAD To: Barkley / Rodrigues RECEIVED BY Captain John Tellis
 Assign as SERVICE COMPLAINT To: _____

COMPLAINANT INFORMATION

COMPLAINANT Portland Police Bureau DOB _____ SEX _____ RACE _____
 ADDRESS _____ DAYTIME PHONE _____
 CITY / STATE / ZIP _____ BUSINESS PHONE _____
 LOCATION / OCCURRED NW 13th and Everett
 DATE / TIME OCCURRED 09/17/2006 - 1730 hours

CO-COMPLAINANT / WITNESS INFORMATION

COMPLAINANT / WITNESS Jamie Marquez DOB 07/07/1973 SEX M RACE H
 ADDRESS 4217 SW Corbett Ave or 522 SW Jackson St DAYTIME PHONE Cell 541-729-7374
 CITY / STATE / ZIP Portland, OR 97239 BUSINESS PHONE _____

NARRATIVE

Members Involved

Sergeant Kyle Nice #26853 - Central Precinct
 Officer Christopher Humphreys #32784 - Tri-Met Division
 Deputy Brett Burton - Mult Co Sheriff's Office

In-Custody Death

James Phillip Chasse, Jr. (MW, dob 05/07/64, 10 NW Broadway, #206, Portland, OR 97209)

Allegations/Issues to be Investigated

1. Was the use of force by Sergeant Nice and Officer Humphreys within Bureau policy? (Force)

IAD CASE CLOSURE INFORMATION

DATE CLOSED / INITIALED For IAD Captain's Use				ALLEGATION CATEGORIES		FINDING / DISPOSITION CATEGORIES	
ALLEGATION CORRESPONDS TO ALLEGATIONS / ISSUES TO BE INVESTIGATED				#1	#2	A	Unfounded
Allegation	Officer / DPSST #	Allegation Category	Finding Category	#3	#4	B	Exonerated
1.	Sergeant Nice #26853	#1		#4	Disparate Treatment	B-d	Exonerated w/debriefing
1.	Officer Humphreys #32784	#1		#5	Courtesy	C	Insufficient Evidence
				#6	Procedure	C-d	Insufficient Evidence w/debriefing
						D	Sustained
						ADM	Admin Complaint
						E	Decline
						M	Miscellaneous
						S	Suspend
						SC	Service Complaint
						IP	In Policy

CONFIDENTIAL

Internal Affairs Division Worksheet

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Incident Overview

Complaint by Jamie Marquez:

Well, I was witness to the incident that happened to James Philip Chasse Jr, the so called "transient" that was beaten to death by Police and Sheriff staff. The Oregonian report says he died in the police car, but he actually was already dead on the street corner. The police officers on duty severly (sic) beat the man. Punching him in square in the face, and kicking him in the back of his skull. All the while, using a taser on him. They then hog tied him, and laughed about the incident with each other, as the man lay there, unbreathing, and probably dead. An ambulance arrived on the scene, and at that time, the man finally came back to life. As he came to, he cried out to the ONLY female paramedic on the scene, "DONT LEAVE ME!" He was scared for his life. And he had every reason to be. He was going to die, in a matter of less than 1 hour. Extreme and violent force was used on this man, who had to weigh less than 140 pounds. I have a full document as to the events. And I will be filing an official complaint with the city.

Investigator Comments


Exhibits

IPR/IAD CHECKLIST

IPR Case Number: 2006-B-0016

DATE/INITIAL	IPR SECTION ONLY																																																	
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<i>7-30-08 mb</i>	IAD INVESTIGATION COMPLETED – Case Submitted to Captain																																																	
<i>7-29-08 D.F.</i>	Copy of Summary Investigative Report to IPR																																																	
<i>7-30-08 W</i>	To RU Manager – For Case Review / Recommended Finding																																																	
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	CASE CLOSED (Disposition Letter Sent to IPR) / RESOLVED (Administrative or Service Complaint)																																																	
	DATE OF REVIEW LEVEL MEETING (If Sustained)																																																	

DATE/INITIAL	IPR CASE REVIEW SECTION
	DATE CASE RECEIVED FROM IAD
	DIRECTOR'S REVIEW DECISION
	IF NOT SUSTAINED: Letter to complainant with notice of appeal. Notice given to member through IAD.
	IF SUSTAINED: Letter to complainant.
	CLOSING LETTER TO IAD
	FINDINGS APPEALED? <input type="checkbox"/> Yes <input type="checkbox"/> No
	IF APPEALED: <input type="checkbox"/> Appeal Accepted <input type="checkbox"/> Appeal Not Accepted
	IF ACCEPTED, ATTACH APPEALS CHECKLIST

DATE: March 17, 2010
TO: Captain Edward Brumfield
Internal Affairs Division
FROM: Christopher Paille 
Office of Accountability and Professional Standards
SUBJ: Update Findings Case #2006-B-0016 (06-84962)



Bureau of Police
Portland, Oregon

INTER-OFFICE MEMORANDUM

This case has been resolved. Please update Allegation #4 to reflect the following:

Involved Members: **Officer Chris Humphreys #32784**
Sergeant Kyle Nice #26853

Allegation #4 Is *Sustained* for both members.

Sergeant Nice and Officer Humphreys did not follow Directive 1051.00 Taser (Post Medical). (Procedure)

CHRONOLOGICAL RECORD

IAD #	06b0016
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Date Complaint Received: 09/19/2006	Complainant: Portland Police Bureau	Sergeant Assigned: Barkley/ Rodrigues
DATE / TIME	ACTION	
11/14/2006	Case assigned by Lieutenant Jay Drum #9809	
	<i>IAD waited for criminal case notebook</i>	
12/20/2006	Divisional Meeting: IAD, Detectives & Training	
04/13/2007	10 week letters mailed to complainants: Marquez, Stuart & Doolan	
05/22/2007	Interviewed Dr. Karen Gunson, M.E.	
06/06/2007	Interviewed Ms. Tami Hergert , paramedic	
06/06/2007	Interviewed Mr. Kevin Stucker , paramedic	
06/21/2007	Interviewed Dr. Karen Gunson, M.E.	
07/24/2007	Spoke with Ms. Susan Dunaway , Multnomah County counsel re: interviewing M.C.D.C. Deputy Hollenbeck .	
	Dunaway advised Hollenbeck would not be allowed to be interviewed until after civil depositions the first week in September	
07/24/2007	Discussed the Multnomah County issues with Stephanie Harper , Deputy City Attorney	
09/04/2007	Left a message for Susan Dunaway to confirm Deputy Hollenbeck would be available to be interviewed next week	
09/05/2007	Susan Dunaway left a message: depositions re-set to January 2008 and Deputy Hollenbeck would not be interviewed until after depositions	
09/06/2007 at 0830 hours	I called Susan Dunaway . She advised that Deputy Hollenbeck and Deputy Burton would not be interviewed and that Jim Rice , Portland Deputy City Attorney has the same position regarding PPB officers <i>not</i> being interviewed	
09/06/2007 at 0915 hours	Discussed situation regarding positions of Multnomah County and City of Portland attorneys with Sergeant Rodrigues and Captain Tellis	
09/06/2007 at 1050 hours	Susan Dunaway called. She advised she talked with Jim Rice , Deputy City Attorney, who agreed that no one from Multnomah County and City of Portland would be interviewed until after depositions in January 2008	
09/06/2007 at 1300 hours	Meeting in IAD with me, Sergeant Rodrigues , Captain Tellis , Lieutenant Famous and Dave Woboril , Deputy City Attorney. <i>Opinion: Sergeant Nice</i> and Officer Humphreys should be interviewed. and IAD investigation then on hold to interview Burton and Hollenbeck	
09/13/2007	Following a City and County meeting, Captain Tellis advised IAD investigation was on hold and would continue after civil depositions in January 2008	
09/24/2007 at 1030 hours	Met with Captain Tellis and A/C Rod Beard --- A/C Beard stated no interviews to be conducted (Hollenbeck , Burton , Nice or Humphreys)	

	until after civil depositions in January 2008
10/25/2007 at 1330	Advised by Captain Tellis, per A/C Beard, that the interviews of former Multnomah County Deputy Burton (currently a PPB officer) and Sgt. Nice , will commence. The Interviews will take place in accordance with normal IAD/PPA protocols.
10/26/2007 at 1130	Interview notice sent to Sergeant Nice for November 14, 2007 @ 1600 hours.
10/26/2007 at 1215	Sgt. Rodrigues conversed with A/C Beard , via telephone, regarding the interviewing of Former Mult. County Deputy Burton . Advised PPB Officer Humphreys , <i>not</i> Burton , will be interviewed at this time.
11/09/2007 at 1400	Ofc. Humphreys interview notice sent out for December 11, 2007 @ 1430 hours.
11/14/2007	Interviewed Sergeant Nice
12/11/2007	Officer Humphreys to be interviewed
11/23/2007	Captain Tellis advised me Acting A/C John Eckhart approved me and Sergeant Rodrigues to travel to Oakland, CA to interview Constance Doolan , witness
11/23/2007	Telephoned Constance Doolan , who lives in Oakland, CA in order to interview her in person (1) 1-510-655-5317/home: left a message (2) 1-510-590-3369/cell: <i>no longer in-service</i> . E-mailed: conniedoolan@sbcglobal.net
11/26/2007	Read e-mail sent by Constance Doolan with correct cell phone number: 1-510-390-3369
11/26/2007 @ 0745 hours	Called Constance Doolan . Requested to call her back at 0930 hours.
11/26/2007 @ 0930	Called Constance Doolan . No answer.
11/26/2007 @ 0945 hours	Called Constance Doolan . Requested to call her back at 1200 hours.
11/26/2007 @ 1210 hours- 1230 hours	Talked with Constance Doolan . Doolan stated she had conferred with Mr. James Chasse's attorney . Determined Doolan was available to be interviewed by me and Sergeant Rodrigues on Saturday, 12/01/2007 in Oakland, CA
11/26/2007	Captain Tellis approved the interview in Oakland, CA and directed to contact Azumano Travel
11/26/2007	Contacted Azumano Travel and obtained two airline tickets and rental car for me and Sergeant Rodrigues
11/28/2007	Provided up-date of documents to Cathy Rossetto, IAD, to forward to the City Attorney's Office (10/24/2007: initial date case file documents were provided by Merry Grant, IAD)
11/29/2007 @ 1003 hours- 1010 hours	Called Constance Doolan . Doolan requested interview to be conducted at her home at 1000 hours opposed to other location.
12/01/2007	Sergeant Rodrigues and I interviewed Constance Doolan at her home in Oakland, California . We returned to Portland in the early evening.

12/10/2007	Hand delivered up-date of Ms. Constance Doolan's interview documents to City Attorney's Office
12/11/2007 @ 2130 hours	Officer Humphreys interviewed
12/12/2007 @ 0525 hours	Transcription request submitted.
12/14/2007 @ 0913 hours	Telephoned Jamie Marquez , witness, in order to interview him in person (1) 1-541-729-7374/cell: left a message to call me
	Sent an e-mail requesting him to contact me @ younggrasshopper@juno.com
12/14/2007 @ 0942 hours	Telephoned Randall Stuart , witness, in order to interview him in person (1) 1-510-459-9567/cell: left a message to call me
12/19/2007 @ 0915 hours	Printed color photos (in duplicate) of the officers that were shown to Ms. DOOLAN during her interview, hand delivered to the City Attorney's Office.
01/03/2008 @1430 hours	Ofc. Humphreys transcription report completed. Advised IAD Senior PASS Cathy Rossetto to send an electronic copy to Cheryl Noll of the City Attorney's Office.
02/06/2008 @ 1130 hours	Telephoned Jamie Marquez @ 1-541-729-7374/cell and requested he call or e-mail me: e-mailed to contact me younggrasshopper@juno.com
02/06/2008 @ 1200 hours	Telephoned Randall Stuart @ 1-510-459-9567 which was temporarily out-of-service
02/16/2008	Mailed a contact letter to Mr. Jamie Marquez to contact me in order to schedule an interview
02/16/2008	Mailed a contact letter to Reverend Randall Stuart to contact me in order to schedule an interview
04/01/2008	Advised by IAD Captain Tellis interviews of former MCSO Deputy (PPB Officer) Burton and MCSO Deputy Hollenbeck are authorized to be interviewed. Scheduling to be coordinated via Susan Dunaway, MC counsel. Ms. Dunaway to be present during interviews.
04/16/2008 @ 0857 hours	Called and left a message for SUSAN DUNAWAY to call me in order to schedule interviews for DEPUTIES BURTON and HOLLENBECK . DUNAWAY was confirmed to be at work but not in her office at the time.
04/17/2008 @ 1454 hours	SUSAN DUNAWAY left a message for me to call her
04/18/2008 @ 1016 hours	Talked with SUSAN DUNAWAY : she will coordinate interviews in her office on either Monday, 04/28 th ; Wednesday, 04/30 th ; Thursday, 05/01 st or Friday, 05/02 nd . 501 S.E. Hawthorne Blvd, Suite 500 Multnomah County Attorney's Office Portland, OR 9797214 503-988-3138
04/28/2008 @ 0835 hours	Called SUSAN DUNAWAY @ 503-988-3138/office ; was advised to call her cell phone. Called SUSAN DUNAWAY @ 503-936-5534/cell and left a message to call me.
04/28/2008 @ 0945 hours	SUSAN DUAWAY left a message for me to call her
04/28/2008 @ 1348 hours	Talked with SUSAN DUNAWAY : BRET BURTON interview set for Thursday, 05/08/2008 at 1500 hours at her office. She will attempt to schedule THOMAS HOLLENBECK the same date at 1630 hours.

04/29/2008 @ 0856 hours	SUSAN DUNAWAY left a message confirming interviews on Thursday, 05/08/2008 of THOMAS HOLLENBECK at 1500 hours and BRET BURTON at 1600 hours
04/30/2008 @ 1110 hours	<i>Left message for SUSAN DUNAWAY to confirm date and times. Also, to ensure each Deputy reviewed materials prior to interview, so as not delay Interview.</i>
04/30/2008 @ 1230 hours	Hand delivered up-date of documents to City Attorney's Office via Cheryl Noll
05/08/2008 @ 1510 hours	Interviewed Deputy Thomas Hollenbeck @ Multnomah County Attorney office with Susan Dunaway present
05/08/2008 @ 1606 hours	Interviewed Officer / Deputy BRET BURTON @ Multnomah County Attorney office with PPA ROBERT KING and SUSAN DUNAWAY Present
05/15/2008 @ 1030 hours	Hand delivered up-date of documents to City Attorney's Office via Cheryl Noll. Waiting for Deputy BURTON transcription.
05/19/2008 @ 1100 hours	Hand delivered up-date of documents: Officer BURTON's transcript and chronological record to City Attorney's Office via Cheryl Noll.
06/30/2008	I.A.D. INVESTIGATION COMPLETED
07/02/2008	Hand delivered last of documents: Investigative Report & Chronological Record to City Attorney office via CHERYL NOLL
*****	<u>POWER POINT PRESENTATION TO BE DELIVERED TO CITY ATTORNEY WHEN COMPLETED</u>
07/23/2008	Captain Tellis discussed several issues with me, which were raised by the Independent Police Review Division; ie, "Justification" for contact and foot pursuit of Mr. Chasse in a separate section, clarification why other civilian witnesses were not interviewed and additional statements by Dr. GUNSON.
07/28/2008	REVISED I.A.D. CASE COMPLETED.

PORTLAND POLICE BUREAU
INTERNAL AFFAIRS DIVISION
Confidential Investigative Report
Investigator Michael Barkley #8570, Primary
Sergeant Derek Rodrigues #37149

IN-CUSTODY DEATH

Date: June 6, 2008
IAD #: 2006-B-0016
Comp: Portland Police Bureau

CITIZENS INTERVIEWED AND ATTEMPTED TO INTERVIEW:

1. DR. KAREN GUNSON, Medical Examiner
2. Ms. TAMI HERGERT, AMR paramedic
3. Mr. KEVIN STUCKER, AMR paramedic
4. Ms. CONSTANCE DOOLAN, witness
5. Mr. JAMIE MARQUEZ, *attempted to interview*
6. Reverend RANDALL STUART, *attempted to interview*
7. Deputy THOMAS HOLLENBECK

BUREAU MEMBERS INTERVIEWED:

	OFFICER	DPSST	ASSIGNMENT	CATEGORY	ALLEGATION(S)
1.	Sergeant KYLE NICE	26853	Central Precinct	Force	Use of Excessive Physical Force
2.	Officer CHRISTOPHER HUMPHREYS	32784	Transit Police Division	Force	Use of Excessive Physical Force
3.	Deputy BRET BURTON	43860	Transit Police Division	Force	Use of Excessive Physical Force

APPLICABLE DIRECTIVES:

1. 1010.10: "DEADLY PHYSICAL FORCE, USE OF":
 - ❖ "Members must be mindful of the risks inherent in employing deadly force, which may endanger the lives of innocent persons."
 - ❖ "A member's reckless or negligent use of deadly force is not justified in this policy or state statute."
 - ❖ "Members of the Portland Police Bureau should ensure their actions do not precipitate the use of deadly force by placing themselves or others in jeopardy by engaging in actions that are inconsistent with training the member has

received with regard to acceptable training principles and tactics.”

❖ **“Post Use of Force Medical Attention”**:

“The members shall monitor the subject for changes in their skin and/or lip color, breathing and levels of consciousness. If any significant changes in any of these areas are observed, the member shall notify EMS immediately.”

2. **1010.20: “PHYSICAL FORCE, USE OF”**:

❖ **“Use of excessive physical force in any situation is prohibited.”**

❖ **“Excessive physical force: Any physical force used in a police action that is not reasonable under the circumstances.”**

❖ **“Use of Physical Force”**:

“Members may use physical force only when they reasonably believe it is necessary to:

- a. Prevent or terminate the commission or attempted commission of an offense.
- b. Lawfully take a person into custody, make an arrest or prevent an escape.
- d. Defend self or a third party from what is reasonably believed to be the use or imminent use of physical force.”

❖ **“Assessing the Circumstances of Each Situation”**:

“The amount of control or force used in an encounter will be governed by the circumstances of each situation taken as a whole in accordance with the Bureau’s levels of control. When assessing the circumstances of each situation, members will consider the following five threat indicators:

- a. Physical indicators. These are the physical indicators the member is observing from the subject he/she is encountering.
 1. Physical descriptors: Male or female, size ratio to the member and muscularity.
 2. Body language: Profuse sweating, roaming eyes, nervous movement, starter’s stance and fidgety hands.
 3. Hesitation or no verbal response.
 4. Mental status: Appearing mentally unstable, violent behavior and/or a fixed gaze.
 5. Substance abuse: Odor of alcoholic beverage, track marks and dilated pupils.
 6. Furtive movements: Running away, slow movement, quick movements and picking up the pace.
 7. Eye contact: No eye contact, scanning eyes and a blank stare at nothing in particular (i.e., the 1,000 yard stare).”

❖ **“Post Use of Force Medical Attention”**:

“When a member is involved in the use of force in which injury has occurred or there is a potential for injury, the member, if able, shall continually monitor the subject if tactically appropriate or feasible.”

3. (g) “Immediately upon arrival at the correctional facility, the member shall notify a corrections staff member of the extent of the subject’s

injuries and medical treatment given..."

3. (630.15): "FOOT PURSUITS"; EXECUTIVE ORDER dated July 13, 2006
Published as a new Directive in January 2007
 - ❖ "A sworn member has the authority to stop any person reasonably suspected of having committed or is about to commit a crime, violation or traffic violation."
 - ❖ "The decision to pursue should be made with an awareness of the degree of risk to which the sworn member exposes himself/herself and others."
 - ❖ "No sworn member shall be criticized for deciding against initiating, discontinuing his/her involvement in or terminating a foot pursuit."

4. Portland Police Bureau Training Division In-Service 2005-2006 "TACTICAL UPDATE FOOT PURSUITS, LESSON PLAN OUTLINE and PRESENTATION":
 - ❖ 5. (B) "Pursuit Termination; Physical Termination":

"Pursuing officer(s) may have the opportunity to employ the defensive tactic of pushing the subject to the ground and allowing them to physically terminate the foot pursuit in its early stages."
 - ❖ 6. (C) "Restrictions; Danger versus Public Safety":

"Risk to public safety versus benefit of capture is an issue that should be part of an officer's thinking at the onset of a foot pursuit. Factors such as severity of the crime, environment, availability of additional officers, are just a few of the considerations that should be part of the officer(s) evaluation."

5. Portland Police Bureau Training Division "FOOT PURSUITS" Lesson Plan:
 - ❖ 3. (D) "Knock-Down Technique":
 1. "When officers catch up to the suspect, they often grab onto him and take him to the ground. To maintain a position of advantage and the officers' balance, the knock-down technique was developed."
 2. The technique also allows the officers to use more options of control while the suspect is on the ground and the officers are on their feet.
 3. (a) While the officer is paralleling the suspect and gets close enough to touch the suspect, the officer should shove the suspect hard from the rear, in the middle of the back between the shoulders."

6. 315.00: "LAWS, RULES & ORDERS":
 - ❖ "Members are required to conform to, and abide by, the rules and regulations of the Bureau, ordinances of the City and County, Federal laws and of the laws of all states."

7. 315.30: "UNSATISFACTORY PERFORMANCE":
 - ❖ "Unsatisfactory performance may be demonstrated by a lack of knowledge of

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IAD #2006-B-0016

SUMMARY/PORTLAND POLICE BUREAU

June 6, 2008

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the application of laws required to be enforced; an unwillingness or inability to perform assigned tasks; the failure to conform to work standards established for the rank, grade or position; the failure to take appropriate action on the occasion of a crime, disorder, or other condition deserving police attention; or absence without leave.”

8. **1051.00 “TASER, LESS LETHAL WEAPON SYSTEM”:**

❖ **“Conditions and Behaviors Requiring Medical Treatment After Deployment”:**

“EMS will be summoned when the Taser is deployed on the following individuals. *EMS will also transport them to a hospital:*

- e. “A person suffering from hyper stimulation (before, during or after deployment). This includes the following: behaviors such as rapid speech, agitation, apprehension, excitation, restlessness, verbalization of impending doom, emotional instability; ... pale skin ...”
- f. “A person suffering from agitated delirium (before, during or after deployment). This includes the following: severe agitation, overamped or wired; paranoia; delirium (an abnormal mental state characterized by disorientation, fear and irritability), altered mental status (a change in the level of consciousness or the content of consciousness) ...”

ISSUES INVESTIGATED:

1. Use of physical force
2. Foot pursuit

INCIDENT OVERVIEW:

Date and Time:

Sunday, September 17, 2006 at 1709 hours

Associated Locations:

1. *N.W. Everett and 18th*
2. *1300 block of N.W. Everett*
3. *Multnomah County Detention Center*
4. *N.E. 33rd and Clackamas*

Deceased:

CHASSE, JAMES PHILIP

M/W DOB 05/07/1964

5' 9" 145 lbs

10 N.W. Broadway, Apartment #206

Portland, OR 97209

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Determined Cause of Death per Dr. GUNSON:

Blunt force chest trauma

Injuries per Dr. GUNSON:

14: fractured ribs (24: total number of ribs)

27: separate fractures

- ❖ 10: fractures due to CPR (chest compressions)
- ❖ 17: fractures due to the physical confrontation with the officers in the 1300 block of N.W. Everett Street
 - 5: left lateral fractures
 - 9: left back fractures
 - 3: right back fractures

PHYSICAL FORCE USED

1. OBSERVED PHYSICAL FORCE USED BY OFFICER CHRISTOPHER HUMPHREYS:

❖ Officer HUMPHREYS' I.A.D. Statements:

He "knocked" Mr. CHASSE to the ground by pushing out with his forearms and striking him in the back; *not a "tackle."*

He may have fallen onto Mr. CHASSE.

Officer HUMPHREYS did *not* observe any other officer fall onto Mr. CHASSE.

He grabbed Mr. CHASSE's right hand and arm.

Officer HUMPHREYS placed Mr. CHASSE's right arm in an arm bar.

Officer HUMPHREYS was *not* on top of Mr. CHASSE's back or stomach.

He struck Mr. CHASSE in the face with a closed fist.

Officer HUMPHREYS pushed and pulled Mr. CHASSE's shoulders "really hard."

❖ Deputy (Officer) BURTON's I.A.D. Statements:

He observed Officer HUMPHREYS had "collided" with Mr. CHASSE which caused both to fall to the sidewalk.

Officer BURTON was *not* sure if Officer HUMPHREYS “pushed” or his “hands went around Mr. CHASSE”---his observation was affected by running behind Officer HUMPHREYS.

He was *not* sure if Officer HUMPHREYS landed on top of Mr. CHASSE.

Officer HUMPHREYS grabbed Mr. CHASSE’s arm.

❖ Sergeant NICE’s I.A.D. Statements:

He described how Officer HUMPHREYS’ arms made contact with Mr. CHASSE’s upper back / shoulders and they fell to the pavement.

When asked for clarification, he stated “... his (Officer HUMPHREYS) arms come up *around* the mid-chest area; I assumed that he ‘*tackled*’ Mr. CHASSE, based on the way they fell down together.” (EMPHASIS ADDED)

Sergeant NICE stated after Mr. CHASSE fell to the pavement, Officer HUMPHREYS grabbed his right arm in what he believed was a reverse wrist lock.

As Sergeant NICE brought Mr. CHASSE’s left arm back, he observed Officer HUMPHREYS on Mr. CHASSE’s back. He believed Officer HUMPHREYS had his knee on Mr. CHASSE’s back.

He believed Officer HUMPHREYS struck Mr. CHASSE with a closed fist in the face.

2. OBSERVED PHYSICAL FORCE USED BY DEPUTY (Officer) BURT BURTON:

❖ Officer HUMPHREYS’ I.A.D. Statements:

Deputy BURTON pushed down on Mr. CHASSE’s legs.

Deputy BURTON was *not* on Mr. CHASSE’s back, stomach or side of ribs.

Deputy BURTON utilized the Taser “drive stun” to Mr. CHASSE’s lower leg thigh area.

❖ Deputy (Officer) BURTON’s I.A.D. Statements:

He attempted to control Mr. CHASSE’s legs.

Deputy BURTON used his Taser- drive stun.

He struck Mr. CHASSE once or more with a closed fist somewhere in the back.

Deputy BURTON used his right index finger knuckle for pain compliance on Mr. CHASSE's side to back ribs.

❖ Sergeant NICE's I.A.D. Statements:

Deputy BURTON attempted to secure Mr. CHASSE's legs.

Deputy BURTON used the Taser- drive stun on Mr. CHASSE's upper right leg or buttocks area.

3. OBSERVED PHYSICAL FORCE USED BY SERGEANT KYLE NICE:

❖ Officer HUMPHREYS' I.A.D. Statements:

Sergeant NICE grabbed Mr. CHASSE's left arm.

He was *not* on Mr. CHASSE's back, stomach, or side of ribs.

Officer HUMPHREYS' attorney, STEVE MEYERS, advised him after the Grand Jury that Sergeant NICE had kicked Mr. CHASSE due to being bit---he was *not* aware of the number of times.

❖ Deputy (Officer) BURTON's I.A.D. Statements:

Sergeant NICE grabbed Mr. CHASSE's arm.

❖ Sergeant NICE's I.A.D. Statements:

After Mr. CHASSE landed on the pavement, his left arm was stretched from his body. Sergeant NICE placed Mr. CHASSE's left wrist in a "reverse wrist lock, straightened his arm, put some pressure down..."

He kneeled on Mr. CHASSE's shoulder area in an attempt to "pin" him.

As a result of Mr. CHASSE biting Sergeant NICE on the right calf and then grabbing his right pant leg with his teeth, he stated "... I, uh, tapped him on the chest with the instep of my boot ..."

When he was asked further regarding the kick, Sergeant NICE described his actions as "It was *not* a full power kick." "This was the instep of my boot; it was *not* with the toe; it was a flat, uh, low-powered kick to get his attention."

He described the kick as contacting Mr. CHASSE's front upper chest "probably the top part of the sternum."

Sergeant NICE stated the kick was *not* hard enough to fracture Mr. CHASSE's upper chest area.

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He stated he had knelt on **Mr. CHASSE's** back in order to pin him.

Sergeant NICE had placed the sole of his boot on **Mr. CHASSE's** jaw to prevent him from biting.

Lead Detectives:

Detective Lynn Courtney

Detective Jon Rhodes

Incident Timeline:

1708 hours **Sergeant NICE** at N.W. Everett and 18th with a possible intoxicated subject.

1709 hours **Officer HUMPHREYS** and **Deputy BURTON** (partners) arrived to cover **Sergeant NICE**.

Officer HUMPHREYS and **Deputy BURTON** observed **Mr. CHASSE** near the northwest corner with his back to officers, stiff legged and rocking back and forth.

When **Mr. CHASSE** observed officers, he immediately walked east bound away from the officers.

1716 hours **Sergeant NICE**, **Officer HUMPHREYS** and **Deputy BURTON** cleared N.W. Everett and 18th.

1718 hours **Officer HUMPHREYS**, **Deputy BURTON** and **Sergeant NICE** located **Mr. CHASSE** on the south side of N.W. Everett Street in the 1300 block.

Mr. CHASSE was standing near a tree with his back towards the officers and appeared as if he was urinating in public---*observations were based upon Mr. CHASSE's body language.*

Deputy BURTON whistled or yelled at **Mr. CHASSE** as they approached him.

Mr. CHASSE ran east bound on N.W. Everett Street.

Officer HUMPHREYS chased **Mr. CHASSE** and ultimately pushed him to the ground.

While **Officer HUMPHREYS**, **Sergeant NICE** and **Deputy BURTON** attempted to take **Mr. CHASSE** into custody, he bit **Sergeant NICE** in the right calf, attempted to bite **Officer HUMPHREYS** and attempted to bit **Sergeant NICE** a second time.

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- 1720 hours** Sergeant NICE requested cover.
- 1722 hours** Sergeant NICE advised Mr. CHASSE was in custody.
- 1723 hours** Sergeant NICE *requested Code 3 medical* due to Mr. CHASSE being unconscious.
- Seconds later Sergeant NICE requested *Code 1 medical* due to Mr. CHASSE being conscious.
- 1725 hours** AMR Ambulance *arrived*.
- 1726 hours** Portland Fire Bureau, Engine 3 *arrived*.
- 1741 hours** AMR Ambulance (*16 minutes at the location*) and Portland Fire Bureau (*15 minutes at the location*) *cleared*.
- 1746 hours** Officer HUMPHREYS and Deputy BURTON *transported Mr. CHASSE to MCDC*.
- 1752 hours** Officer HUMPHREYS and Deputy BURTON *arrived at MCDC*.
- Patricia GAYMAN, RN and/or Sokunthy EATH, RN advised that Mr. CHASSE would not be accepted and would have to be examined by a doctor prior to being lodged.*
- 1823 hours** Officer HUMPHREYS and Deputy BURTON *transported Mr. CHASSE from MCDC to Portland Adventist Hospital*.
- 1829 hours** Officer HUMPHREYS requested medical to N.E. 33rd and Clackamas due to Mr. CHASSE experiencing breathing problems.
- 1832 hours** Officer HUMPHREYS advised BOEC he was beginning chest compressions and requested medical to step it up.
- 1834 hours** AMR Ambulance and Portland Fire Bureau, Engine 28 *arrived*.
- 1848 hours** AMR Ambulance *transported Mr. CHASSE to Providence Hospital*.
- 1851 hours** Mr. CHASSE *arrived*.
- 1904 hours** Mr. CHASSE was pronounced as *deceased*.

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Persons Interviewed:

1. 05/22/2007 **Dr. KAREN GUNSON**
2. 06/06/2007 **Ms. TAMI HERGERT**
3. 06/06/2007 **Mr. KEVIN STUCKER**
4. 06/21/2007 **Dr. KAREN GUNSON, second interview**
5. 11/14/2007 **Sergeant KYLE NICE**
6. 12/01/2007 **Ms. CONSTANCE DOOLAN**
7. 12/11/2007 **Officer CHRISTOPHER HUMPHREYS**
8. 05/08/2008 **Deputy THOMAS HOLLENBECK**
9. 05/08/2008 **Deputy (Officer) BRET BURTON**

INVESTIGATIVE NARRATIVE:

Sergeant NICE was employed by the Portland Police Bureau on March 12, 1992. On October 23, 2003 he was promoted to Sergeant. With regards to September 17, 2006, **Sergeant NICE** stated he was *not* CIT certified and did *not* recall any specific training concerning persons who were mentally ill or suffering from mental disorders.

Officer HUMPHREYS was employed by the Portland Police Bureau on February 4, 1999. On April 22, 2004 he was assigned to the Transit Police Division. **Officer HUMPHREYS** stated on September 17, 2006 he was *not* CIT certified but had received in-service CIT training.

Deputy BURTON was employed by the Multnomah County Sheriff's office on January 2, 2004. On June 14, 2007 he was employed by the Portland Police Bureau. **Deputy BURTON** stated he was *not* CIT certified on September 17, 2006, but he may have received some training concerning persons who were mentally ill or suffering from mental disorders.

N.W. Everett Street and 18th Avenue

At 1708 hours **Sergeant KYLE NICE** advised B.O.E.C. he would be out of the vehicle with a possible intoxicated person at N.W. Everett Street and 18th Avenue. **Officer CHRISTOPHER HUMPHREYS** and **Deputy BRET BURTON** were assigned to the Transit Police Division and working together. **Deputy BURTON** was driving. **Officer HUMPHREYS** and **Deputy BURTON** responded to cover **Sergeant NICE** and arrived at 1709 hours. All three officers cleared the location at 1716 hours. **Officer HUMPHREYS** and **Deputy BURTON** left the location first, east bound on N.W. Everett Street, with **Sergeant NICE** following behind.

SERGEANT KYLE NICE:

Sergeant NICE stated he contacted an intoxicated male on the north side of N.W. Everett Street who had fallen down. He stated **Officer HUMPHREYS** and **Deputy BURTON** stopped by the

location. While at N.W. Everett Street and 18th Avenue, **Sergeant NICE** stated he had *not* observed **Mr. CHASSE**. **Sergeant NICE** stated he did not recall discussing **Mr. CHASSE** with the other officers while at N.W. Everett Street and 18th Avenue.

OFFICER CHRISTOPHER HUMPHREYS:

Officer HUMPHREYS stated when he heard **Sergeant NICE** advise B.O.E.C. he would be contacting a subject a couple of blocks from their location, he and **Deputy BURTON** decided to cover him. As they arrived, **Officer HUMPHREYS** observed **Mr. CHASSE** standing near the northwest corner of N.W. Everett Street and 18th Avenue. **Officer HUMPHREYS** stated his initial impressions of **Mr. CHASSE** were that he was a transient; very dirty, intoxicated and/or high. He noticed **Mr. CHASSE** was moving his feet in a "very rhythmic" manner. He stated after **Mr. CHASSE** looked towards them, he quickly walked stiff-legged across N.W. Everett Street to the south side and then east bound on N.W. Everett Street. **Officer HUMPHREYS** thought **Mr. CHASSE** had a possible warrant.

Officer HUMPHREYS stated he had discussed **Mr. CHASSE** with **Sergeant NICE** and **Deputy BURTON** with regards to stopping him due to the possibility he had a warrant. The following pertains to **Officer HUMPHREYS**' mindset and thoughts:

- ❖ He stated his "primary concern" was **Mr. CHASSE** would be run over by a passing vehicle.
(TRANSCRIPT: page 13, line 550-551)
*However, please note TRANSCRIPT: page 6, lines 266-267- **Officer HUMPHREYS** stated **Mr. CHASSE** crossed the street on a green light.*
- ❖ When **Officer HUMPHREYS** and **Deputy BURTON** got into their vehicle to leave, they decided to look for **Mr. CHASSE**.
- ❖ **Officer HUMPHREYS** stated he commented to **Deputy BURTON** "Uh, I said, yeah, that's probably a guy (**Mr. CHASSE**) with a warrant."
(TRANSCRIPT: page 7, line 276)
- ❖ **Officer HUMPHREYS** stated to **Deputy BURTON** "If we get a chance, and if we can get a reason, we need to stop that guy, cause he's probably got a warrant" ...
(TRANSCRIPT: page 11, lines 457-458)
- ❖ **Officer HUMPHREYS** stated "Um, so I mentioned to uh, to **Deputy BURTON** and **Sergeant NICE** yeah, if we get a chance stop and talk to that guy and **NICE** said that he's probably gonna have our drinking in public or our un-entered drinking in public warrant."
(DETECTIVE TRANSCRIPT: page 7-8)

DEPUTY BRET BURTON:

Deputy BURTON stated he noticed **Mr. CHASSE** as he drove past him on the corner of N.W. Everett Street and 18th Avenue. **Deputy BURTON** described his initial impression of **Mr. CHASSE**'s behavior as being "peculiar," "strange" and "difficult to articulate." **Deputy**

BURTON stated he observed **Mr. CHASSE** walk to the south side of N.W. Everett Street and then east bound. When they got into their vehicle to leave, **Deputy BURTON** stated he and **Officer HUMPHREYS** discussed contacting **Mr. CHASSE** and described the conversation as not being significant.

Justification to Contact Mr. CHASSE

SERGEANT KYLE NICE:

Sergeant NICE recalled **Officer HUMPHREYS** and **Deputy BURTON** saying they were intending to contact someone. He recalled a comment between **Officer HUMPHREYS** and **Deputy BURTON**: "Let's go stop that guy; let's go see what that guy's up to." **Sergeant NICE** was not aware of **Officer HUMPHREYS'** and **Deputy BURTON's** justification to contact **Mr. CHASSE**.

OFFICER CHRISTOPHER HUMPHREYS:

When **Officer HUMPHREYS** observed **Mr. CHASSE** at N.W. Everett Street and 18th Avenue, he believed **Mr. CHASSE** had a possible warrant due to quickly walking away when he looked at the police officers. Also, **Officer HUMPHREYS** stated he was concerned **Mr. CHASSE** was intoxicated and unable to care for himself.

Prior to observing **Mr. CHASSE** in the 1300 block of N.W. Everett Street, **Officer HUMPHREYS** explained his justification to contact **Mr. CHASSE** as being:

- ❖ "... the public safety side of it, as far as any kind of a civil assessment, whether the person is intoxicated, uh, so much so that they can't care for themselves."
- ❖ "And, uh, like I said, add that on to the fact that his actions prior to contact, and, uh, immediately upon him seeing us, not on just one occasion, but on two occasions, making eye contact with us, and then taking off running. First time, not so much running as a quick attempt to get away ..."

(TRANSCRIPT: page 20, lines 890-893)

When **Officer HUMPHREYS** observed **Mr. CHASSE** in the 1300 block of N.W. Everett Street, he explained his justification to contact him was based upon **Mr. CHASSE's** actions of either urinating in public or injecting drugs into his hand.

DEPUTY BRET BURTON:

When **Deputy BURTON** observed **Mr. CHASSE** at N.W. Everett Street and 18th Avenue, he explained his justification to contact him was based upon a number of factors; such as, his behavior was "peculiar," possible Detox situation, possible need him to talk with Project Respond, possibly had a warrant and possibly possessed drugs.

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Prior to observing **Mr. CHASSE** in the 1300 block of N.W. Everett Street, **Deputy BURTON** explained his justification to contact **Mr. CHASSE** as being:

- ❖ “Um, it was sort of, uh, an evolving situation. Um, there was sort of a number of different things, uh, possible outcomes of our contacting **Mr. CHASSE**. Uh, the first of which, um, based on his--his behavior, uh, possible--uh, a detox situation, possible warrant if he left the scene, um, when he saw the police were present. Um, possible that, uh, he needed to talk to Project Respond, or something. Um, possible that he had, uh, drugs in his possession. There was a lot of possibilities.”

(TRANSCRIPT: page 5, lines 201-207)

- ❖ “Um, I think our--my initial intent was, uh, as far as--as following him to contact him, was just to talk to--to talk to him; to contact him.”

(TRANSCRIPT: page 5, lines 218-219)

Once **Deputy BURTON** observed **Mr. CHASSE** in the 1300 block of N.W. Everett Street, he explained his justification to contact him was based upon **Mr. CHASSE** being “hunched over” and appeared to “maybe getting rid of drugs.”

Justification for Foot Pursuit of Mr. CHASSE

SERGEANT KYLE NICE:

Sergeant NICE was asked his understanding of the justification for the foot pursuit. He stated following **Mr. CHASSE** being taken into custody and prior to being transported, he was advised by **Deputy BURTON** that he retrieved a small piece of plastic, which contained white powder. Later he was advised the white powder was determined to be “bunk.” **Sergeant NICE** was either advised by **Officer HUMPHREYS** or overheard someone say **Mr. CHASSE** had urinated in public prior to the foot pursuit.

OFFICER CHRISTOPHER HUMPHREYS:

Sergeant RODRIGUES asked **Officer HUMPHREYS** to explain the justification for pursuing **Mr. CHASSE** on foot. **Officer HUMPHREYS** stated his justification was based upon whether **Mr. CHASSE** had urinated in public, “assessment for his welfare and safety, and welfare and safety of others.” **(TRANSCRIPT: page 23, lines 1,013-1,016)** **Officer HUMPHREYS** was asked what he was thinking when pursuing **Mr. CHASSE**. He stated he did not want to wrap his arms around **Mr. CHASSE** due to the possibility he had a syringe in his waist band or groin area. While chasing **Mr. CHASSE**, **Officer HUMPHREYS** stated he was thinking he probably had a warrant and drugs.

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Officer HUMPHREYS was asked if he ever considered not chasing **Mr. CHASSE**. He replied, "No." **Officer HUMPHREYS** stated he considered the risk for the "public's welfare," he believed **Mr. CHASSE** was under the influence of drugs, he was running into an area of high density foot traffic and **Mr. CHASSE** exhibited "very high-risk dangerous behavior."

Regarding justification to engage in a foot pursuit with a person who **Officer HUMPHREYS** intended to contact as mere conversation, **Officer HUMPHREYS** stated:

BARKLEY: "I'm asking you if, if you were to, to want to engage a person in public..."

HUMPHREYS: "Uh-huh."

BARKLEY: in mere conversation, that person, for whatever reason, clearly doesn't want to talk to you, because they turn and then run the opposite direction from you...."

HUMPHREYS: "Oh, okay."

BARKLEY: "Do you have legal justification to chase that person?"

HUMPHREYS: "No."

(TRANSCRIPT: pages 27-28, lines 1,203-1,209)

DEPUTY BRET BURTON:

Deputy BURTON was asked to explain his justification to engage in a foot pursuit of **Mr. CHASSE**. **Deputy BURTON** stated they had reasonable suspicion. **Deputy BURTON** stated, "So, you have reasonable suspicion, and then, uh, interfering, uh, with a police officer, lawful order to stop." (TRANSCRIPT: page 8, lines 346-347)

1300 Block of N.W. Everett Street

SERGEANT KYLE NICE:

Sergeant NICE stated as he was driving behind **Officer HUMPHREYS** and **Deputy BURTON**, he observed their police vehicle stop mid-block between 13th Avenue and 14th Avenue on N.W. Everett Street. **Sergeant NICE** stated he did not intend to stop. As he drove past them, **Mr. CHASSE** began to run east bound along the south sidewalk. He drove to the southwest corner onto 13th Avenue and N.W. Everett Street and got out to intercept **Mr. CHASSE**. At the time, **Sergeant NICE** was *not* aware of the justification for **Officer HUMPHREYS** and **Deputy BURTON** to be engaged in the foot pursuit. He was not aware of the justification for the foot pursuit until after **Mr. CHASSE** was in custody.

Sergeant NICE stated he did *not* recall whether **Officer HUMPHREYS** or **Deputy BURTON** advised B.O.E.C. they would be contacting **Mr. CHASSE**. He stated he did *not* advise B.O.E.C. of the foot pursuit due to feeling the pursuit would not last long; he did *not* recall if **Officer HUMPHREYS** or **Deputy BURTON** advised B.O.E.C. of the foot pursuit. **Sergeant NICE**

stated he did *not* recall hearing either **Officer HUMPHREYS** or **Deputy BURTON** say anything to **Mr. CHASSE** prior to **Mr. CHASSE** being forced to the ground. **Sergeant NICE** stated **Mr. CHASSE** and **Officer HUMPHREYS** were running at a sprint; he did not recall seeing **Deputy BURTON**.

With regards to whether **Sergeant NICE** believed the foot pursuit was within the Portland Police Bureau guidelines established in the Manual of Policy and Procedure:

BARKLEY: "As it relates to **Directive 820.00**, Arrest, and the subtitled section to that is Fresh Pursuit, and let me quote: "If a member is in fresh pursuit of a person, whom the member has seen commit an offense, or has probable cause to arrest pursuant to ORS 133.310, section A" - did you believe that this foot pursuit was in compliance with that **Directive of 820.00**?"

NICE: "Yes."

BARKLEY: "And concerning **Directive 630.15**, Pursuits, at that point in time of this incident, it had not been published in the Manual of Policy and Procedure, but in fact had been published as an **Executive Order on July 13th, 2006**. And within that Directive, specifically, the subsection "Deciding Whether to Pursue", it states, quote "A sworn member has the authority to stop any person reasonably suspected of having committed, or was about to commit a crime, violation, or traffic violation", end of quote. Do you believe that this foot pursuit was within the guidelines?"

NICE: "Yes."

(TRANSCRIPT: page 9, lines 366-380)

Concerning the manner in which **Mr. CHASSE** was forced to the pavement, **Sergeant NICE** stated he was focused on **Mr. CHASSE** as he was attempting to intercept him. **Sergeant NICE** described **Mr. CHASSE** and **Officer HUMPHREYS** as sprinting. **Sergeant NICE** estimated he was approximately 3 yards to 4 yards from **Mr. CHASSE** when he was forced to the ground. He stated **Officer HUMPHREYS**' arms made contact with **Mr. CHASSE**'s upper back shoulder area and they both fell to the pavement. **Sergeant NICE** was asked about his statement on page 19 of his transcribed interview with Detectives: "He, (**Officer HUMPHREYS**) I believe he wrapped both arms around the subject and just fell forward to the ground..." "It was just a straight bear-hug type tackle, I guess." He stated his description of "tackle" was an assumption on his part. **Sergeant NICE** emphasized he was focused on **Mr. CHASSE** because he was about to intercept him and he only observed **Officer HUMPHREYS** in his peripheral view. **Sergeant NICE** stated he did *not* know where **Officer HUMPHREYS**' hands were placed at the time.

In describing the actual fall to the pavement, **Sergeant NICE** stated **Mr. CHASSE** fell on his chest and left side with his left arm extended. He did *not* know whether **Mr. CHASSE** broke his fall with either hand. However, I referred **Sergeant NICE** to his transcribed statement to Detectives on page 7: "Yes, he, when he was tackled--he put his arms out to catch himself. Um, both arms were almost straight. **Officer HUMPHREYS** was on his back. I picked up his left

arm, raised it up behind him in a straight manner to pin his shoulder to the ground." I asked if he heard **Mr. CHASSE**'s head hit the pavement with any force. **Sergeant NICE** stated he did *not* recall being aware of **Mr. CHASSE**'s head hitting the pavement. **Sergeant NICE** stated **Mr. CHASSE** and **Officer HUMPHREYS** were "tangled up together" on the pavement. (TRANSCRIPT: page 12, line 534) **Sergeant NICE** stated he was unsure how **Officer HUMPHREYS** landed. I referred **Sergeant NICE** to his transcribed statement to Detectives on page 19: "It appeared, it appeared that **Officer HUMPHREYS** kind of landed slightly off of the subject. Kind of half on his right side and half on the ground..." **Sergeant NICE** stated he did *not* recall how much of **Officer HUMPHREYS** body landed on top of **Mr. CHASSE**.

Sergeant NICE stated he immediately grabbed **Mr. CHASSE**'s left arm and utilized a reverse wrist lock to control him. **Mr. CHASSE** was "trashing, pulling away from us, screaming, uh, kicking." **Officer HUMPHREYS** attempted to secure **Mr. CHASSE**'s right arm, while **Deputy BURTON** attempted to secure his legs. Early in the struggle, **Mr. CHASSE** bit **Sergeant NICE** on the right calf. He responded by telling **Mr. CHASSE** to stop biting. He advised **Officer HUMPHREYS** that **Mr. CHASSE** was biting. **Sergeant NICE** described **Mr. CHASSE** as being extremely flexible.

I asked **Sergeant NICE** if he struck **Mr. CHASSE** with his fist. He stated he did not. I referred him to **Officer HUMPHREYS**' transcribed statement to Detectives on page 15:

BARKLEY: "Okay, I'm going to read to you a transcribed statement by **Officer HUMPHREYS**, and I'd like you to tell me if this is an accurate statement, and an accurate observation. When **Officer HUMPHREYS** was interviewed by Detectives on page 15, **Officer HUMPHREYS** stated, quote "And, um, **Sgt. NICE** is kinda up above and, um, I don't see **Mr. CHASSE**'s head, but I see **Sgt. NICE**, uh, strike one time, one time with a closed fist. Um, I didn't actually see where it landed, but it was up in thought to myself if I hit this guy, I'm going to get infected. You know, I knew that this was not a--a good striking tactic for me - his mouth is open, I'm going to cut my hand on his teeth, and I re-placed my hand back on his elbow to continue the--the arm bar, the shoulder/head area, and he's yelling, you know, 'stop bite--biting'." Would that be an accurate quote and observation by **Officer HUMPHREYS**?"

NICE: "I don't think that's accurate. What I - if I can say what I think **Officer HUMPHREYS** saw and heard..."

BARKLEY: Well...

NICE: I mean, no, it's not accurate. I did not punch--I, at no time, struck him with my fist."

(TRANSCRIPT: page 15, lines 640-661)

Sergeant NICE stated **Mr. CHASSE** attempted to bite **Officer HUMPHREYS** and grabbed his right pant leg with his teeth. He stated he pulled his pant leg from **Mr. CHASSE**'s mouth,

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“tapped him on the chest with the instep of my boot, and said ‘stop biting.’” I referred **Sergeant NICE** to his transcribed statement to Detectives on page 8:

BARKLEY: “Let me have you refer to page 8 of your transcription. Okay, if you’ll look at your third statement of page 8 of your transcribed statement to detectives. I’ll read it into the record. You say, quote “As this continued, um, I felt a tugging at my left - excuse me - my right pant leg, or excuse me, my right pant leg again. I looked down, and he had rolled up on his side again, and had gotten a hold of the cuff of my right pant leg with his teeth again. I pulled my right foot back, and kicked him in the upper chest. I told him ‘don’t bite me’.” Do you recall making that statement?”

NICE: “Yes.”

BARKLEY: “Okay. Did you kick him?”

NICE: “Yes. It was not a full power kick. If you can imagine, um, standing, but bending over holding onto somebody’s arm, this wasn’t a full power kick; this was a kick to get his attention, um, and to dissuade him from biting me.”

(TRANSCRIPT: page 16, lines 677-689)

BARKLEY: “Was the kick hard enough, in your opinion, to fracture Mr. CHASSE’s upper chest area?”

NICE: “Absolutely not.”

(TRANSCRIPT: PAGE 16, LINES 703-705)

*A detailed description of all physical force used by **Sergeant NICE**, **Officer HUMPHREYS** and **Deputy BURTON** is listed above on pages 5 through 7.*

Once **Mr. CHASSE** was handcuffed and the hobble was applied, **Sergeant NICE** had the hobble readjusted so it was tighter. The hobble was looped through the chain of the handcuffs and around **Mr. CHASSE**’s ankles and pulled to not quite a 90 degree angle.

Sergeant NICE described **Mr. CHASSE**’s behavior and actions as manic, wide-eyed, panicked, agitated, excited and screaming unintelligible noises, except “no.” He stated **Mr. CHASSE** never complained of any injuries.

Sergeant NICE described the actions and behavior by himself, **Officer HUMPHREYS** and **Deputy BURTON** as appropriate. He stated all of the personnel present, including AMR and the Portland Fire Bureau, acted and spoke appropriately.

Sergeant NICE believed **Mr. CHASSE** was under the influence of drugs as opposed to being under the influence of alcohol or mentally ill. His explanation was based upon his experience of similar physical confrontations: the prolonged time of the struggle, level of excitement and resistance to pain ...

Sergeant NICE stated he requested Code 3 medical: “...I thought that we were having an in-custody death, or some kind of cocaine psychosis issues, so I immediately called for a Code 3

medical." At the time, Mr. CHASSE was on his right side in order to prevent positional asphyxia, he was not screaming, his eyes were closed and he appeared to be not breathing. Within a few seconds Mr. CHASSE began to breathe. Sergeant NICE did not recall any officers providing medical attention to Mr. CHASSE. He stated Mr. CHASSE's medical condition was continuously monitored by officers.

Concerning the issue of whether any officers advised the paramedics with AMR or Portland Fire Bureau of possible injuries sustained by Mr. CHASSE:

BARKLEY: "Are you aware, or did you advise medical responders, AMR paramedics of the Portland Fire Bureau paramedics - were the medical responders ever advised of the force that had been used, and the circumstances involving Mr. CHASSE, from being chased a half a block, to being forced, tackled, pushed to the ground, possibly Officer HUMPHREYS landing either on him, or partially on him, and the ensuing physical confrontation that took place, until he was handcuffed?"

NICE: "I did not relay the--the specifics, as you just outlined in there. I did tell the driver of the ambulance that, um, he had fought with police, and had gone unconscious."

BARKLEY: "So, did you hear anyone else advise the paramedics of what I had just described to you?"

NICE: "No, I did not hear anybody talk about that."

BARKLEY: "Did you, or any of the other officers at the scene, advise the medical responders that Mr. CHASSE may have suffered possible head injury, chest injury - anything of that nature?"

NICE: "No, we had no indication of--of any of his injuries besides the little bit of blood coming out of his mouth, so no."

(TRANSCRIPT: page 24, lines 1,049-1,066)

BARKLEY: "Based on your past experience, do you not believe that it's an important component when you're requesting medical to respond - 'cause you obviously have a reason, here in this case, Mr. CHASSE, I believe, momentarily appeared to have stopped breathing, and there was some other symptoms that caused you some concern - did you feel that there was no need to advise the medical responders of the entire circumstances?"

NICE: "Well, I advised 'em that--that he had fought with the police - I didn't go into the details. But, yeah, it was important for me to relay the fact that he did--he went unconscious; he had been fighting with us, and I believe that I even told the AMR ambulance that there might be cocaine involved, based on Deputy BURTON finding the wrapped-up package, piece of whatever it was. So I gave them all of the information I had. I did not go into details of how long the foot pursuit was, or anything like that. That's not something I would usually do. The--the--to me, the telling the ambulance driver that he fought with us, to me, was sufficient, for them to go and do their checks. I had not, uh, information--no--nothing telling me that he was injured. I did not know why he went unconscious. You know, from what I saw, I couldn't tell what was wrong with him. I mean, I'm not medically

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trained, but that's why we call them. You know, I told them he went unconscious during a fight with the police. Um, to me, that was sufficient."

BARKLEY: "And it's not meant to be a loaded question, but, I mean, medical responders are requested. They get to the scene, and, you know, they're asked to, in this case, determine whether or not Mr. CHASSE is medically stationary to be transported to MCDC, or he may have to go to the emergency room. But would you not agree that this particular struggle seemed to be significant enough with the number of--of punches, kick, or kicks, falling onto the sidewalk, that--that would have been important information for paramedics to--to know..."

NICE: "No, I-I don't think so."

(TRANSCRIPT: pages 24-25, lines 1,072-1,099)

Also, **Sergeant NICE** stated he did *not* recall advising paramedics with AMR or Portland Fire Bureau **Mr. CHASSE** had been subjected to the use of the Taser- drive stun.

BARKLEY: "Do you recall anyone advising the medical responders that **Mr. CHASSE** had been--that the drive stun from the Taser had been used?"

NICE: "Uh, I don't remember that. *And, again, that's not something that would require medical treatment either.*" (EMPHASIS ADDED)

Sergeant NICE stated the female AMR paramedic (**Ms. TAMI HERGERT**) had advised him *twice* **Mr. CHASSE** was fine to be transported to jail. He stated the paramedics checked **Mr. CHASSE**'s vitals at the location. **Sergeant NICE** was definite the paramedics did *not* advise him **Mr. CHASSE** should be transported to the hospital. **Sergeant NICE** stated the paramedics did *not* express any concerns regarding **Mr. CHASSE**'s medical condition and/or mental health condition.

Regarding criminal charges, **Sergeant NICE** stated **Mr. CHASSE** was to be charged with assaulting him and resist arrest. In addition, **Sergeant NICE** stated he believed **Mr. CHASSE** was possibly being charged with possession of a controlled substance. **Deputy BURTON** retrieved a "bindle" from where **Mr. CHASSE** was initially observed by the tree. **Sergeant NICE** observed what appeared to be a "cocaine bindle." **Sergeant NICE** stated **Deputy BURTON** advised him he had observed **Mr. CHASSE** toss something.

Sergeant NICE stated **Mr. CHASSE** was carried by him and three other officers back to **Officer HUMPHREYS**' and **Deputy BURTON**'s police vehicle. **Mr. CHASSE** was carried while handcuffed, hobbled and facing the pavement. **Mr. CHASSE** was carried by each arm and leg. While carrying **Mr. CHASSE**, **Sergeant NICE** described his behavior as "somewhat manic," "screaming unintelligibly," "bouncing his body" and "pulling against the restraints of the hobble cord." He believed an officer had moved the police vehicle closer and estimated the distance to be 7 yards to 10 yards they carried **Mr. CHASSE**.

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Sergeant NICE believed Mr. CHASSE slid off the back seat onto the floor. He stated Mr. CHASSE did not fall to the floor with enough force to cause any rib fractures.

Sergeant NICE was asked if he had observed or heard of any actions by police officers, paramedics or M.C.D.C. personnel which caused him any concerns related to Oregon Criminal Statutes, Portland Police Bureau Policy and Procedure or training guidelines. Sergeant NICE stated, "No."

OFFICER CHRISTOPHER HUMPHREYS:

Officer HUMPHREYS stated when he observed Mr. CHASSE on the south side in the mid-block of N.W. Everett Street between 13th and 14th Avenues, he was standing with his back to them. He was near a tree, with his hands in front and in the area of his waist and standing "like a guy standing in front of a urinal." Officer HUMPHREYS stated to Deputy BURTON, "Oh my God, he's pissing." Deputy BURTON stopped the police vehicle approximately 15 feet to the west of Mr. CHASSE.

Officer HUMPHREYS stated he did *not* advise B.O.E.C. they would be out with Mr. CHASSE. He explained he thought Deputy BURTON would advise B.O.E.C., since he was the passenger and closest to Mr. CHASSE.

As Officer HUMPHREYS approached Mr. CHASSE, he still had his back towards him and was unaware Officer HUMPHREYS and Deputy BURTON were present. Officer HUMPHREYS observed the rear of Mr. CHASSE's pants were wet in the area he would sit to his thigh area. Officer HUMPHREYS thought Mr. CHASSE had either just urinated or injected drugs into his hand. Mr. CHASSE picked up his backpack and began to walk east. Mr. CHASSE was still unaware the police were behind him. Officer HUMPHREYS noticed Sergeant NICE had stopped to the east of Mr. CHASSE.

Deputy BURTON either yelled "hey" or whistled once or twice. Mr. CHASSE turned his head over his right shoulder, looked directly at Officer HUMPHREYS, screamed, had a look of "sheer terror" and ran east. There was approximately 10 feet to 12 feet distance between Officer HUMPHREYS and Mr. CHASSE. Officer HUMPHREYS yelled for Mr. CHASSE to stop. Officer HUMPHREYS thought there was more to Mr. CHASSE's behavior than merely urinating. He believed Mr. CHASSE "probably was firing (drugs) into his hand" or had a warrant. I asked Officer HUMPHREYS if between the times he observed Mr. CHASSE at N.W. Everett Street and 18th Avenue and when Mr. CHASSE was forced to the ground at N.W. Everett Street and 13th Avenue, did he ever consider Mr. CHASSE was suffering from any type of mental illness. Officer HUMPHREYS stated, "No."

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Officer HUMPHREYS stated he did *not* advise B.O.E.C. of the foot pursuit because he was the primary. His assumption was either **Deputy BURTON** or **Sergeant NICE** would notify B.O.E.C. of the pursuit.

Officer HUMPHREYS estimated he chased **Mr. CHASSE** approximately 30 feet to 40 feet prior to knocking him to the ground. **Mr. CHASSE** screamed while being pursued on foot.

Regarding the method of forcing **Mr. CHASSE** to the pavement, **Officer HUMPHREYS** stated:

HUMPHREYS: "Oh, I ran right up to him; right up behind him. Um, said, uh, hit him in the back with my arms. Um, at that point, it was kinda like, um, as I'm stepping through, he's going down. *My feet get caught up in his.* Uh, and I hit him kinda mid-point, somewhere along his back. 'Cause I know that, I, I'm positive that's how I know he had a backpack on, 'cause I think I, I think I actually, when I shoved him down with my forearms; hit him with my forearms, it was on the, on the backpack." (EMPHASIS ADDED)

(TRANSCRIPT: page 30, lines 1,328-1,334)

Officer HUMPHREYS stated he believed the technique of pushing **Mr. CHASSE** to the pavement was reasonable when considering the totality of the circumstances.

Concerning the Training Division's in-service regarding foot pursuits, which he attended on May 25, 2006, **Officer HUMPHREYS** stated:

HUMPHREYS: "Yeah, we're, we're trained, the foot pursuit training focused on that idea of actually giving them a push to knock them off their, essentially knocked 'em off their feet, or outta the rhythm of their feet, and cause them to go down."

(TRANSCRIPT: page 31, lines 1,354-1,356)

When **Officer HUMPHREYS** was asked to describe the actual fall to the pavement, he stated after pushing **Mr. CHASSE** his legs got tangled with **Mr. CHASSE's** legs. **Officer HUMPHREYS** stated "I push him, and instantly I know I'm going down. And, uh, I remember seeing the pavement, and thinking ah, this is gonna hurt. And I think I actually went, when I landed, uh, I know I landed on my left side." (TRANSCRIPT: page 32, lines 1,396-1,398) He stated the impact on his left side was enough to break his badge clip, which was inside his wallet in his rear pants pocket. **Mr. CHASSE** landed on his front. **Officer HUMPHREYS** stated he *may have* landed on **Mr. CHASSE**. **Officer HUMPHREYS** stated he was *not* aware if **Mr. CHASSE** broke his fall with his hands; however, **Officer HUMPHREYS** *did* break his fall with his left hand.

Regarding the impact of **Mr. CHASSE** to the pavement, **Officer HUMPHREYS** stated:

BARKLEY: "Okay, but you would agree that if you fell that hard to the pavement, to break the back clip of your badge that's in your wallet in your rear pocket, that **Mr. CHASSE** would've fallen to the pavement with as much, if not more, force since you pushed him?"

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HUMPHREYS: "With as much, yes."
(TRANSCRIPT: page 36, lines 1,559-1,563)

After the fall, **Officer HUMPHREYS** crawled over to **Mr. CHASSE's** right side and grabbed his right hand. **Mr. CHASSE** was laying on his right side, screaming and kicking. **Sergeant NICE** already had control of **Mr. CHASSE's** left arm. **Officer HUMPHREYS** stated, "And I realized we're, this is going to be a bad fight, because I mean, he, he grabbed ahold of my hand like a vise grip." (TRANSCRIPT: page 34, lines 1,485-1,487) **Officer HUMPHREYS** was not aware of where **Deputy BURTON** was at this time.

Officer HUMPHREYS described **Mr. CHASSE's** behavior throughout their attempt to take him into custody as continuing to aggressively struggle, kick, and bite **Sergeant NICE**, attempted to bite him and screaming. **Officer HUMPHREYS** and **Sergeant NICE** continued to give **Mr. CHASSE** commands to stop fighting and to stay on the ground. As **Officer HUMPHREYS** attempted to pull **Mr. CHASSE's** right arm from under him, **Deputy BURTON** was attempting to control his legs. **Officer HUMPHREYS** described **Mr. CHASSE** as "covered in sweat, I mean soaking wet" and "And he fought the three of us to a standstill." (TRANSCRIPT: page 39, lines 1,704-1,706) During the struggle, **Officer HUMPHREYS** believed he was under the influence of drugs because of his resistance, stamina, strength, unusual flexibility and resistance to pain.

During the struggle, **Officer HUMPHREYS** became concerned for their safety. **Officer HUMPHREYS** was concerned **Mr. CHASSE** may have a weapon underneath him. As a result, he directed **Deputy BURTON** to use his Taser. He heard **Sergeant NICE** yell for **Mr. CHASSE** to stop biting. He did *not* observe **Mr. CHASSE** bite **Sergeant NICE**, but after he was in custody **Officer HUMPHREYS** observed the bite mark on **Sergeant NICE's** leg. Then **Mr. CHASSE** attempted to bite **Officer HUMPHREYS's** arm and he struck **Mr. CHASSE** in the face with a closed fist from a short distance. **Officer HUMPHREYS** stated he recalled only striking **Mr. CHASSE** once with his fist.

Officer HUMPHREYS observed **Deputy BURTON** administer the Taser- drive stun to **Mr. CHASSE's** lower thigh / knee area. He was not aware the number of times the drive stun was cycled. **Officer HUMPHREYS** stated he did not think **Deputy BURTON** was deploying the drive stun properly "because it had absolutely zero effect on **Mr. CHASSE**, as far as a pain response." (TRANSCRIPT: page 43, lines 1,896-1,897)

*A detailed description of all physical force used by **Officer HUMPHREYS**, **Deputy BURTON** and **Sergeant NICE** is listed above on pages 5 through 7.*

During the confrontation, **Officer HUMPHREYS** stated his body was *not* on top of **Mr. CHASSE's** back, front side or sides. However, he stated he did push quite hard on **Mr. CHASSE's** side when he was attempting to remove his right arm / hand from underneath him.

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Officer HUMPHREYS did *not* recall either **Deputy BURTON** or **Sergeant NICE** or any other officer on top of **Mr. CHASSE's** back, front or side ribs.

Officer HUMPHREYS stated, aside from the one strike to **Mr. CHASSE's** face when he was attempting to bite him, he did *not* punch, slap or kick **Mr. CHASSE**. **Officer HUMPHREYS** stated he did *not observe* **Deputy BURTON**, **Sergeant NICE** or any other officer punch, slap or kick **Mr. CHASSE**. However, **Officer HUMPHREYS** stated his attorney, **STEVE MEYERS**, advised him following the Grand Jury that **Sergeant NICE** had kicked **Mr. CHASSE**. He was not aware of the specifics or number of kicks by **Sergeant NICE**.

Based upon specific allegations by **CONSTANCE DOOLAN**, listed witness, that **Mr. CHASSE** had been kicked two or three times and slapped on the head, **Officer HUMPHREYS** was asked if he or any other police officer committed such acts. **Officer HUMPHREYS** stated, "No."

Sergeant NICE had requested cover officers. As **Officers PAHLKE** and **WELDON** arrived, **Mr. CHASSE** stopped kicking, screaming, his body was still and he passed out. **Officer HUMPHREYS** stated he asked **Sergeant NICE** if **Mr. CHASSE** was breathing. **Sergeant NICE** replied he was breathing. **Sergeant NICE** requested Code 3 medical. **Mr. CHASSE** was handcuffed. **Mr. CHASSE** began screaming unintelligible words, **Officer HUMPHREYS** left for his police vehicle and the hobble was applied by unknown officers. He recalled **Mr. CHASSE** had been placed on his side in order to prevent positional asphyxia.

Officer HUMPHREYS was asked about officers laughing, celebrating and mimicking **Mr. CHASSE**:

BARKLEY: "This is Sgt. BARKLEY. We have a witness who claimed that they observed and heard a paramedic, and they were unsure whether it was a Portland Fire Bureau paramedic or paramedic from AMR, mimic **Mr. CHASSE's** crying, yelling, and sounds. Are you aware if that occurred?"

HUMPHREYS: "No, I wasn't, I don't recall. And I, I, I mean, I wasn't around then, if that happened at all, no."

(TRANSCRIPT: page 50, lines 2,209-2,214)

However, **Officer HUMPHREYS** stated he (**Officer HUMPHREYS**) "probably laughed."

Officer HUMPHREYS stated **Mr. CHASSE** was monitored by an officer(s) and was *not* left alone. Prior to arrival of paramedics, **Officer HUMPHREYS** stated he did *not* provide any medical attention to **Mr. CHASSE** and he did *not* recall any other officer providing medical attention.

AMR and Portland Fire Bureau paramedics arrived when **Officer HUMPHREYS** was at his police vehicle. When he arrived back at **Mr. CHASSE's** location, **Sergeant NICE** was talking with the female AMR paramedic (**Ms. TAMI HERGERT**). **Officer HUMPHREYS** recalled

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Mr. CHASSE was screaming and attempted to bite a Portland Fire Bureau paramedic. As a result, a Portland Fire Bureau paramedic held **Mr. CHASSE**'s head to the pavement in order to prevent him from biting anyone. AMR and Portland Fire Bureau paramedics checked **Mr. CHASSE**'s vitals.

Officer HUMPHREYS stated he had a brief conversation with the female AMR paramedic (**Ms. TAMI HERGERT**) regarding the fact **Mr. CHASSE** had run from him, had been taken to the ground, had passed out and he believed **Mr. CHASSE** was on drugs. **Officer HUMPHREYS** stated he did *not* talk with the Portland Fire Bureau paramedics. **Officer HUMPHREYS** stated **Sergeant NICE** had already talked with the same paramedic. He stated he did *not* advise **Ms. TAMI HERGERT** of the manner in which **Mr. CHASSE** was forced to the pavement or the specifics regarding their physical confrontation, including **Mr. CHASSE** had been struck in the face. **Officer HUMPHREYS** stated in hindsight, he could have provided more specific details to the paramedics. However, **Officer HUMPHREYS** stated he believed **Sergeant NICE** or **Deputy BURTON** provided the details. **Officer HUMPHREYS** stated he believed **Mr. CHASSE** would be transported to the hospital.

The following regards **Officer HUMPHREYS**' thoughts of advising paramedics of **Mr. CHASSE**'s possible injuries:

BARKLEY: "Based on the description that you provided earlier, you fell down hard enough that you broke the back clip of your badge, which was inside of a wallet, inside the rear of your pants pocket. **Mr. CHASSE** most likely would have fell to the pavement with more force than you, because he was actually pushed by you. Did you not think it was important to advise AMR paramedics or PFB paramedics that **Mr. CHASSE** had fallen to the pavement as hard as he did? And with that knowledge, that the paramedics would have checked **Mr. CHASSE** for possible head injuries, shoulder injury, arm injury, chest injury, that sort of thing."

HUMPHREYS: "I really didn't think he went down that hard, so I didn't, I just, I didn't mention it."

BARKLEY: "You did, or did not?"

HUMPHREYS: "I don't recall mentioning it to her."

BARKLEY: "But as you sit here today and looking back on this particular date, do you, today, feel it's important; that it's something that you should've provided to the paramedics at the location?"

HUMPHREYS: "Yeah."

(TRANSCRIPT: page 55, lines 2,398-2,414)

Officer HUMPHREYS stated **Ms. TAMI HERGERT** advised him **Mr. CHASSE** was able to be transported by the police. He stated he was surprised **Mr. CHASSE** was being released. **Officer HUMPHREYS** stated that his surprise was based upon the fact **Mr. CHASSE** had blood coming from his mouth and thought he may require stitches. **Officer HUMPHREYS**

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signed an AMR release form at **Ms. TAMI HERGERT's** request.

Officer HUMPHREYS stated when he initially went back to his police vehicle, he searched the area near the tree where **Mr. CHASSE** was standing. **Officer HUMPHREYS** looked and did *not* locate any wet spots to indicate **Mr. CHASSE** had urinated. However, he did locate what he believed to be a small amount of crack. He showed the substance to **Sergeant NICE** and **Deputy BURTON**. Later, **Officer HUMPHREYS** decided the substance was *not* drugs. **Officer HUMPHREYS** was asked if he observed **Mr. CHASSE** discard / throw anything to the ground. He replied, "No."

Officer HUMPHREYS stated he did not, nor was he aware of, an officer advising a citizen at the location that **Mr. CHASSE** possessed a vial of crack cocaine and had 14 previous convictions for crack cocaine.

Officer HUMPHREYS stated he and two other officers carried **Mr. CHASSE** to his vehicle. Due to **Mr. CHASSE** being in maximum restraints, he was carried face down and under each arm pit with one officer carrying his ankles. **Officer HUMPHREYS's** vehicle was parked in the mid-block between 13th Avenue and 14th Avenue and west of a Portland Fire truck. He was asked why **Mr. CHASSE** was not placed into one of three police vehicles parked at 13th Avenue or **Officer HUMPHREYS's** vehicle moved to 13th Avenue rather than carrying him in maximum restraints a half block. **Officer HUMPHREYS** stated, "...it seemed easier to just pick him up and take him back to the car." (TRANSCRIPT: page 66, line 2,909)

Mr. CHASSE continued to struggle while being carried. **Mr. CHASSE** attempted to bite **Officer PAHLKE** and **Officer HUMPHREYS**. While **Mr. CHASSE** was placed in **Officer HUMPHREYS's** police vehicle, he attempted to bite the officers. He was in maximum restraints and seat belted. **Officer HUMPHREYS** stated **Mr. CHASSE** was able to sit up while in maximum restraints because he was extremely flexible.

Officer HUMPHREYS was asked to explain the statement he made to Detectives on page 27 of his transcribed interview: "... I want you (**Mr. CHASSE**) to understand if you try to bite me or kick me I said it's gonna be really, really bad."

HUMPHREYS: "Yeah, that it, I didn't want him to bite me. I just assumed that if he bit me, we were going to place him in a bite mask."

BARKLEY: "Excuse me, this is Sgt. BARKLEY. Did you have a bite mask with you?"

HUMPHREYS: "Uh, no, I did not."

BARKLEY: "So, how would you have placed him in a bite mask?"

HUMPHREYS: "Um, or spit hood, actually is what I'm talking about. We don't really have a bite mask."

BARKLEY: "Do you have a spit hood?"

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HUMPHREYS: "Um, I, I didn't, no. But I'm sure there were some other officers out there I could've probably found one from."

(TRANSCRIPT: page 69, lines 3,036-3,045)

Officer HUMPHREYS stated he did *not* intend to assault **Mr. CHASSE**, if he bit or kicked him.

Officer HUMPHREYS stated **Mr. CHASSE** *never* complained of any injuries.

OFFICER BRET BURTON:

Deputy BURTON stated he and **Officer HUMPHREYS** observed **Mr. CHASSE** in the mid-block on N.W. Everett Street between 13th Avenue and 14th Avenue on the south sidewalk. **Mr. CHASSE** was standing next to a tree with his back towards them. **Deputy BURTON** stated **Mr. CHASSE** was "hunched over" and appeared to be "dumping something" or "maybe getting rid of drugs." **Deputy BURTON** stated he believed he had reasonable suspicion to stop him based upon the above noted observations.

Deputy BURTON was asked why he did not advise B.O.E.C. they would be contacting **Mr. CHASSE**. He stated "No specific reason."

Deputy BURTON was asked to clarify his legal justification to contact **Mr. CHASSE** and stated:

BARKLEY: "Did you believe at that time that he was at the tree, that he was committing, or about to commit a crime"?

BURTON: "Yes."

BARKLEY: "And what crime would that have been"?

BURTON: "Uh, possession of a controlled substance."

When he and **Officer HUMPHREYS** were walking towards **Mr. CHASSE**, **Deputy BURTON** whistled or said something to get his attention. **Mr. CHASSE** turned, looked "startled," "panicked" and ran / "sprinted" east on the sidewalk. **Officer HUMPHREYS** yelled for him to stop. He and **Officer HUMPHREYS** pursued **Mr. CHASSE** on foot.

I asked **Deputy BURTON** to explain the technique **Officer HUMPHREYS** used to "force" **Mr. CHASSE** to the pavement. **Deputy BURTON** stated the technique would be difficult to describe. I refer him to his transcribed statements to Detectives on pages 9 and 39; his transcribed deposition statement on page 156 where he stated **Mr. CHASSE** was "forced" to the pavement. **Deputy BURTON** stated he was running behind **Officer HUMPHREYS** and was not aware of the placement of hands or where they landed. **Deputy BURTON** stated he did *not* know how **Mr. CHASSE** or **Officer HUMPHREYS** landed; furthermore, **Deputy BURTON** did *not* know if **Officer HUMPHREYS** landed on top of **Mr. CHASSE**.

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Deputy BURTON described **Mr. CHASSE's** behavior from the time he was forced to the pavement until he was transported to M.C.D.C. as being "incredibly combative," "really aggressive," "very flexible," screaming, he bit **Sergeant NICE** and continued to attempt to bite others. **Deputy BURTON** later observed a bite mark on **Sergeant NICE's** calf.

Deputy BURTON stated **Sergeant NICE** and **Officer HUMPHREYS** attempted to control **Mr. CHASSE's** arms. **Deputy BURTON** attempted to control **Mr. CHASSE's** legs. He stated, "Uh, he was kicking and flailing pretty violently. Um, very flexible. At--at one point, um--or at several points, he was able to sort of bend his body so his--so his sorta pelvis was facing the ground, or vice-versa, and then, um, his upper body was doing the opposite." (TRANSCRIPT: page 12, lines 505-508). **Mr. CHASSE** was advised by all three officers to stop resisting.

*A detailed description of all physical force used by **Deputy BURTON**, **Officer HUMPHREYS** and **Sergeant NICE** is listed above on pages 5 through 7.*

Deputy BURTON stated he advised **Mr. CHASSE** if he did not stop resisting, he would be tasered. He removed the probe cartridge and drive stunned **Mr. CHASSE**. **Deputy BURTON** cycled the Taser several times with *no* affect on **Mr. CHASSE**. **Deputy BURTON** described his reaction as: "... his pain compliance was off the charts. He didn't flinch at the Taser." (TRANSCRIPT: page 14, lines 578-579) **Mr. CHASSE** continued to struggle after being tasered.

Deputy BURTON stated he struck **Mr. CHASSE** in the back once or more with a closed fist. He stated he was not sure where the punches landed on **Mr. CHASSE's** back because **Mr. CHASSE** was moving so much. **Deputy BURTON** stated he used his right index finger knuckle for pain compliance on **Mr. CHASSE's** side to back ribs.

Deputy BURTON stated he did *not*, nor was he aware of, any officer kicking **Mr. CHASSE**.

With regards to Code 3 being requested by **Sergeant NICE**, **Deputy BURTON** was unaware of the specific reason(s). He stated it could have been because **Mr. CHASSE** was tasered, the prolonged physical struggle and /or he may have lost consciousness. **Deputy BURTON** stated he did *not* observe **Mr. CHASSE** stop breathing. **Deputy BURTON** stated "I don't--no, I was doing other stuff too. I wasn't just sitting there watching him." (TRANSCRIPT: page 15, lines 633-634)

Deputy BURTON stated he did not believe any officers present provided medical assistance to **Mr. CHASSE**. **Mr. CHASSE** was continuously monitored and not left alone.

Deputy BURTON was asked if he or any other officer had advised AMR or Portland Fire Bureau paramedics of the circumstances involving **Mr. CHASSE**:

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BARKLEY: "Did you, or other officers, advise medical responders of the physical force used on Mr. CHASSE, and the circumstances involving Mr. CHASSE, with regards to being forced to the ground, tackled, possible associated injuries from being forced to the ground or tackled, such as a possible head injury, chest injury, and *was medical advised that he had been tasered?*"

BURTON: "I believe so. I wasn't acting in sort of the liaison with medical. Uh, I was doing other stuff, including, uh, cleaning my hands, um, and getting them in gloves. Um..."

BARKLEY: "So, okay..."

BURTON: "I don't know the specific conversation that occurred."

BARKLEY: "Let me back up, did you ever..."

BURTON: "No."

BARKLEY: "advise medical?"

BURTON: "I don't think so."

BARKLEY: "Do you know, first-hand, if any other officers did?"

BURTON: "No."

BARKLEY: "Okay. Do you feel that it would've been important to advise Portland Fire Bureau and AMR medical personnel of the circumstances surrounding--the totality of the circumstances involving Mr. CHASSE?"

BURTON: "Yes. And that's why I'm confident that that conversation occurred."

BARKLEY: "By someone?"

BURTON: "By somebody."

BARKLEY: "But you don't know specifically by whom?"

BURTON: "Correct."

(TRANSCRIPT: pages 15-16, lines 664-687)

Deputy BURTON stated after **Mr. CHASSE** was checked by paramedics, the officers present were advised his vitals were normal. He did not recall if the medical opinion was communicated by AMR or Portland Fire Bureau paramedics. **Deputy BURTON** was sure **Mr. CHASSE** had been cleared to be transported to M.C.D.C. No medical concerns were communicated to the officers.

Deputy BURTON stated **Mr. CHASSE** was carried by 3 or 4 officers; while hobbled, a half block to his police vehicle. **Deputy BURTON** was unable to explain why his police vehicle was not simply moved to 13th Avenue rather than carrying him. He stated he was not concerned **Mr. CHASSE** would be further injured by carry him such a distance.

Deputy Burton stated **Mr. CHASSE** was charged with three crimes: (1) Interfering with a Police Officer- disobeying a lawful order to stop; (2) Resist Arrest; and (3) Assaulting a Public Safety Officer- biting **Sergeant NICE**.

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MS. TAMI HERGERT, AMR PARAMEDIC:

Ms. HERGERT was represented by an attorney, **Ms. ELIZABETH SCHLEUNING**, with Schwabe, Williamson and Wyatt. The Schwabe, Williamson and Wyatt law firm was retained by AMR. The interview was conducted at the law office.

Ms. HERGERT stated she had been a paramedic since 1982 with the same company.

On September 17, 2006, **Ms. HERGERT** and her partner, **Mr. KEVIN STUCKER**, received a call to N.W. Everett Street and 13th Avenue regarding **Mr. CHASSE**, who was coded as unconscious, not breathing or abnormal breathing. When she arrived they were met by a Sergeant (**KYLE NICE**) with the Portland Police Bureau. **Ms. HERGERT** asked him if he wanted them to transport **Mr. CHASSE**. **Sergeant NICE** advised her "no" but they need **Mr. CHASSE's** vitals checked.

Sergeant NICE explained to **Ms. HERGERT** that **Mr. CHASSE** had been chased for some distance and he fought with them. **Sergeant NICE** stated **Mr. CHASSE** became quiet and then went "limp." **Ms. HERGERT** stated **Sergeant NICE** did *not* provide additional information regarding **Mr. CHASSE** or further descriptions of the physical struggle and physical force used by the officers. No other police officers advised her of the circumstances, physical struggle and physical force used by the officers. However, when **Ms. HERGERT** was walking towards **Mr. CHASSE** she overheard an officer make a comment they thought **Mr. CHASSE** had drugs.

Ms. HERGERT explained her expectations with regards to being provided adequate information at calls. She stated police officers advise her of information they believe she should be aware of and "significant" events.

Ms. HERGERT described **Mr. CHASSE** as being handcuffed with his hands and feet restrained together. **Mr. CHASSE** was laying on his right side; eyes open, quiet and did not respond to her questions. **Ms. HERGERT** checked his respiration and determined it to be 18. While she was checking **Mr. CHASSE's** blood pressure, the Portland Fire Bureau paramedics arrived. The blood pressure was connected to a cardiac monitor, which recorded the reading as being 110 /73. I referred **Ms. HERGERT** to a "PRE-HOSPITAL CARE REPORT" which was prepared by her.

Page #1 noted:

"VS (vital signs) within normal limits"

Blood glucose was normal

Page #2 noted:

Vital Sign / ECG- BP (blood pressure): 110 / 73

Pulse: 100

Respirations: 18

Blood Glucose: 119 mg / dL

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Ms. HERGERT stated she typically writes the results on her glove and then retrieves the recorded numbers later. While taking **Mr. CHASSE's** blood pressure, the cardiac machine determined his pulse rate twice.

I requested a copy of the recorded numbers, which **Ms. SCHLEUNING** provided. The printout indicated Blood Pressure: 119 / 73; Pulse Rate: 100. **Ms. HERGERT** stated she obviously made a mistake regarding **Mr. CHASSE's** blood pressure; however, the difference remained within a normal range.

Ms. HERGERT stated a paramedic with Portland Fire Bureau obtained **Mr. CHASSE's** blood glucose, which was 119. **Mr. CHASSE** became upset and asked her what they were doing with his backpack. He began to fight and became agitated. **Ms. HERGERT** concluded **Mr. CHASSE's** vital signs were within a normal range. **Ms. HERGERT** was asked if she had any concerns regarding **Mr. CHASSE's** health. She stated "No."

Ms. HERGERT stated she re-contacted **Sergeant NICE** and advised him **Mr. CHASSE's** vital signs were normal. She asked him a second time if he wanted AMR to transport **Mr. CHASSE**. **Sergeant NICE** stated "No." Based upon **Mr. CHASSE's** vital signs, **Ms. HERGERT** stated she believed he was fine to be transported to jail. **Ms. HERGERT** stated **Mr. CHASSE** did *not* complain of any injuries.

Ms. HERGERT stated she observed **Mr. CHASSE** being picked up by police officers and carried towards a police vehicle. She only observed **Mr. CHASSE** being carried a few steps.

I asked **Ms. HERGERT** if she observed and heard anything by anyone present, which she considered inappropriate behavior. She stated, "No."

MR. KEVIN STUCKER, AMR PARAMEDIC:

Mr. STUCKER was represented by an attorney, **Ms. ELIZABETH SCHLEUNING**, with Schwabe, Williamson and Wyatt. The Schwabe, Williamson and Wyatt law firm was retained by AMR. The interview was conducted at the law office.

Mr. STUCKER had been a paramedic for approximately six years.

Mr. STUCKER stated **Ms. HERGERT** talked with an unknown police officer. The officer advised **Ms. HERGERT** that **Mr. CHASSE** was under arrest and he wanted his vitals checked to be sure there were no life threatening issues.

Ms. HERGERT began an assessment of **Mr. CHASSE**. **Mr. STUCKER** stated his role was to provide support for **Ms. HERGERT** and to perform a visual assessment. **Mr. STUCKER** stated **Mr. CHASSE** was handcuffed, hobbled and laying on his right side. He described **Mr.**

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CHASSE as calm, eyes open and breathing eighteen to twenty breaths per minute, which he counted. **Mr. CHASSE** became agitated when they were attempting to take blood to determine his blood sugar.

While **Mr. CHASSE** was being evaluated, an unknown officer advised **Mr. STUCKER** of the following: he was chasing **Mr. CHASSE**, grabbed him from behind and tripped him forward. He was advised **Mr. CHASSE** attempted to bite an officer. The officer stated he rolled onto his shoulder so as to *not* land on him. **Mr. STUCKER** stated the following clarification:

BARKLEY: "Now would this have been Officer HUMPHREYS?"

STUCKER: "I, I don't recall."

BARKLEY: "So the officer specifically told you that he did not fall onto **Mr. CHASSE**."

STUCKER: "Right. That he landed he primarily on his shoulder."

Regarding use of the Taser, **Mr. STUCKER** stated:

BARKLEY: "Is there anything else that you recall that you have either observed or heard?"

STUCKER: "Um, I, I had heard one of the officers mention that they had attempted to, uh, tase him, but that they didn't have an, an effect or the desire to, that they, uh, wanted, uh, I'm assuming that means that, uh, I was assuming at the time that that meant the, they had attempted to taser with the barbs, and, uh, it, it didn't work. It didn't have the, uh, the, the barbs didn't stick and it didn't pass enough electrical current."

(TRANSCRIPT: page 9, lines 376-382)

While **Ms. HERGERT** and a Portland Fire Bureau paramedic checked **Mr. CHASSE**'s vitals, he heard them talking about the vitals being normal and observed the outcomes. Based upon his vitals, **Mr. STUCKER** stated he was *not* concerned with **Mr. CHASSE**'s medical condition. He stated **Mr. CHASSE** did *not* complain of any injuries.

When **Mr. STUCKER** was asked if he had heard or observed any conduct by police officers or paramedics to be inappropriate or not in **Mr. CHASSE**'s best interest, he stated no.

Mr. STUCKER observed three police officers pick up **Mr. CHASSE** and carry him away. He described one officer holding him under each arm and the third officer holding the strap. **Mr. STUCKER** did not observe where **Mr. CHASSE** was taken.

After the interview was concluded, **Mr. STUCKER** recalled an additional issue commented by an unknown officer:

BARKLEY: "Okay. The interview is concluded unless **Mr. STUCKER** would care to add something else in addition. It is now 1236 hours."

BARKLEY: "It is 1238 hours and **Mr. STUCKER** had recalled another issue that he would like to address. Go ahead."

STUCKER: "Prior to the, uh, to taking _____ the, the one thing I did recall was that the, uh, one of the officers had mentioned that they had saw, uh, and this, uh, for the most part quoted, uh, that there, that he had a rock in his hand, which we had assumed, uh, was possibly cocaine. Um, other than that, uh, there was, there was no other, um, comments regarding that."

(TRANSCRIPT: page 13, lines 536-544)

RODRIGUES: "Real quick. Sergeant Rodrigues. Just for clarification, rocks in his hand were referring to the officer's hand?"

STUCKER: "No, the patient's. The, the, the officers had, uh, had stated they had found a rock in his hand. Um..."

BARKLEY: "And the rock is in reference to what?"

STUCKER: "That we were, we had assumed that it was in reference to possibly cocaine."

(TRANSCRIPT: page 13, lines 556-561)

Ms. CONSTANCE DOOLAN:

Ms. CONSTANCE DOOLAN was a citizen witness who contacted the Independent Police Review Division regarding the incident involving Mr. CHASSE. Sergeant RODRIGUES and I interviewed Ms. DOOLAN, a school teacher, at her home in Oakland, California. A friend, Ms. JENNIFER ARCHBOLD, was present.

Prior to the interview, we had Ms. DOOLAN review Detective LYNN COURTNEY's "SPECIAL REPORT" for accuracy. Ms. DOOLAN provided the following clarifications:

1. Mr. CHASSE was either tasered on the back or mid-body. (Page 2, last paragraph)
2. Mr. CHASSE was being hit and kicked at the same time the taser was deployed and then he was unconscious. (Page 3, first paragraph)
3. Ms. DOOLAN's reference to the paramedics not treating Mr. CHASSE very well was that she did *not* feel the paramedics checked Mr. CHASSE for basic bodily injuries. She did *not* feel the paramedics were thorough in checking Mr. CHASSE and should have checked for broken arms and ribs. She described the circumstances as "a very physical struggle." (Page 3, second paragraph)
4. Ms. DOOLAN stated a male paramedic mimicked Mr. CHASSE's sounds and crying. She was unable to identify the person as being with AMR or Portland Fire Bureau.

On September 17, 2006, Ms. DOOLAN was on the northwest corner of N.W. Everett Street and 13th Avenue. She was in Portland visiting a friend, Reverend RANDALL STUART, who was with her at the time. Ms. DOOLAN stated she had a fairly unobstructed view of the southwest corner.

Ms. DOOLAN stated her attention was drawn to the opposite corner due to yelling. She believed her initial observation was of Mr. CHASSE and all three police officers "hitting the ground." Ms. DOOLAN stated Mr. CHASSE was "tackled." She stated it was a hard hit and hard fall.

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She described some of the officers having their weight on top of **Mr. CHASSE**, a lot of yelling for him to face down, **Mr. CHASSE** was resisting arrest by "twisting and turning," the officers "were having trouble controlling his movements" and **Mr. CHASSE** was "clearly very frightened." **Ms. DOOLAN** stated the situation was "chaotic."

We had **Ms. DOOLAN** look at eleven photographs of all known police officers present in order to identify the three officers who "tackled" **Mr. CHASSE**. She was unable to identify any of the three police officers involved in the incident. (TRANSCRIPT: page 7, lines 271-301)

Ms. DOOLAN was unable to describe the manner in which **Mr. CHASSE** and the police officers fell to the pavement and if they were able to break their falls. She did clarify the police officers did *not* stay on top of **Mr. CHASSE** due to attempting to get his arms behind him.

After a very short time, she and **Reverend STUART** walked to the southeast corner. **Ms. DOOLAN** stated that her view and ability to hear was now much better. **Ms. DOOLAN** stated she heard the police officers telling **Mr. CHASSE** to lie down and stop struggling. The police officers gave **Mr. CHASSE** instructions to place his hands behind him and he did *not* comply. She heard **Mr. CHASSE** cry out for help, yelled to the female paramedic not to leave and believed he yelled "fuck you." **Mr. CHASSE** was "very verbal" until he was unconscious.

Ms. DOOLAN described the confrontation:

DOOLAN: "Yeah. It was not a quick and easy, you know, get him down; get his arms behind his back. They--he--they were twisting around and it took 'em quite a while. And it wasn't til after--they didn't--I don't think they actually achieved that til after the kicking, the hitting, and the Taser."
(TRANSCRIPT: page 9, lines 366-369)

She stated she was surprised by the struggle due to the police officers being "bigger and stronger" and **Mr. CHASSE** was able to contort his body, had a lot of energy during the struggle and was "clearly frightened."

Ms. DOOLAN stated she heard someone yell the word "bite." She stated she did *not* see **Mr. CHASSE** bite a police officer but did observe what appeared to be **Mr. CHASSE** "trying to bite." (TRANSCRIPT: page 10, line 422) **Ms. DOOLAN** confirmed her statement to Detectives regarding an officer whom **Mr. CHASSE** was attempting to bite, *kicked him two or three times in the back or mid-body area and then slapped him once on the head*. She stated the officer was on **Mr. CHASSE**'s right side and kicked him with "some effort with the front toe area. **Ms. DOOLAN** stated she believed the kicks could have caused substantial injury to **Mr. CHASSE**. **Ms. DOOLAN** described the slap as being open handed to possibly the side of the head. **Ms. DOOLAN** stated she did *not* observe **Mr. CHASSE** hit with a closed fist.
(TRANSCRIPT: page 27, lines 1,160-1,161)

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At this point of the interview **Sergeant RODRIGUES** and I became aware **Ms. DOOLAN** was referencing other sources of information. When questioned about the issue, she stated she had followed the event via the newspaper while in Portland and Oakland; she was contacted by a number of news agencies, **Mr. STEENSON**, an attorney representing the **CHASSE** family, and others associated with **Mr. STEENSON**'s law office. **Ms. DOOLAN** stated she had talked with **Mr. STEENSON** regarding the incident on September 17, 2006 and the interview with me and **Sergeant RODRIGUES**. **Ms. DOOLAN** did *not* want to discuss her contacts with **Mr. STEENSON**. Please note **Ms. DOOLAN** had photographs of the location in her possession.

Ms. DOOLAN was asked her opinion regarding the kicks and slap:

BARKLEY: "From your observation, was it your opinion that the two to three kicks, and then a slap by the same officer, was excessive?"

DOOLAN: "Yes."

DOOLAN: "Especially because the Taser was being applied at the same time. I mean, it--it--since the Taser did--did, um, subdue him, and it was readily available, and it was being used right at the same time, and that he was unconscious, it--it seemed, um, like unnecessary force."
(TRANSCRIPT: pages 14-15, lines 610-617)

Ms. DOOLAN was asked her impressions of when the Taser was utilized:

DOOLAN: "The kicks happened first before the slap, I believe. And, um, I just remember starting to seeing the gun, but also hearing the clicks of the Taser right about at the same time. I'm not sure--I don't remember precisely, you know, exactly when I heard the first click, and when the kicks and the hit happened, but my general impression was that was happening at the same time."
(TRANSCRIPT: page 15, lines 625-629)

We had **Ms. DOOLAN** look at eleven photographs of all known police officers present in order to identify the officer who kicked and slapped **Mr. CHASSE**. She was unable to identify the police officer involved in the incident. (TRANSCRIPT: page 15-16, lines 644-681)

Ms. DOOLAN did *not* believe the Taser probes were used. She stated the Taser was applied to **Mr. CHASSE**'s back or mid-body. **Ms. DOOLAN** confirmed she advised Detectives she heard three clicking sounds. **Ms. DOOLAN** felt the use of the Taser "had the effect of rendering him unconscious." (TRANSCRIPT: page 17, line 721) She questioned why **Mr. CHASSE** was being kicked and hit when the Taser was being deployed. Shortly after deploying the Taser, **Mr. CHASSE** stopped moving, talking and was unconscious. She described **Mr. CHASSE**'s skin as "looked really bad" and "Looked ashen." (TRANSCRIPT: page 17, lines 725-727)

When **Ms. DOOLAN** was asked to look at the eleven photographs of the police officers in order to identify the officer who utilized the Taser and she declined.

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Ms. DOOLAN advised Detectives a police officer had explained to her and Reverend STUART that Mr. CHASSE had 14 convictions for crack cocaine and was in possession of a vial of crack cocaine. She stated the officer was seated in a police vehicle and initiated the conversation. Ms. DOOLAN referred to four photographs she had of the location. She identified the police vehicle license plate as E236428. (Assigned to Officer Michael Bledsoe) After the police officer provided his explanation, Ms. DOOLAN replied, "So what? That was over the top." (TRANSCRIPT: page 19, line 798) She stated she later found out the information was not true.

We had Ms. DOOLAN look at eleven photographs of all known police officers present in order to identify the officer who made the statement. She was unable to identify the police officer involved in the incident. (TRANSCRIPT: page 20, lines 832-866)

Ms. DOOLAN described Mr. CHASSE as being handcuffed, feet tied together and carried horizontally down the street like a dead deer. Mr. CHASSE was carried west from the intersection and past a Portland Fire Bureau truck. She estimated the distance he was carried to be approximately a half block. Ms. DOOLAN had a picture she was referring to, which showed the fire truck, but not a police vehicle behind it.

Multnomah County Detention Center

OFFICER CHRISTOPHER HUMPHREYS:

Prior to leaving N.W. Everett Street, Officer HUMPHREYS stated he requested Deputy BURTON to contact M.C.D.C. to assist with Mr. CHASSE.

Officer HUMPHREYS stated they drove directly to the parking lot across from M.C.D.C. He monitored Mr. CHASSE the entire time. He stated he asked Mr. CHASSE if he was injured with no response. Officer HUMPHREYS described his demeanor as "really agitated" but calmer than previously. Officer HUMPHREYS stated he believed Mr. CHASSE was under the influence of drugs and did *not* consider mental health issues. They parked in the parking lot to complete the Custody Report and Property Receipt. Officer HUMPHREYS exited the vehicle to retrieve his asthma inhaler due to the struggle with Mr. CHASSE.

When they arrived in the sally port, Officer HUMPHREYS stated 3 or 4 deputies came out to assist with Mr. CHASSE. A spit hood was placed over Mr. CHASSE's head. Mr. CHASSE was yelling. Mr. CHASSE was carried into an isolation cell. While being carried, Mr. CHASSE was screaming and twisting.

Once in the isolation cell, the hobble was cut off. Mr. CHASSE continued to yell. While Officer HUMPHREYS removed the handcuffs, he noticed Mr. CHASSE had "passed out" and requested a deputy to contact their medical. A deputy stated Mr. CHASSE was breathing. Officer HUMPHREYS believed he advised a deputy Mr. CHASSE had passed out earlier.

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Officer HUMPHREYS stated two female nurses looked at **Mr. CHASSE** through a door window and stated they would not accept **Mr. CHASSE**. **Officer HUMPHREYS** described the nurses as simply walking away. **Officer HUMPHREYS** stated no one at the facility provided any medical attention for **Mr. CHASSE**.

Officer HUMPHREYS stated **Mr. CHASSE** was handcuffed and a leg chain was utilized rather than a hobble. **Officer HUMPHREYS** and three deputies carried **Mr. CHASSE** back to the police vehicle to be transported to Portland Adventist Hospital. **Mr. CHASSE** was yelling, seat belted and they left. **Officer HUMPHREYS** stated they spoke with **Sergeant JOSE GONZALES** as they exited M.C.D.C. for approximately a minute.

Officer HUMPHREYS stated no one used physical force on **Mr. CHASSE** while at M.C.D.C.

Officer HUMPHREYS was asked why he did not have AMR or Portland Fire Bureau respond to M.C.D.C. to check **Mr. CHASSE** since the nurses did not physically check him and **Officer HUMPHREYS** was concerned.

BARKLEY: "You stated twice now that you, yourself, were concerned with **Mr. CHASSE**'s physical condition, and had told Deputy **BURTON** that you wanted to get him to Portland Adventist Hospital as soon as possible. At any point, did you consider calling for an ambulance to the Justice Center to, once again, check out **Mr. CHASSE**? Because apparently, from what you described, **Mr. CHASSE** really wasn't examined by the two nurses on staff at the detention center. Did you ever consider having an ambulance, AMR or Portland Fire Bureau come by and check him out?"

HUMPHREYS: "No, not, not once we were in the sally port, and in the jail, I did not."

BARKLEY: "Okay, but when you left, you have this concern, why would you not go ahead and consider having either the Portland Fire Bureau paramedics or AMR paramedics meet you outside of the..."

HUMPHREYS: "Because they had already checked him out prior."

(TRANSCRIPT: page 82, lines 3,602-3,614)

OFFICER BRET BURTON:

Prior to leaving N.W. Everett Street, **Deputy BURTON** stated he called M.C.D.C. and requested they assist them when they arrived. He informed M.C.D.C. **Mr. CHASSE** was hobbled and aggressive.

Deputy BURTON was driving and **Officer HUMPHREYS** continued to monitor **Mr. CHASSE** while being transported. While transporting **Mr. CHASSE**, he described his demeanor as aggressive, yelling, growling and then quiet. He stated **Mr. CHASSE** was transported directly to M.C.D.C. **Deputy BURTON** stated **Mr. CHASSE** never complained of being injured.

When they arrived in the sally port, **Deputy BURTON** believed the deputies came out to assist them fairly quickly. **Deputy BURTON** placed a spit hood over **Mr. CHASSE**'s head, while he was seated in the back seat. **Deputy BURTON** stated **Mr. CHASSE**'s head struck the police vehicle door post when he was removed from the vehicle. **Mr. CHASSE** was carried into an isolation cell by four people.

Deputy BURTON stated the handcuffs and hobble were removed in the cell. He stated **Mr. CHASSE** had apparently stopped breathing or lost consciousness in the cell. **Deputy BURTON** did not observe **Mr. CHASSE** at the time. **Deputy BURTON** recalled two nurses responded to look at **Mr. CHASSE**. He did not observe what, if anything, the nurses did in examining **Mr. CHASSE**.

Deputy BURTON was asked if either he or **Officer HUMPHREYS** advised M.C.D.C. personnel what occurred with **Mr. CHASSE** at N.W. Everett Street:

BARKLEY: "Did you, or **Officer HUMPHREYS**, ever explain to the medical personnel there - the two nurses at MCDC - of what had transpired prior at 13th and Everett, and especially that he had stopped breathing there?"

BURTON: [Sigh] "I don't remember that specific conversation, but it's like what we were talking about with AMR and Portland Fire at 13th and Everett, it's a conversation that I'm pretty sure took place, 'cause it's an important conversation to have. I don't remember who said it. Uh, it's likely that I would mention something. Uh--it--it's difficult to say. He was obviously, um, uh, hobbled and, uh, you know, it was a deal, so it's--I'm sure we explained what had happened, and why he was there, uh, in the course of, you know..."

BARKLEY: "But do you recall yourself explaining any of that?"

BURTON: "Uh, no, not specifically."

BARKLEY: "And do you recall, specifically, **Officer HUMPHREYS** explaining to medical personnel what had taken place prior to your arrival?"

BURTON: "Not specifically."

(TRANSCRIPT: page 22, lines 945-959)

Deputy BURTON stated **Mr. CHASSE** was handcuffed and a leg chain utilized. He stated there was enough slack to the chain for him to walk. **Deputy BURTON** was asked if **Mr. CHASSE** was able to walk, then why was he again carried from the cell to their police vehicle. **Deputy BURTON** stated:

BURTON: "Uh, wow, as far as his ability to walk, I think that's more of a theoretical ability. He would be able to walk, as most people would with, uh, the leg chains - I guess they're called. Um, as opposed to no one's able to walk on hobbles. It doesn't mean we were gonna let him walk, um, or that it was a good idea to have him walk, since he was so combative. Um, and I'm not sure if he was, uh, willing to walk."

(TRANSCRIPT: page 23, lines 1,007-1,012)

BARKLEY: "On that point, do you recall why, if he was able to walk, he was once again carried? And this dovetails into the original question back at 13th and Everett, in which he's handcuffed; he's hobbled, and he's carried a half a block to your police car, instead of having the police vehicle come to you. Do you recall why, if he was able to walk, he was once again carried from inside the booking facility to the police car?"

BURTON: "Well, you're presuming that he was able to walk. I'm not sure if he was physically able to walk, or if he was, uh--'cause he had been so incredibly combative, aggressive, and uncooperative, um, it doesn't seem very likely to me that he would be willing to stand up and walk out on his own. Um, that definitely was not his demeanor at the time. As far as explaining that statement..."

BARKLEY: "Yeah, that's what I'd like you do."

BURTON: "I don't know the--you're able to walk, and most people are able to walk in--in leg chains."

(TRANSCRIPT: page 24, lines 1,017-1,031)

BARKLEY: "Well, explain this--this statement. I'm not--I'm not understanding what you're saying. Let's go off the record."

BARKLEY: "Okay, it's 1731 hours. We're back on the record. Officer BURTON just reviewed the entire paragraph of his transcribed statement with Portland Police Detectives, page number 25. So, are you able to explain, in better detail, what you mean by your own statement here that Mr. CHASSE was able to walk, but on the other hand a decision was made to carry him?"

BURTON: "Yeah, I-I can't speak if he was able to walk or not. He'd been very uncooperative, and I think the decision was made to carry him, uh, as opposed to attempt to have him walk because he was so uncooperative, and it was easier for us to physically carry him back to the car, uh, as opposed to, uh, having a very uncooperative person walk."

(TRANSCRIPT: page 24, lines 1,038-1,049)

Deputy BURTON stated no one used physical force on **Mr. CHASSE** while at M.C.D.C.

DEPUTY THOMAS HOLLENBECK:

Deputy HOLLENBECK was one of three (3) identified Multnomah County Detention Center deputies who assisted **Officer HUMPHREYS** and **Deputy BURTON** with **Mr. CHASSE**. Since our questions for **Deputy HOLLENBECK** had been provided to the City Attorney's office months prior to be forwarded to **Mr. STEENSON**, he was asked if he had been provided a copy and / or reviewed our proposed questions prior to this date. **Deputy HOLLENBECK** stated, "No."

Deputy HOLLENBECK stated essentially the same as **Officer HUMPHREYS** and **Deputy BURTON**, except for the additional significant noted clarifications:

1. He did not recall stating during his January 23, 2008 deposition with **Mr. STEENSON** that **Officer HUMPHREYS** had "tackled" **Mr. CHASSE**.

2. **BARKLEY:** "Okay. While **Officer HUMPHREYS**, and/or **Deputy BURTON** were at MCDC, did either of them advise you or any other deputies or nurses of the struggle that occurred at the 1300 block of NW Everett Street?"

HOLLENBECK: "Um, I believe **HUMPHREYS** said that he had, uh, bitten one of the sergeants and attempted to bite him."

BARKLEY: "Anything else?"

HOLLENBECK: "That's all I remember."

BARKLEY: "Uh, do you recall either **Officer HUMPHREYS**, and/or **Deputy BURTON**, advising any of the personnel there at MCDC, that **Mr. CHASSE** had stopped breathing while at the 1300 block of NW Everett Street?"

HOLLENBECK: "I think so, but I don't remember off the top of my head."

(TRANSCRIPT: page 4, lines 159-169)

3. **Deputy HOLLENBECK** stated he did *not* observe **Mr. CHASSE** fall onto the rear floor of the police vehicle as they were about to leave the sally port, but he heard the fall. **Deputy HOLLENBECK** looked into the vehicle and observed **Mr. CHASSE** on the rear floor.
4. While **Mr. CHASSE** was at M.C.D.C., **Deputy HOLLENBECK** was *not* aware of any physical force used on him, except being carried in and out of the facility.

N.E. 33rd Avenue and Clackamas Street

OFFICER CHRISTOPHER HUMPHREYS:

Officer HUMPHREYS stated they drove onto I-84 from the Morrison Bridge ramp and he was continually monitoring **Mr. CHASSE**. Once they were on I-84, **Officer HUMPHREYS** stated he observed **Mr. CHASSE** seated behind him, he did not appear to be breathing and his left arm was white. **Officer HUMPHREYS** advised **Deputy BURTON** to get off at 33rd Avenue to call an ambulance.

As they exited at 33rd Avenue, **Deputy BURTON** requested medical. When they stopped **Officer HUMPHREYS** removed the spit hood and realized **Mr. CHASSE** was not breathing. **Officer HUMPHREYS** checked his breathing and pulse. **Deputy BURTON** swept **Mr. CHASSE**'s mouth for obstructions. **Officer HUMPHREYS** began chest compressions, while **Deputy BURTON** retrieved a mask.

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A bystander provided an AED. The man connected the AED for defibrillation and the computer registered to *not* use the machine. Therefore, the AED was not utilized.

Officer HUMPHREYS administered chest compressions until AMR and Portland Fire Bureau arrived.

The following questions were asked of **Officer HUMPHREYS**:

RODRIGUES: "Okay. Now, you were served with a Communications Restriction Order by detectives on September 17, 2006. Did you discuss any aspect of the subsequent criminal investigation with anyone other than who was listed on the Communications Restriction Order, and these individuals are the criminal investigators, IAD investigators, Deputy City Attorneys assigned to the case, Deputy District Attorneys assigned to the, your case, your spouse, your clergy, your union representative, and/or your attorney, as well as your medical and/or psychological professional? Now, did you discuss this case with anyone other than these individuals that I have just stated to you?"

HUMPHREYS: "No."

(TRANSCRIPT: page 87, lines 3,827-3,836)

RODRIGUES: "Now during the course of events occurring on September 17th, 2006, as it relates to the totality of events involving Mr. James CHASSE, did you at any time, observe, hear, or otherwise have knowledge of any Portland Police Bureau member engaging in conduct in violation of any state law, and/or Portland Police Bureau policy, to include any training guidelines?"

HUMPHREYS: "No."

(TRANSCRIPT: page 87, lines 3,843-3,848)

OFFICER BRET BURTON:

Deputy BURTON stated they were in the area between the Morrison Bridge and the Grand Avenue overpass, entering I-84, when **Officer HUMPHREYS** stated he could not tell if **Mr. CHASSE** was breathing. Due to I-84 being unsafe to stop, **Deputy BURTON** drove to the first exit, 33rd Avenue.

Deputy BURTON stopped at 33rd Avenue and Clackamas Street. **Mr. CHASSE** was removed from the vehicle and **Deputy BURTON** requested Code 3 medical because he was not breathing, was turning blue and had no pulse. The handcuffs were removed. **Deputy BURTON** checked **Mr. CHASSE's** airway by tilting his head back and swept his mouth several times with his finger. **Deputy BURTON** had a protective glove on and observed blood in **Mr. CHASSE's** mouth. **Officer HUMPHREYS** requested Medical to step it up.

Deputy BURTON attempted to locate a breathing mask in the trunk but was unable to locate one in his bag or **Officer HUMPHREYS'** bag.

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Deputy BURTON was not sure if a defibrillator was activated to provide a shock to **Mr. CHASSE**.

The following questions were asked of **Deputy BURTON**:

BARKLEY: "So, between the time that you requested medical, and the time the detectives arrived, you're saying that you did not discuss the circumstances or the facts with Officer HUMPHREYS?"

BURTON: "I'm not saying we didn't have any verbal contact with each other, but we didn't--it was mostly geez, what's going on, kind of thing. It wasn't anything substantial."

BARKLEY: "Did your conversation have anything to do with, like, any strategy as to what happened, strategizing as to a story; anything to influence what you've already told us today?"

BURTON: "No, absolutely not."

BARKLEY: "Okay, between the time of the incident and the Grand Jury, did you and Officer HUMPHREYS discuss this situation and circumstances, between the two of you?"

BURTON: "No."

BARKLEY: "And last question: Did you observe or hear of any actions by officers who were present that caused you any concerns, or violated Portland Police Bureau policy and procedure, including training guidelines?"

BURTON: "No."

(TRANSCRIPT: page 27, lines 1,162-1,179)

State of Oregon Medical Examiner

DR. KAREN L. GUNSON, first interview:

Dr. GUNSON was interviewed by me and **Sergeant RODRIGUES** twice. The initial interview primarily concerned an understanding of the specific injuries; determination as to the cause of death and an explanation of how normal vitals readings were obtained given the sustained injuries. **Dr. GUNSON** stated she has been a Medical Examiner since 1985 and performed approximately 4,000 autopsies.

When **Dr. GUNSON** was interviewed on Tuesday, May 22, 2007, she explained the cause of death and specific sustained injuries as noted on pages #4 and #5. She explained *all* of the fractures were "fresh." Furthermore, **Dr. GUNSON** stated, "However, if he (**Mr. CHASSE**) falls to the pavement and, for however brief an instant, somebody or something falls on top of him, then you could see these injuries." **(TRANSCRIPT: page 3, lines 117-119)** **Dr. GUNSON** described **Mr. CHASSE**'s bones as, "And in my opinion, his bones are more like those of a 50, 60, 70 year old woman than they are a 30-year-old man with no other diseases."
(TRANSCRIPT: page 9, lines 402-403)

Prior to our interview with **Dr. GUNSON**, she had *not* received the PRE-HOSPITAL CARE REPORT prepared by AMR paramedic, **Ms. TAMI HERGERT**, on September 17, 2006 at N.W. Everett Street and 13th Avenue. Prior to the autopsy, **Dr. GUNSON** advised us she had *only* received the PRE-HOSPITAL CARE REPORT prepared by AMR at N.E. 33rd Avenue and Clackamas Street.

As a result, we reviewed with **Dr. GUNSON** the vital signs and comments noted in **Ms. TAMI HERGERT**'s report. **Dr. GUNSON** was asked if the reported vital signs, which were considered "normal," were consistent with **Mr. CHASSE**'s injuries. **Dr. GUNSON** stated, "No, I would have expected all three parameters, blood pressure, heart beat, and respiration, to be higher, because of this activity, just this activity. I mean with the fight, with the run for several blocks, uh, unless you're a marathon runner, I would expect these to be much, much higher." (TRANSCRIPT: page 5, lines 212-213) Given the circumstances involved with **Mr. CHASSE**, **Dr. GUNSON** was asked if she was aware of how his vital signs could possibly be normal and accurate. **Dr. GUNSON** stated, "Hmm. I, uh, I, I don't, I've never seen a situation where they would be absolutely normal like they are, given the situation that he was in." (TRANSCRIPT: page 7, lines 304-305)

Dr. GUNSON was asked if **Mr. CHASSE** had been transported directly to a hospital from N.W. Everett Street and 13th Avenue, what would be his overall condition:

GUNSON: "Yes, I do have an opinion about that. I think that if he was transported from this place, this location in Northwest Portland, he would have had a chance of surviving the injury. And I can't comment too much about what chance, maybe 50/50, because there are problems that would be associated with recovering from this, but by transporting him to the hospital, the hospital could then support him by intubation and respirator, uh, support, um, so that he could, they could actually force air into his lungs and he would then have hopefully survived. Now, there could be a lot of complications involved in this kind of injury, such as pneumonia and, you know, uh, various other sets of things like that, so the actual, uh, whether or not he would, he would have survived a hundred percent, I can't tell you. But he would have had a huge chance of survival. Because, because essentially, these injuries can be overcome if we can support him. And, um, the longer you wait, the less likely it is that you're going to be able to, to get enough oxygen to him that he is going to survive." (TRANSCRIPT: pages 6-7, lines 265-277)

Dr. GUNSON was critical of the paramedics due to *not* checking **Mr. CHASSE**'s back, abdomen, pelvis, whether bone fractures existed in his arms or legs and palpated his chest area. She was asked if the paramedics had utilized a stethoscope, would they have heard anything to indicate internal injuries. **Dr. GUNSON** stated "Well, they would have had, if they had done that, then there would have been a difference in the breath sounds from the right chest to the left chest." (TRANSCRIPT: page 8, lines 352-353) She explained the paramedics would have

heard good lung sounds to the right chest and probably heard "muffled" sounds to the left chest due to the chest being flail.

Dr. GUNSON concluded the fatal injuries were sustained during the incident at N.W. Everett Street and 13th Avenue. **Dr. GUNSON** explained "It is that injury that sets in motion the events that lead to death. And so the injuries that he sustained in Northwest Portland was that injury that sets into motion all these other things that happened. With the ambulance coming, him going to jail, and finally suffering a cardio respiratory arrest in Northeast Portland."

(TRANSCRIPT: page 11, lines 454-458)

DR. KAREN GUNSON, second interview:

Dr. GUNSON was interviewed a second time on Thursday, June 21, 2007, due to our interviews of AMR paramedics, **Ms. TAMI HERGERT** and **Mr. KEVIN STUCKER**, on Wednesday, June 6, 2007. The primary reason for the second interview was due to the computer printout, which noted **Mr. CHASSE's** vital signs as within a normal range. **Ms. ELIZABETH SCHLEUNING**, an attorney representing the AMR paramedics, provided the printout. During our initial interview with **Dr. GUNSON**, she had stated the reported vital signs had to be *inaccurate* due to the sustained injuries. Given the computer printout, our concern was regarding the possibility that **Mr. CHASSE's** injuries occurred *after* the paramedics examined him at N.W. Everett Street and 13th Avenue.

Regarding the cause of death being "blunt force chest trauma", **Dr. GUNSON** explained:

GUNSON: "It would require multiple applications of force. Say, multiple knee drops, multiple kicks, vigorous kicks that kind of thing would not come from a punch. It would have to be something where there is a bigger force or velocity like a leg or a block with the knee. However, in order to explain all the rib fractures that we see that I attribute to blunt force trauma, the easiest way to explain that is a single broad based application of force, such as a pressure, uh, that's applied while he's at a 45 degree angle up on his right side."

BARKLEY: "Now, to follow-up on that, if there were individual blows, either from say a kick, a hit, would there not be some evidence of that from tissue damage?"

GUNSON: "Excellent point and yes. There would be. You would expect to see that there would be contusion or bruising, and, you know, sometimes even laceration from those individual blows. We don't have that."

(TRANSCRIPT: page 2, lines 79-90)

The question with regards to the paramedics obtaining normal vital signs following **Mr. CHASSE** sustaining 17 separate fractures, **Dr. GUNSON** provided the following explanations:

GUNSON: "And, therefore, the readings we're getting here in a single reading in a single context, while they may be accurate, may not accurately reflect how stressed he is or how, um, they, they may be in, within normal limits for a normal person, but he may not be, these may not be normal for him."

(TRANSCRIPT: page 4, lines 177-180)

GUNSON: "Um, the information that has been provided to me by you about some of the struggle that did occur there, and the fact that he verbalized moaning and groaning on two separate occasions when he was picked up while he was handcuffed and hobbled, indicates to me that he was pro, he was suffering most likely pain at those points. Now, given the fact that he has rib fractures, in my opinion, that's already sustained, um, it is also likely that when they're moving him about in this fashion at, when the Multnomah County deputies are moving him about in this fashion, that it would exacerbate or make worse these rib fractures. That is, perhaps they were not displaced at the time of the actual, uh, blunt force trauma. But now, with his movement around, uh, by picking him up by the shoulders and legs and so forth and, and putting stress and strain on his ribcage, that maybe, at this point, they became either displaced or were, um, at least made worse by this movement. And that's why we see him verbalizing pain, uh, by moaning and groaning."

(TRANSCRIPT: page5, lines 190-203)

BARKLEY: "And I believe that there were three ribs on the left side that had actually punctured the lung."

GUNSON: "Uh-huh."

BARKLEY: "Would, what's the probability that those sustained injuries would have occurred from carrying Mr. CHASSE while hobbled and handcuffed?"

GUNSON: "Well, I think the rib fractures were probably already there. But, perhaps, the, uh, displacement of those rib fractures and the perforation of the lung may have occurred with the three subsequent carrying positions or, or, you know, carrying episodes, if you will. Um, now, I do know that, at one point, there was noted to be some blood around his mouth. And that could easily have arisen from having his lung punctured by one of those ribs. But it was my understanding this blood did not appear until he was at the Multnomah County facility. They didn't see it on the street."

RODRIGUES: "No, that's actually, this is Sergeant Rodrigues, it was seen on the street."

GUNSON: "It was seen on the street?"

RODRIGUES: "Yes."

GUNSON: "Um, it could arise from the lung puncture."

GUNSON: "... I said it could arise from that lung. But, likewise, we know he's been through a struggle and any number of injuries can occur to your nose and mouth during this struggle. So, I told him (Mr. JIM RICE) at the time, I don't know exactly where it came from. But it could have come from the lung as well."

(TRANSCRIPT: pages 5-6, lines 219-239)

INVESTIGATOR COMMENTS:

The Internal Affairs Division investigation was extremely lengthy in terms of time. As noted in the Internal Affairs Division "Chronological Record", the **Mr. JAMES CHASSE** In-Custody Death investigation was assigned to me and **Sergeant DEREK RODRIGUES** on November 14, 2006, approximately two months following the incident. However, at the time we were *not* provided the Detective's notebook. On December 20, 2006, the Internal Affairs Division, Detective Division and Training Division met to discuss the incident. During the following four months, I was an Acting Lieutenant due to Lieutenant **JAY DRUM**'s retirement.

Following four (4) interviews conducted in May and June 2007, the timeline was extended one (1) year due to **Ms SUSAN DUNAWAY**, Multnomah County counsel, refusing to allow us to interview **Deputy THOMAS HOLLENBECK** and former **Deputy BRET BURTON**. The following is a brief timeline regarding the time delay:

1. **July 24, 2007:** **Ms. DUNAWAY** advised me she would *not* allow Multnomah County employees to be interviewed until after the civil depositions, which were scheduled in September 2007.
2. **September 6, 2007:** I spoke with **Ms. SUSAN DUNAWAY**. She advised me **Deputy BURTON** and **Deputy HOLLENBECK** would *not* be interviewed until after the civil depositions, which were now scheduled in January 2008.
3. **September 24, 2007:** **Assistant Chief ROD BEARD** advised **Captain JOHN TELLIS** that *no* interviews were to be conducted until after the scheduled depositions in January 2008.
4. **October 25, 2007:** **Assistant Chief ROD BEARD** advised **Captain JOHN TELLIS** that *only* **Sergeant KYLE NICE** and **Officer CHRISTOPHER HUMPHREYS** could be interviewed.
5. **November 14, 2007:** **Sergeant NICE** was interviewed.
6. **December 11, 2007:** **Officer HUMPHREYS** was interviewed.
7. **April 1, 2008:** **Captain JOHN TELLIS** advised us that **Deputy HOLLENBECK** and **Deputy (Officer) BURTON** could be interviewed. The interviews were to be coordinated with **Ms. DUNAWAY**.
8. **May 8, 2008:** **Deputy HOLLENBECK** was interviewed.
9. **May 8, 2008:** **Deputy (Officer) BURTON** was interviewed.

Detectives interviewed seventeen on-scene civilian witnesses. Six of the witnesses were interviewed on tape. We decided to re-interview three of the witnesses, **Ms. CONSTANCE DOOLAN**, **Reverend RANDALL STUART** and **Mr. JAMIE MARQUEZ**, due to the three having contacted the Independent Police Review Division. The majority of the witnesses corroborated the police officer's statements. Differences did exist with regards to the number of punches, kicks and use of the Taser. The differences were noted in thorough, detailed reports

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prepared by Detectives. Hence, differences in the three officers' accounts were addressed and clearly documented in the Internal Affairs Division investigation and report.

Following **Ms. CONSTANCE DOOLAN's** interview on December 1, 2007, I attempted to interview two witnesses, **Mr. JAMIE MARQUEZ** and **Reverend RANDALL STUART**. Attempts to contact them were made *via* telephone messages, e-mails and letters with negative results.

While **Mr. CHASSE** was at the Multnomah County Detention Center, he was refused admittance by **Ms. PATRICIA GAYMAN, R.N.** **Ms. GAYMAN** was notified **Mr. CHASSE** had stopped breathing. When she arrived at the cell, **Mr. CHASSE** was not handcuffed and inside by himself. **Ms. GAYMAN** did not enter the cell and observed him through a window in the door. **Ms. GAYMAN** observed **Mr. CHASSE** breathing and a "five second seizure." **Ms. GAYMAN** determined he should be transported to a hospital for the following reasons:

1. **Mr. CHASSE** did not appear to be in "imminent danger."
2. He was breathing and moving.
3. **Mr. CHASSE** had stopped breathing and had a seizure.
4. He had sores which could have indicated an infection.
5. **Mr. CHASSE** could have been under the influence of drugs.
6. She was unable to observe **Mr. CHASSE'S** face due to a spit sock being over his head.
7. **Ms. GAYMAN** stated "But, but putting everything else together, there was a whole picture that this guy needs to be checked out. There's something wrong and we need to know what it is before we can let him back in here."

(DETECTIVE TRANSCRIPT: pages 11-12)

Ms. GAYMAN did not have contact with **Officer HUMPHREYS** or **Deputy BURTON** regarding her concerns or reasons for refusing to admit **Mr. CHASSE**.

Please consider the information and the lack of information provided by **Officer HUMPHREYS, Deputy BURTON** and **Sergeant NICE** to paramedics at N.W. Everett Street and 13th Avenue. Paramedics were requested to check **Mr. CHASSE's** vitals. The paramedics were not advised of specific types and amount of physical force used. The paramedics were not advised that the Taser- drive stun was deployed. At best, **Mr. STUCKER**, AMR paramedic, overheard the mention of the Taser being deployed. Also, please consider the issue of background information regarding the physical confrontation with **Mr. CHASSE** and **Mr. CHASSE's** health issues being provided to the M.C.D.C. staff.

EXHIBITS:

1. Two Proposed Questions for **Dr. KAREN GUNSON**
2. Proposed Questions for **Ms. TAMI HERGERT**
3. Proposed Questions for **Mr. KEVIN STUCKER**

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4. Proposed Questions for **Sergeant KYLE NICE**
5. Proposed Questions for **Ms. CONSTANCE DOOLAN**
6. Proposed Questions for **Officer CHRISTOPHER HUMPHREYS**
7. Proposed Questions for **Deputy THOMAS HOLLENBECK**
8. Proposed Questions for **Deputy (Officer) BRET BURTON**
9. Digital Recording and Transcript of **Dr. KAREN GUNSON's** Statement dated May 22, 2007
10. Digital Recording and Transcript of **Ms. TAMI HERGERT's** Statement dated June 6, 2007
11. Digital Recording and Transcript of **Mr. KEVIN STUCKER's** Statement dated June 6, 2007
12. Digital Recording and Transcript of **Dr. KAREN GUNSON's** Statement dated June 21, 2007
13. Digital Recording and Transcript of **Sergeant KYLE NICE's** Statement dated November 14, 2007
14. Digital Recording and Transcript of **Ms. CONSTANCE DOOLAN's** Statement dated December 1, 2007
15. Digital Recording and Transcript of **Officer CHRISTOPHER HUMPHREY's** Statement dated December 11, 2007
16. Digital Recording and Transcript of **Deputy THOMAS HOLLENBECK's** Statement dated May 8, 2008
17. Digital Recording and Transcript of **Deputy (Officer) BRET BURTON's** Statement dated May 8, 2008
18. PRE-HOSPITAL CARE REPORT dated September 17, 2006 by **Ms. TAMI HERGERT**
19. Vital Signs Computer Printout dated September 17, 2006
20. Eleven photographs of police officers, who were known to be at the location, shown to **Ms. CONSTANCE DOOLAN**
21. "FOOT PURSUITS" EXECUTIVE ORDER dated July 13, 2006
22. Training Division In-Service 2005-2006 "Tactical Update Foot Pursuits"
23. Training Division "Foot Pursuits" Lesson Plan

I.A.D. Case #2006-B-0016 was completed on Monday, June 30, 2008

I.A.D. case returned on Wednesday, July 23, 2008 to clarify several issues raised by the Independent Police Review Division as noted on the Chronological Record.

Revised I.A.D. case completed on Monday, July 28, 2008



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City of Portland
Office of the City Auditor
Independent Police Review Division

10/20/2006

Constance Doolan
1016 59th Street
Oakland CA 94608

RE: Case Number: 2006-B-0016

Dear Ms. Doolan:

On 9/18/2006, the Independent Police Review Division (IPR) received your complaint about officers of the Portland Police Bureau and the death of James Chasse. This letter is to inform you that your complaint was received and now that the criminal investigation is complete, the case will be reviewed by the Portland Police Bureau's Internal Affairs Division (IAD). You may be called by an IAD investigator for additional information.

If your address or phone number changes before your case is completed, it is extremely important that you let us know as soon as possible.

Very truly yours,

Leslie Stevens
Director



CC COPY

City of Portland
Office of the City Auditor
Independent Police Review Division

10/20/2006

Jamie Marquez
4217 SW Corbett Avenue
Portland OR 97239

RE: Case Number: 2006-B-0016

Dear Mr. Marquez:

On 9/18/2006, the Independent Police Review Division (IPR) received your complaint about officers of the Portland Police Bureau and the death of James Chasse. This letter is to inform you that your complaint was received and now that the criminal investigation is complete, the case will be reviewed by the Portland Police Bureau's Internal Affairs Division (IAD). You may be called by an IAD investigator for additional information.

If your address or phone number changes before your case is completed, it is extremely important that you let us know as soon as possible.

Very truly yours,

A handwritten signature in black ink, appearing to read "Leslie Stevens".

Leslie Stevens
Director



CC COPY

City of Portland
Office of the City Auditor
Independent Police Review Division

10/20/2006

Rev. Randall Stuart
2240 NE 130th Ave
Portland OR 97230

RE: Case Number: 2006-B-0016

Dear Rev. Stuart:

On 9/18/2006, the Independent Police Review Division (IPR) received your complaint about officers of the Portland Police Bureau and the death of James Chasse. This letter is to inform you that your complaint was received and now that the criminal investigation is complete, the case will be reviewed by the Portland Police Bureau's Internal Affairs Division (IAD). You may be called by an IAD investigator for additional information.

If your address or phone number changes before your case is completed, it is extremely important that you let us know as soon as possible.

Very truly yours,

A handwritten signature in black ink, appearing to read "Leslie Stevens".

Leslie Stevens
Director



CITY OF PORTLAND, OREGON



Bureau of Police

Tom Potter, Mayor

Rosanne M. Sizer, Chief of Police

1111 S.W. 2nd Avenue • Portland, OR 97204 • Phone: 503-823-0000 • Fax: 503-823-0342

Integrity • Compassion • Accountability • Respect • Excellence • Service

November 14, 2006

Constance Doolan
1016 59th Street
Oakland, CA 94608

Dear Ms Doolan:

This letter is to acknowledge the receipt of your complaint, forwarded to us by the Independent Police Review Division, regarding the actions of members of the Portland Police Bureau. This incident occurred on September 17, 2006, at NW 13th and Everett, and involves allegations relating to Use of Force.

Investigations of complaints are conducted in the Internal Affairs Division or at a Precinct/Division, and a sergeant/supervisor will be in contact with you. Your complaint has been assigned to Sergeants Barkley and Rodrigues of this office. The telephone number for Sergeant Barkley is (503) 823-0973.

Your complaint has been given IAD Case # 2006-B-0016. If the investigation of your complaint exceeds 10 weeks, you will be notified by letter of the reason for the delay.

Sincerely,

JOHN A. TELLIS
CAPTAIN
Internal Affairs Division

c: IPR Intake Investigator ?

06b0016ack-doolan

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CITY OF PORTLAND, OREGON



Bureau of Police

Tom Potter, Mayor

Rosanne M. Sizer, Chief of Police

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November 14, 2006

Jamie Marquez
4217 SW Corbett Avenue
Portland, OR 97239

Dear Mr. Marquez:

This letter is to acknowledge the receipt of your complaint, forwarded to us by the Independent Police Review Division, regarding the actions of members of the Portland Police Bureau. This incident occurred on September 17, 2006, at NW 13th and Everett, and involves allegations relating to Use of Force.

Investigations of complaints are conducted in the Internal Affairs Division or at a Precinct/Division, and a sergeant/supervisor will be in contact with you. Your complaint has been assigned to Sergeants Barkley and Rodrigues of this office. The telephone number for Sergeant Barkley is (503) 823-0973.

Your complaint has been given IAD Case # 2006-B-0016. If the investigation of your complaint exceeds 10 weeks, you will be notified by letter of the reason for the delay.

Sincerely,

JOHN A. TELLIS
CAPTAIN
Internal Affairs Division

c: IPR Intake Investigator ?

06b0016ack-marquez

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November 14, 2006

Reverend Randall Stuart
2240 NE 130th Avenue
Portland, OR 97230

Dear Reverend Stuart:

This letter is to acknowledge the receipt of your complaint, forwarded to us by the Independent Police Review Division, regarding the actions of members of the Portland Police Bureau. This incident occurred on September 17, 2006, at NW 13th and Everett, and involves allegations relating to Use of Force.

Investigations of complaints are conducted in the Internal Affairs Division or at a Precinct/Division, and a sergeant/supervisor will be in contact with you. Your complaint has been assigned to Sergeants Barkley and Rodrigues of this office. The telephone number for Sergeant Barkley is (503) 823-0973.

Your complaint has been given IAD Case # 2006-B-0016. If the investigation of your complaint exceeds 10 weeks, you will be notified by letter of the reason for the delay.

Sincerely,

JOHN A. TELLIS
CAPTAIN
Internal Affairs Division

c: IPR Intake Investigator ?

06b0016ack-stuart

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December 20, 2006

Divisional Meeting

Wednesday, 12/20/2006

0900 hours to 1005 hours

Internal Affairs Division Conference Room

Persons Present:

Internal Affairs Division:

Sergeant Michael Barkley
Sergeant Derek Rodriques

Detective Division:

Sergeant George Burke
Detective Lynn Courtney

Training Division:

Lieutenant David Famous
Sergeant Keith Hattori
Officer Don Livingston

****No concerns raised****

Possible Concerns:

1. Officer Humphrey signed AMR form for Chasse
2. What did officers specifically advise AMR and PFB as to Chasse's condition and what transpired between the officers and Chasse
3. **AMR:** why was Chasse not transported by ambulance opposed to police

❖ ATTORNEY:

Jean Ohman Back

Schwabe, Williamson & Wyatt

Pacwest Center

1211 S.W. 5th Avenue, Suite 1900

Portland, OR 97204

503-796-2960 / direct

██████████ / cell

503-222-9981 / main

503-796-2900/fax

jback@schwabe.com

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4. **Hospital personnel:**

- ❖ What tests/ procedures were performed
- ❖ Core temperature determined

5. **Medical Examiner:**

- ❖ Core temperature determined (D.M.E. Bigoni: page 239)
- ❖ Was “excited delirium” considered, including specific test(s)
- ❖ Explanation of “blunt force trauma” opposed to “excited delirium”
- ❖ “Excited delirium” considered as a contributing cause
- ❖ Explanation of “blunt force trauma” considering the time gap between (1) fight/injury (2) checked by AMR/PFB (3) MCDC- nurse (4) NE 33rd Avenue location



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April 11, 2007

I.A.D. Case #2006-B-0016

IN-CUSTODY DEATH INVESTIGATION

CASE OVERVIEW

Date Received:

11/14/2006

Assigned by Lieutenant Jay Drum #9809:
Sergeant Michael Barkley #8570, primary
Sergeant Derek Rodrigues #37149

Associated P.P.B. Case:

#06-84962

Deceased:

Chasse, James Philip
M/W DOB 05/07/1964
5'9" 145lbs
10 N.W. Broadway Apt #206
Portland, OR 97209
OID #4368508
PPDS #489619

Medical Examiner Conclusion:

Blunt force chest trauma

Officers: Use of Force:

Sergeant Kyle Nice #26853
Central Precinct Afternoon Relief

Officer Christopher Humphreys #32784
Transit Police Division Afternoon Relief

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Witness Officers:

MCSO Deputy Bret Burton #43860

Transit Police Division Afternoon Relief

AMR Medical Responders:

N.W. 13th Avenue and Everett Street

Hergert, Tami

Stucer, Kevin

Portland Fire Bureau Responders, Engine 3:

N.W. 13th Avenue and Everett Street

Koppy, William

Reeb, Donald

Szalay, Gary

Malloy, Brian

MCDC Witnesses:

Gayman, Patricia, RN

Eath, Sokunthy, RN

Oregon State Medical Examiner:

Performed autopsy

MD Gunson, Karen

Multnomah County Deputy District Attorney:

On scene and presented GRAND JURY

Mascal, Christine

Civilian Witnesses:

Marquez, Jamie

Rev. Stuart, Randall

Doolan, Constance

Detectives:

Lynn Courtney #13609

Jon Rhodes #16753

INCIDENT CHRONOLOGY

Date:
Sunday, September 17, 2006

Associated locations:
N.W. Everett and 18th
1300 block of N.W. Everett
N.E. 33rd and Clackamas

Timeline:

- 1708 hours** Sergeant Nice at N.W. Everett and 18th with a possible intoxicated subject.
- 1709 hours** Officer Humphreys and Deputy Burton (partners) arrived to cover Sergeant Nice.
- Officer Humphreys observed Mr. Chasse near the northwest corner with his back to officers, stiff legged and rocking back and forth.
- When Mr. Chasse observed officers, he immediately walked east bound away from the officers.
- 1716 hours** Sergeant Nice, Officer Humphreys and Deputy Burton cleared N.W. Everett and 18th.
- 1718 hours** Officer Humphreys, Deputy Burton and Sergeant Nice locate Mr. Chasse at the south side in the 1300 block of N.W. Everett.
- Mr. Chasse has his back towards the officers near a tree and appears as if he had urinated in public---*Mr. Chasse's body language and wet pants.*
- Deputy Burton whistles or yells at Mr. Chasse.
- Mr. Chasse ran east bound on N.W. Everett.
- Officer Humphreys chased Mr. Chasse and ultimately pushed him to the ground.
- While Officer Humphreys, Sergeant Nice and Deputy Burton attempted to take Mr. Chasse into custody, he bit Sergeant Nice in the right calf and attempted to bite Officer Humphreys and Sergeant Nice a second time.

- 1720 hours **Sergeant Nice** requested cover.
- 1722 hours **Sergeant Nice** advised **Mr. Chasse** was in custody.
- 1723 hours **Sergeant Nice** requested *Code 3 medical* due to **Mr. Chasse** being unconscious.
- Seconds later **Sergeant Nice** requested *Code 1 medical* due to **Mr. Chasse** being conscious.
- 1725 hours **AMR Ambulance** arrived.
- 1726 hours **Portland Fire Bureau, Engine 3** arrived.
- 1741 hours **AMR Ambulance (16 minutes at location)** and **Portland Fire Bureau (15 minutes at location)** cleared.
- 1746 hours **Officer Humphreys** and **Deputy Burton** transported **Mr. Chasse** to MCDC.
- 1752 hours **Officer Humphreys** and **Deputy Burton** arrived at MCDC.
- Gayman, Patricia, RN and/or Eath, Sokunthy, RN* advised **Mr. Chasse** would be required to be examined by a doctor prior to being lodged.
- 1823 hours **Officer Humphreys** and **Deputy Burton** transport **Mr. Chasse** from MCDC to Portland Adventist Hospital.
- 1829 hours **Officer Humphreys** requested medical to N.E. 33rd and Clackamas due to breathing problems of **Mr. Chasse**.
- 1832 hours **Officer Humphreys** advised BOEC he was beginning chest compressions and requested medical to step it up.
- 1834 hours **AMR Ambulance** and **Portland Fire Bureau, Engine 28** arrived.
- 1848 hours **AMR Ambulance** transported **Mr. Chasse** to Providence Hospital.
- 1851 hours **Mr. Chasse** arrived.
- 1904 hours **Mr. Chasse** was pronounced as *deceased*.



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April 13, 2007

Ms. Constance Doolan
1016 59th Street
Oakland, CA 94608

Dear Ms. Doolan:

This letter is to inform you that the Internal Affairs Division investigation into the complaint you filed is continuing.

A thorough and complete investigation into the allegations of misconduct will be conducted. Once the investigation has been completed and a decision made, you will be notified. The estimated completion date for this investigation is May 2007.

Should you have any questions, please do not hesitate to contact me, at (503) 823-0973.

Very truly yours,

MICHAEL R. BARKLEY
SERGEANT
Internal Affairs Division

06B001610W- Doolan

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April 13, 2007

Mr. Jamie Marquez
4217 S.W. Corbett Avenue
Portland, OR 97239

Dear Mr. Marquez:

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Very truly yours,

MICHAEL R. BARKLEY
SERGEANT
Internal Affairs Division

06B001610W- Marquez

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April 13, 2007

Reverend Randall Stuart
2240 N.E. 130th Avenue
Portland, OR 97230

Dear Reverend Stuart:

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Very truly yours,

MICHAEL R. BARKLEY
SERGEANT
Internal Affairs Division

06B001610W- Stuart

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PORTLAND POLICE BUREAU
INTERNAL AFFAIRS DIVISION
Confidential Taped Statement
Sergeant Michael Barkley #8570

Interview Date: May 22, 2007
IAD #: 2006-B-0016
Complainant: Portland Police Bureau

Interviewed: Dr. Karen Gunson (Medical Examiner)

BARKLEY: This is Sergeant Michael Barkley, #8570, with the Internal Affairs Division. Sergeant Derek Rodrigues, #37149 with the Internal Affairs Division is also present. The date and time are Tuesday, May 22nd, 2007 at 1135 hours. We're talking with Dr. KAREN L. GUNSON, State of Oregon Medical Examiner, Forensic Pathologist who performed the autopsy of Mr. JAMES CHASSE on Monday, September 18th, 2006, the day following the death of Mr. CHASSE. Dr. GUNSON is a witness regarding IAD case number 2006-B-0016. Dr. GUNSON, to clarify, you did perform an autopsy on Mr. CHASSE on Monday, September 18th, 2006 at 1315 hours?

GUNSON: I did.

BARKLEY: You determined the cause of death to be blunt force chest trauma. Correct?

GUNSON: Yes, sir. Yes, sir.

BARKLEY: Please explain how the blunt force chest trauma caused Mr. CHASSE's death, specifically what sequence of medical events caused his death?

GUNSON: Okay, Mr. CHASSE, um, received, uh, force to the chest, which broke his ribs. And the ribs involved are, um, both on the posterior aspect of back of the body, on the lateral side on the left side of the body, and, uh, both sides of the front part of the body. Um, in my opinion, the rib fractures' presence, um, on the front part of the body, anterior part of the body, which is I think ribs number three through eight, um, are secondary to, uh, probably secondary to CPR or, uh, you know, chest compressions trying to resuscitate Mr., uh, CHASSE, um, but there are ribs present at the back on the left, right, just left of the, uh, spinal column. And that's ribs number three through twelve. And there are rib fractures present, um, on the lateral side of the left chest cavity, um, that are not from CPR. Those are, those can not be caused by CPR. And the most common reason to have those rib fractures is anterior-posterior compression, or pressure from front to back or back to front, which squeezes the ribs and causes them to fracture, because the back ones were, acts as a fulcrum. Um, once those rib fractures has been, have been sustained, the, the chest can no longer act as a bellows drawing air into the lungs, uh, as, as you make your breathing movements, because the chest is then considered to be flail, that is the ribs are not in, uh, or are unstable. And so you can't draw, uh, air into that left lung at that point. And so over time, while this is not instantly causing death, it will over time decrease the amount of oxygen available to Mr. CHASSE, both to his head and to his heart, to his brain and his heart and, uh, cause him to die. And, uh, it does take some time to have that happen, but, uh, that's the, the reason I called the cause of death, uh, blunt force chest trauma.

BARKLEY: Okay. Just to clarify, is it correct that there are a total of twenty-four ribs in the body?

GUNSON: Yes, there is twelve ribs on each side of, of your chest, yes.

CONFIDENTIAL TAPE STATEMENT

IAD #2006-B-0016
Portland Police Bureau / Gunson

May 22, 2007
Page 2

51 BARKLEY: And concerning Mr. CHASSE, were there a total of fourteen ribs that were fractured?
52 GUNSON: Yes.
53 BARKLEY: And is it correct that there were a total of twenty-seven, as being the number of
54 fractures within the fourteen ribs?
55 GUNSON: Yes, twenty-seven rib fractures, separate fractures, but only fourteen ribs involved.
56 BARKLEY: Correct.
57 GUNSON: Uh-huh.
58 BARKLEY: Okay, given Mr. CHASSE sustained fourteen fractured ribs, are you able to identify
59 how many fractured ribs were caused by the actual fall to the pavement and how many
60 fractured ribs were caused by chest compression.
61 GUNSON: It's my opinion that, um, ten rib fractures were caused by chest compressions. That
62 would be the anterior rib fractures, both left and right, ribs number three through
63 eight. Um, it's my opinion that seventeen rib fractures were caused by forward the
64 chest, um, the chest compression, uh, you know, from fall or from somebody falling
65 on Mr. CHASSE. Seventeen rib fractures were caused by actual injury, not CPR.
66 BARKLEY: So we have seventeen from the actual injury that took place at NW Everett in the 1300
67 block and then you're identifying, would it not be fourteen fractures...
68 GUNSON: Yeah, no...
69 BARKLEY: ...from CPR.
70 GUNSON: ...ribs three through eight on the left, that's five, and ribs three through eight on the
71 right, that's ten. And then we have ribs three through twelve, so that's, that's what I'm
72 considering to be the CPR. And then we have ribs three through twelve fractured at
73 the back, so that's nine. We have ribs, um, let me see, what was the other one, um,
74 the lateral rib fractures are ribs three through eight. Um, sorry, I'm just looking at
75 _____ fractures, excuse me while I count again.
76 BARKLEY: Okay.
77 GUNSON: Oh, okay. And, yes, we have five rib fractures on the lateral aspect of the body.
78 BARKLEY: Correct.
79 GUNSON: Nine rib fractures at the back on the left side.
80 BARKLEY: Correct.
81 GUNSON: And then we have three rib fractures on the right in the back. So that makes
82 seventeen, I think.
83 BARKLEY: Okay.
84 GUNSON: Yeah.
85 BARKLEY: That would be, okay, now the seventeen you're referring to, that would be fractures
86 from the fall.
87 GUNSON: Yes.
88 BARKLEY: Okay.
89 GUNSON: Yes.
90 BARKLEY: But from the actual chest compression, compressions, that would be ten.
91 GUNSON: Yes.
92 BARKLEY: Okay.
93 GUNSON: Uh-huh.

CONFIDENTIAL TAPE STATEMENT

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Page 3

94 **BARKLEY:** Were all the fractures caused on Sunday, September 17th, 2006 or were any of those
95 fractures old fractures?
96 **GUNSON:** None of them were old fractures. All of them were fresh.
97 **BARKLEY:** What type of force would be necessary to cause such extensive fractures?
98 **GUNSON:** Um, well, it would be a considerable force. It, it, buy it would be, once again, um,
99 application of more broad based force. That is a compression to the chest, which
100 would translate through from front to back and from back to front. Um, for instance,
101 um, these kind of injuries that we see along the backbone, in the ribs along the
102 backbone, uh, are, uh, commonly seen in infants where parents apply pressure, uh,
103 with their hands from front to back and squeeze while they are doing, while they are
104 shaking the infant. And so we see posterior rib fractures. I have seen these kind of rib
105 fractures where a person gets trapped between, uh, like in a traffic accident between a
106 car and the road. And, and the car comes to lie on them. Uh, so these injuries would
107 not be, in my opinion, front because they're so broad based. I mean they're covering a
108 space of maybe sixteen inches along his back. They would not be from say, uh, a
109 single kick to the back. Uh, there is, uh, the particular area is quite protected by
110 muscle in that particular area. And, um, it would not be possible for this person to
111 have sustained kicks to have those kind of injuries. It would have, so individual blows
112 would not cause this. It has to be more of a broad based application of force.
113 **BARKLEY:** So would, would, would it be consistent with the possibility that Mr. CHASSE fell on
114 his own to the pavement or would it have to be that some other object fell on top of
115 Mr. CHASSE at the same time?
116 **GUNSON:** Uh, in my opinion, it's the latter scenario where a simple fall to the pavement should
117 not, he should not sustain these injuries. However, if he falls to the pavement and, for
118 however brief an instant, somebody or something falls on top of him, then you could
119 see these injuries. And, and it does not require, it, it requires only an instant to have
120 this happen. I mean, so just, uh, you know, it wouldn't require sustained laying on a
121 person, but just that instant of compression and then off.
122 **RODRIGUES:** This is Sergeant Rodrigues. I guess in a nutshell, these injuries must occur
123 simultaneously, in other words, front, back, squeeze the same time, even if it's for an
124 instance for this to occur.
125 **GUNSON:** Yes.
126 **RODRIGUES:** Thank you.
127 **BARKLEY:** I gave you a copy of the pre-hospital care report that was prepared by AMR
128 Ambulance paramedics, Ms. TAMMY HERGERT and her partner, at the time, Mr.
129 STUCKER. The question is, considering the number of fractured ribs, and ribs that
130 had perforated the membrane, ribs that had penetrated into the left lung, by
131 approximately a quarter inch, and the intense hemorrhage that was present, would it
132 be unusual that AMR Ambulance paramedics received the report that his vital signs,
133 being Mr. CHASSE, to be within normal limits at the scene located at the 1300 Block
134 of NW Everett.
135 **GUNSON:** Yes, that, I, it would be unusual, if you ask me. I mean, in my opinion, um, the vital
136 signs would be different than what are reported here. Um, first of all, he's been in the,
137 in a chase and he's, uh, sustained injuries which caused pain, and his respirations are
138 18. I would have expected his respirations to be more.

CONFIDENTIAL TAPE STATEMENT

IAD #2006-B-0016
Portland Police Bureau / Gunson

May 22, 2007
Page 4

139 **BARKLEY:** Okay. We're, now we're referring to a pre-hospital care report on page two.
140 **GUNSON:** Yes.
141 **BARKLEY:** And in there, it's noted the physical findings, chest be negative.
142 **GUNSON:** Correct.
143 **BARKLEY:** Do you, do you find that to be consistent with the injuries sustained by Mr. CHASSE?
144 **GUNSON:** No. Um, first of all, uh, if any palpation had been done to the chest, you could have
145 felt the fractures, lat, especially the lateral fractures, the ones on the left side of the
146 body. And, if any palpation had been done, Mr. CHASSE would have complained of
147 pain. Um, when I did the autopsy and looked at Mr. CHASSE on the table, albeit, he
148 had had his clothes removed by that time. I noted that his, there was asymmetry to the
149 body, that is the left chest looked flatter than the right chest. And I commented on that
150 in my report. So if the chest had actually been visualized or palpated without clothing
151 present, uh, abnormalities would have been seen.
152 **RODRIGUES:** This is Sergeant Rodrigues. Dr. GUNSON, just for clarification, what does palpation
153 mean?
154 **GUNSON:** It means, uh, feeling the surface of the body with your hands. And so if, uh,
155 physicians will palpate to feel different organs or to feel if there is any injury under the
156 skin. You know, they can feel broken bones.
157 **RODRIGUES:** Correct.
158 **GUNSON:** And also when a patient, of course I do it during autopsy, but when a patient is alive,
159 palpation, they'll also ask the patient, does this hurt, does this hurt, does this hurt, as
160 they press on various areas of the body.
161 **BARKLEY:** To clarify, Dr. GUNSON, have you ever seen AMR's pre-hospital care report that
162 was prepared at the location of NW 13th and Everett prior to today?
163 **GUNSON:** No, sir.
164 **BARKLEY:** So you have not seen this report prior to the autopsy?
165 **GUNSON:** Uh, no.
166 **BARKLEY:** On page two, could you comment under the section of Treatment and Response,
167 apparently TAMARA HERGERT from AMR reported a series of vital signs.
168 **GUNSON:** Uh-huh.
169 **BARKLEY:** One being BP, which I assume is blood pressure.
170 **GUNSON:** Yes.
171 **BARKLEY:** 110 over 73. Would that be consistent with Mr. CHASSE's injuries at the time?
172 **GUNSON:** Uh, in my opinion, no. Uh, I would expect the blood pressure to be much higher than
173 that. Not only from the injuries, but just from the activity that had gone on during and
174 prior to them arriving at the scene. But, certainly, people in pain have much higher
175 blood pressures than 110 over 73. Um, you might see somewhere in the range of 160
176 to 170 over say 90 to 100, rather than that.
177 **BARKLEY:** And it's recorded as the pulse being 100. Would that be consistent with Mr.
178 CHASSE's injuries at that location?
179 **GUNSON:** You know, the pulse seems a little bit low. Not only because pulse like blood
180 pressure will go up when people are in pain. And, um, and also pulse will go up when
181 you're running, when you're in intense physical activity. And so 100, I mean some
182 people have a resting pulse of 100, it's supposed to be around 70, but some people

CONFIDENTIAL TAPE STATEMENT

IAD #2006-B-0016
Portland Police Bureau / Gunson

May 22, 2007
Page 5

183 will just sit, by sitting there will have a pulse of 100, so, uh, it seems low to me
184 compared to the activity and pain associated with this person at the time.
185 **BARKLEY:** And it's recorded as Mr. CHASSE's respiration as being 18. Um, does that seem to
186 be consistent with Mr. CHASSE's injuries at that location?
187 **GUNSON:** No, it doesn't. I would expect the respirations _____ to be, uh, greater, higher in
188 number, um, as he is sort of gasping for breath, uh, at that time. And I would expect
189 the respirations to be more than 18, maybe in the range of 25, 30.
190 **BARKLEY:** And blood glucose, which is reported at, as 119mg over DL.
191 **GUNSON:** _____
192 **BARKLEY:** Is that consistent with his injuries?
193 **GUNSON:** Uh, you know, this doesn't, doesn't come into play here, uh, really. I mean the
194 glucose, that's, uh, normally people run glucoses around 100 and so it's not wildly out
195 of-whack. It's not wildly out of, out of, uh, normal range or it could be even in normal
196 range. So, um, I don't know how to, uh, tie the glucose in with the other, um, the
197 other, uh, with his injuries. Um, one thing I do is the glucose, just to see if he's a
198 diabetic, you know, 'cause they can treat them with glucose or something like that.
199 He's acting strange 'cause he's got a low glucose.
200 **BARKLEY:** Now, considering the apparent injuries that Mr. CHASSE sustained there at the 1300
201 Block of NW Everett, and the vital signs that we just reviewed with you based on their
202 report, if you refer to page one, under the Narrative...
203 **GUNSON:** Uh-huh.
204 **BARKLEY:** ...it states in the Narrative, 45-year-old male, in police custody. He saw police on the
205 street and took off running several blocks until caught. He then fought with police,
206 was cuffed and hobbled, and then became extremely quiet, thought, the police thought
207 he may have passed out. He came to quickly. Police are requesting that we check for
208 any life-threatening vital signs before they take him to jail. Now, with that first
209 paragraph, would you consider the activity of him running, fighting with the police,
210 taking that alone, would you consider that to be consistent with these apparent
211 reported readings on the vital signs.
212 **GUNSON:** No, I would have expected all three parameters, blood pressure, heart beat, and
213 respiration, to be higher, because of this activity, just this activity. I mean with the
214 fight, with the run for several blocks, uh, unless you're a marathon runner, I would
215 expect these to be much, much higher.
216 **BARKLEY:** The, the part of this paragraph where it's noted here in the Narrative that the police are
217 requesting that we check for any life-threatening vital signs before they take him to
218 jail, considering that as being what was requested of AMR by the police to check for
219 life-threatening vital signs before they take him to jail, would you consider the
220 examination in the reported findings to be consistent with what the police requested?
221 **GUNSON:** I mean, yes, they, they asked for vital signs, they were given vital signs. Whether
222 they're correct or not, they're, they're given some vital signs. So the police did request
223 that. And they provided these to them. Um, that, it does not seem as if they provided
224 any other type of medical examination.
225 **BARKLEY:** Okay. The second paragraph, patient is lying quietly on sidewalk, RR, 18 to 20, that
226 would be...
227 **GUNSON:** Respiration rate.

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228 **BARKLEY:** ...respiration rate. Opens eye, but isn't talking to us. VS, vital signs within normal
229 limits. Attempted blood glucose and patient began fighting and yelling. He was held
230 for the test, which was normal. Police refusing transport for patient in their custody.
231 Advised vital signs were normal. The patient was probably on some sort of drug.
232 Police acknowledged this and signed refusal. What, what, if anything, do you see
233 consistent or inconsistent in that paragraph based on the vital signs that they're
234 reporting on page two.

235 **GUNSON:** Well, if they're recording the vital signs on page two, the vital signs are on page two
236 within normal limits. I mean they're, they're, they're normal. Um, and that being
237 said, the police being told that the vital signs were normal, they're actually being told
238 by AMR that we don't think there is anything particularly wrong with this person,
239 other than maybe being drug intoxicated. And, and so the police seemed to have
240 decided well, since they have said that there is nothing wrong with this person, other
241 than the possibility of being drug intoxicated, then they would feel that was okay to
242 take him onto jail, I suppose.

243 **BARKLEY:** Now would it be consistent if Mr. CHASSE had been under the influence or been, um,
244 using drugs, at that time, for these readings to have been what they were.

245 **GUNSON:** No. If he is using drugs at the time, most likely given his actions, these would be
246 some kind of central nervous system's _____ the most common kind being
247 methamphetamine or cocaine. Indeed, it, it's been ruled out, in my opinion, to have
248 been heroin or, or some central nervous system depressant because they actually
249 specifically say his pupils are, are not pinpoint, and, and that's on page two under
250 face. And they, and also because usually heroin causes you to be more subdued than
251 what we're seeing with this person. So, so, that being said, that we're, that the drugs
252 you should consider would be methamphetamine and cocaine, one would expect the
253 heartbeat, respiration, and blood pressure to be considerably higher, because that is
254 usually the reaction when somebody uses those drugs. The, and, and that's because
255 it's a stimulant. And, um, so the, the vital signs are inconsistent or not consistent with
256 it being a stimulant drug intoxication, like cocaine or methamphetamine.

257 **BARKLEY:** Based on everything that you know to date, now seeing the, this pre-hospital care
258 report that you hadn't seen prior to today, conducting the autopsy testing that you had
259 done, do you have an opinion if, at that time at NW 13th Avenue and Everett Street,
260 had Mr. CHASSE been transported directly to a hospital, opposed to being transported
261 by the police to the jail, and then from jail to NE 33rd, where he had stopped breathing,
262 do you have an opinion of what Mr. CHASSE's overall condition would have been if
263 he had been transported directly to the hospital from the 1300 Block of NW Everett
264 Street?

265 **GUNSON:** Yes, I do have an opinion about that. I think that if he was transported from this
266 place, this location in Northwest Portland, he would have had a chance of surviving
267 the injury. And I can't comment too much about what chance, maybe 50/50, because
268 there are problems that would be associated with recovering from this, but by
269 transporting him to the hospital, the hospital could then support him by intubation and
270 respirator, uh, support, um, so that he could, they could actually force air into his
271 lungs and he would then have hopefully survived. Now, there could be a lot of
272 complications involved in this kind of injury, such as pneumonia and, you know, uh,

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273 various other sets of things like that, so the actual, uh, whether or not he would, he
274 would have survived a hundred percent, I can't tell you. But he would have had a
275 huge chance of survival. Because, because essentially, these injuries can be overcome
276 if we can support him. And, um, the longer you wait, the less likely it is that you're
277 going to be able to, to get enough oxygen to him that he is going to survive.

278 **BARKLEY:** Okay. I want to clarify one thing. Prior to you doing the autopsy on Mr. CHASSE,
279 you had requested from AMR their records pertaining to them examining Mr.
280 CHASSE.

281 **GUNSON:** Yes, my office routinely requests, uh, pre-hospital records, hospital records, um, and
282 that was done, um, I'd have to, um, that was done, I do have some hos, I do have the
283 hospital records, and I have the hos, or the pre-hospital work from the Northeast
284 Portland pla, uh, well, well they were doing CPR on him.

285 **BARKLEY:** You, okay, you have received...

286 **GUNSON:** But I don't have, I did not receive this.

287 **BARKLEY:** You have received the pre-hospital care report provided, completed by AMR
288 Ambulance at the location of NE 33rd and Clackamas. That had been provided to you
289 prior to the aut, autopsy, correct?

290 **GUNSON:** Yes.

291 **BARKLEY:** But the pre-hospital care report by AMR Ambulance, from the location at NW 13th
292 and Everett, was not provided to you, to you prior to the autopsy.

293 **GUNSON:** Correct.

294 **BARKLEY:** And you have not seen this pre-hospital care report that was completed by AMR
295 Ambulance at the location, the NW 13th and Everett, prior to today's date?

296 **GUNSON:** I hadn't seen it prior to today. No.

297 **BARKLEY:** Okay. Sergeant Rodrigues, do you have a question?

298 **RODRIGUES:** Yeah, Doctor., and then going back to what we know now that occurred, and the
299 officers had a struggle with Mr. CHASSE, and AMR finding his vitals to be within
300 normal. Is there a scenario to your career that you think that knowing what we know
301 now what occurred, that those readings could be accurate? I mean what would be the
302 scenario which I think, everything he went through, that AMR could possibly find
303 those vitals to be within normal range, besides him being a marathon runner or...

304 **GUNSON:** Hmm. I, uh, I, I don't, I've never seen a situation where they would be absolutely
305 normal like they are, given the situation that he was in. From running, the, uh, injury
306 that causes pain, the actual struggle with the police, um, so I have never seen and I'm,
307 I'm trying to think if you could supply a certain kind of drug, you know, where you
308 could slow the heart rate and then it wouldn't, perhaps if he was on something like
309 Interol, which is something called a beta blocker, which by, but which routinely will
310 decrease the heart rate, uh, then, then maybe you might see this, um, but, to my
311 knowledge, he wasn't on, on a beta blocker or something like that. So, you know,
312 being, I mean, yeah, maybe there is some drug, maybe there was some drugs that he
313 could have been on, but that being said I, I don't have any history that he was on those
314 kind of drugs that might, that might decrease his heart rate.

315 **RODRIGUES:** Thank you.

316 **BARKLEY:** This is Sergeant Barkley. If, if the physical encounter with the officers caused the
317 fatal injuries or started the series of medical events there at the 1300 Block of NW

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318 Everett, what symptoms would you expect to observe and/or information gathered if
319 you had gone ahead and done not only a vitals sign, but also the indication that they
320 checked and reported his chest to be negative in the physical findings. You've
321 explained that all these measurements or all these rates that had been noted should
322 have been, under the circum, the circumstances, higher or much higher, is that
323 correct?

324 **GUNSON:** Yes, sir.

325 **BARKLEY:** What else would you have gone ahead and expected to observe or to experience if you
326 had done what the police expected AMR to have gone ahead and done?

327 **GUNSON:** Well, if the police expected the AMR to make an assessment of this person, as to
328 injuries and, uh, vital signs, they provided the vital signs, but in, but I don't see, but I
329 don't see that they provided an injury assessment of, of the patient. Um, the reason I
330 say that is because if you look at page two of this report, under Physical Findings, they
331 said head negative. Well, you can see the head, so perhaps it is negative to their eye.
332 Um, face negative, but lips bloody. Now, the lips may be bloody because of injury to
333 the mouth or the lips, or it may be bloody because there is blood coming out of his
334 lungs from the puncture wounds from his ribs. So, I, I don't, you know, that, the lips
335 bloody is sort of a little sign, it's like, well, why are they bloody. There is no, there is
336 no, they don't say there is a laceration. They don't say any of that kind of stuff. Neck,
337 not assessed. So I can't fault them. I can't, I don't know what they saw there. Chest
338 negative. Now this is, it, it applies when they say chest negative, that they have
339 assessed the chest, that they have looked at it, that they have felt it or palpated it, and
340 come to the conclusion that there is no injury there. But, as far as I know, the clothing
341 wasn't removed or, or lifted or any, I don't know that any of that was done, because if
342 they had done that, they would have seen that, and like I did at the autopsy, that there
343 was injury to the left side of the chest. If they had felt the left side of the chest, they
344 would have felt rib fractures there, 'cause you can feel them without, without, without
345 ever having to open them up in an autopsy. And if they had felt or pushed on the left
346 side of his, by his chest, I'm, there would have been considerable pain for Mr.
347 CHASSE and I'm sure that he would vocalize about that. That he would say
348 something about that. So, I have a problem when they say chest negative, because I'm
349 not sure, I'm not sure that they shouldn't have put not assessed, not looked at.

350 **BARKLEY:** What, what if the paramedics had used the stethoscope to listen to the chest? Would
351 they have heard anything?

352 **GUNSON:** Well, they would have had, if they had done that, then there would have been a
353 difference in the breath sounds from the right chest to the left chest. Because recall, at
354 this time, he has three fractures, left lateral, left posterior, but he doesn't have any rib
355 fractures, in my opinion, on the front part of his chest, at this time. So when they
356 listen to the right chest, they would hear good lung sounds. And they would hear good
357 breath sounds. If they listen to the left side of the chest, they probably would hear
358 muffled sounds because there, he's not drawing any air into his left lung, because his
359 left chest is flail, what we call flail. Uh, so there would have been, you know, they
360 could do that through the clothing too. They could do that through the clothing.

361 **BARKLEY:** With the stethoscope.

362 **GUNSON:** With the stethoscope.

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363 **BARKLEY:** Okay.

364 **GUNSON:** Yeah. Um, then they go on to say back not assessed, abdomen not assessed, pelvis not
365 assessed. And they didn't do a neural exam, which, but they just say they don't do
366 this. And then they note that there are abrasions on the elbows, so they did look at
367 him, visually they, they could see that. But, um, you know, there's, there is no
368 mention of whether they palpated anything to see if there were fractured bones in arms
369 or legs or...

370 **BARKLEY:** But they do note the arms, abrasion on elbows.

371 **GUNSON:** Yeah.

372 **BARKLEY:** And they note leg, negative.

373 **GUNSON:** Negative.

374 **BARKLEY:** And then the skin pale, warm, dry.

375 **GUNSON:** Uh-huh.

376 **BARKLEY:** Would that be consistent?

377 **GUNSON:** Um, yeah, you know, pale, warm, dry. The skin might also be clammy. But usually,
378 the skin is clammy when they've lost a lot of blood. He hasn't lost a lot of blood. He
379 has been in somewhat of an altercation, so I would expect it to be warm. Um, I'm a
380 little bit surprised that he doesn't have more sweating going on, but he might have
381 been more moist. But, but it depends on where you look. So...

382 **BARKLEY:** Concerning an issue relating to, uh, brittle bones. The autopsy report does not note
383 the existence of brittle bones. However, Detective Courtney's summary of
384 investigation report, which I have provided you with a copy, referenced to you, it
385 notes Dr. GUNSON did note and tell us CHASSE's bones were more brittle than
386 average due, in part, to his poor nutrition on page eighteen.

387 **GUNSON:** Uh-huh.

388 **BARKLEY:** Were you able to determine if Mr. CHASSE's bones were "more brittle than average"
389 and what would you base that assessment on?

390 **GUNSON:** Yes, I, I do, I do recollect making that conversation with, uh, Detective Courtney.
391 And I base my assessment on his bones being more brittle on my exam. And by that, I
392 mean when we have to, when we look at people, you have to, you have to remember
393 remove their chest plate during that, the course of the autopsy, we do that using
394 lappers or limpors (sp?), which are, you know, like you would use at home. I mean
395 they're cheap and they're easy. So you cut, you cut the ribs with those. And so when
396 we cut his ribs, it was my opinion, and, in fact, the opinion of my pathology assistant,
397 but we don't need to go into that, but boy, his bones sure cut easy. And it, I have had
398 occasion to assess that over the years, I've done about 4,000 autopsies, so, you know, I
399 can tell you what bones are when they're firm and strong, such as we usually see in
400 middle aged men. And in older women, we often see these really fragile, brittle
401 bones, well, you're, they hold up fine, but they're, they, they lack a lot of calcification.
402 They cut much easier. And in my opinion, his bones are more like those of a 50, 60,
403 70 year old woman than they are a 30-year-old man with no other diseases.

404 **BARKLEY:** And what would you attribute that to?

405 **GUNSON:** Well, I...

406 **BARKLEY:** Anything in particular?

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407 GUNSON: ...well in, I agree with this statement here that is due to his poor nutrition. I, he has a
408 history of mental illness. He is not in any, and my understanding wasn't in any type of
409 group home or anything where, where nutrition was provided. He would have to
410 provide his, his own nutrition, get his own food. And, uh, whether or not that was
411 adequate is doubtful to me.

412 BARKLEY: How much would brittle bones, as Mr. CHASSE had, you, you described that his
413 bones were of the density of a 50, 60, or 70 year old woman, impact the ribs being
414 fractured during the fall at the 1300 Block of NW Everett? How much would that be,
415 play into so many ribs being fractured during that fall?

416 GUNSON: I don't think it would matter, it wouldn't play in too much to how many ribs are
417 fractured. It would play into how much force is required to break those ribs. So, in
418 my opinion, given the state of his bone calcification, his bones are easier to break than
419 somebody who has complete nutrition and a normal bone structure for somebody who
420 is 45, 30, 45 years old. Some middle aged person or younger adult middle aged
421 person. And, um, I mean for instance, when people are playing football, things like
422 this happen a lot, I mean they get fallen on a lot. But they don't break their ribs like
423 this, because most of them are healthy men, healthy young men. And so this is like
424 tackling on the football field somebody who is 60, 70 years old. You'd expect that
425 there would be more injury.

426 BARKLEY: Okay. Would the condition of having brittle bones as Mr. CHASSE did, play a
427 significant impact relating to Officer HUMPHRIES, who apparently weighed
428 approximately 100 pounds more than Mr. CHASSE, uh, would that play into the
429 scenario which you just described and that is it's not so much the fall itself, but if
430 Officer HUMPHRIES is approximately 100 pounds more than Mr. CHASSE, and
431 there is the fall and the compression from Officer HUMPHRIES, are you saying that it
432 would be expected that there would be more significance...

433 GUNSON: I would expect to see, yeah, I, I would expect it'll be easier to break Ms. CHASSE's
434 bone than it would be somebody else's. And that given the weight difference, I would
435 expect that there would be some fracture. Now, you can't tell that from the outside.
436 You can't tell that until we do an autopsy, you know, what, what those bones are like
437 or unless you do a bone density study. But, um, like I say, I don't think that it would,
438 it wouldn't change the number of bones that are fractured. But it would change the
439 ease with which they could be fractured. It would take less force to fracture Mr.
440 CHASSE's bones than someone else's in better, who is in better shape, who is in
441 better nutritional shape.

442 BARKLEY: Okay. Given all the above noted issues regarding the number of anterior and posterior
443 fractured ribs associated injuries caused by the fractured ribs, reported vital signs at
444 the initial location in the 1300 Block of NW Everett, and Mr. CHASSE having brittle
445 bones, is it possible the fatal injury occurred during chest compressions at NE 33rd and
446 Clackamas rather than at the 1300 Block of NW Everett?

447 GUNSON: Uh, no. The, the fatal injuries were sustained in the NW Everett in, incident. And the
448 reason I say that is because Ms. CHASSE would not have gone into cardio arrest,
449 _____ arrest, in NE Portland if he hadn't had a previous injury. So he would not,
450 they would not have had to provide chest compression for him, thus fracturing the
451 front part of his chest if he hadn't already had these other injuries. So you can look at

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452 it this way. But for the injuries sustained on North, in Northwest Everett, Mr.
453 CHASSE would not be dead in NE 33rd. We have to look once again about what is
454 the definition of cause of death. It is that injury that sets in motion the events that lead
455 to death. And so the injuries that he sustained in Northwest Portland was that injury
456 that sets into motion all these other things that happened. With the ambulance
457 coming, him going to jail, and finally suffering a cardio respiratory arrest in Northeast
458 Portland.

459 **BARKLEY:** So it would be correct and, and expanded on that and hypothetically if Mr. CHASSE
460 had been transported to the hospital from the 1300 Block of NW Everett to the
461 hospital, and a week later developed pneumonia, what would have been the cause of
462 death with that scenario? Would it, would it be the same or would it be pneumonia.

463 **GUNSON:** It would be the same. They would be blunt force chest trauma because the reason that
464 he is in the hospital and gets pneumonia is because he has sustained these injuries in
465 Northwest Portland at that time.

466 **BARKLEY:** Okay. And regarding the phenomenon of excited, agitated delirium, did you consider
467 that as a primary or secondary cause and what considerations were given, if any, to
468 excited, agitated, agitated delirium as it relates to Mr. CHASSE?

469 **GUNSON:** Yes, we gave, uh, considerable thought to that as far as what might have led up to his
470 death. In fact, um, in some ways, it was sort of primary in our head that this is what
471 was, might be the cause of death. Um, we have seen lots and lots of cases of agitated
472 delirium or excited delirium, whatever you want to call it, and, um, his actions, but
473 when, when we reviewed his actions before we even started the autopsy, they were
474 much more subdued than what we normally see in, in, in a real excited delirium. Um,
475 and the fact that he was running from police and had, had seen the police and moved
476 away earlier and then ran from them was more suggestive to me of something like a
477 paranoid schizophrenia kind of reaction rather than an agitated delirium. And, as you
478 know, with agitated delirium, many times, uh, we have people, their temperature goes
479 way high, 106, even 107, they begin to sweat profusely. They have really what is
480 considered super human strength, I mean they are very, very strong. They are not
481 responsive to things like taser or , uh, pepper spray. And, um, many times it's caused
482 by, uh, cocaine psychosis, methamphetamine psychosis, or it could even be caused by
483 a person who is, uh, psychotic because of schizophrenia. He doesn't demonstrate
484 these symptoms at all. I mean he doesn't have that same sweaty, um, hyperactive
485 activity. And, uh, indeed, um, once we saw the injuries, it was comp, then we
486 completely abandoned that idea of cocaine psychosis or, or some kind of excited
487 delirium. Indeed, when we did the autopsy and did the toxicology, he has got
488 negative, uh, negative drug screens. So, unless we want to say he's, uh, has a side of
489 delirium due to his schizophrenia, um, we don't have a reason for it, but I also don't
490 think we have the symptoms for it. Uh, given the whole picture of what happened that
491 day.

492 **BARKLEY:** Approximately how many autopsies have you performed?

493 **GUNSON:** Well, I've been at the Medical Examiner's since 1985 and so I've been there nearly 22
494 years. Um, and I do, um, at, anywhere, early on, I was doing about 250 cases a year.
495 And now I do closer to 180 to 200 a year. So, if you sort of do the math, I think you
496 come up with somewhere around 4,000, 4,000 autopsies, somewhere like that.

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497 **BARKLEY:** My final question for you is, once again, going back to the 1300 Block of NW Everett,
498 not to lay blame, but just for clarification purposes, if the officers at that location had
499 been provided with information other than that Mr. CHASSE's vital signs were within
500 the normal range and Mr. CHASSE had been transported to an emergency room, you
501 had stated earlier that he would have had a good chance, possibly a 50/50 chance of
502 survival. Is that correct?

503 **GUNSON:** Yes, sir.

504 **BARKLEY:** Detective Sergeant Rodrigues anything?

505 **RODRIGUES:** Yeah, Doctor., as far as the drug screen that was conducted on Mr. CHASSE, you said
506 there was an absence for, for any drugs in his system?

507 **GUNSON:** We just, uh, excuse me, just a minute while I pull that up.

508 **RODRIGUES:** Uh-huh.

509 **GUNSON:** Uh, we did an alcohol panel which includes ethanol, methanol, acetone, and
510 isopropylal (sp?), all negative. We did an, _____ drug acid, which was done
511 on the urine. And we checked for amphetamines, cocaine metabolite, opiates,
512 benzodiazepines, conabanoids (?) and methadone with that, and all those are negative.
513 And then I decided just to make sure, I would do a blotter screen called Urinorganic
514 (?) base and that will pick up a lot of drugs like prescription medications, as well and
515 so and it won't pick up absolutely everyone, but, uh, a large degree, number, including
516 some of the psychoactive drugs. A Urinorganic base, no drugs detected. So, he, it
517 also tells us that he wasn't using whatever medication he was supposed to be using,
518 uh, which I understand was some, um, anti-psychotic meds.

519 **RODRIGUES:** That's what I was getting at. Thank you, Doctor.

520 **BARKLEY:** Dr. GUNSON, do you have anything that you would care to add, clarify regarding the,
521 our internal investigation of the CHASSE in-custody death?

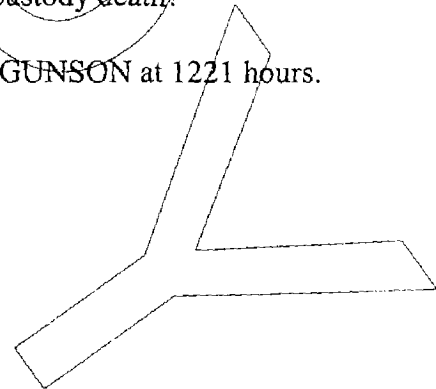
522 **GUNSON:** Uh, no I don't believe so, thank you though.

523 **BARKLEY:** Okay. We will conclude the interview of Dr. GUNSON at 1221 hours.

524

525 2006-B-0016TRS-GUNSON

526 Transcribed 052307/1126 C. Yeager



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PORTLAND POLICE BUREAU
INTERNAL AFFAIRS DIVISION
Confidential Taped Statement
Sergeant Michael Barkley #8570

Interview Date: June 6, 2007
IAD #: 2006-B-0016
Complainant: Portland Police Bureau

Interviewed: Tami Hergert

BARKLEY: This is Sergeant Michael Barkley, #8570 with the Internal Affairs Division. Also present is Sergeant Derek Rodrigues, #37149 with the Internal Affairs Division. The date and time are Wednesday, June 6th, 2007 at 1010 hours. We are talking with Ms. TAMI HERGERT, H-E-R-G-E-R-T, a paramedic with AMR Ambulance. Also present is Attorney, Ms. Elizabeth Schleuning, spelled S-c-h-l-e-u-n-i-n-g, who represents AMR. We are in the law offices of Schwabe, Williamson, and Wyatt. Ms. HERGERT is a witness regarding IAD case number 2006-B-0016. First, were there any handwritten documents that were prepared by either Ms. HERGERT or Mr. STUCKER?

SCHLEUNING: Just the pre-hospital care report and, uh, this.

BARKLEY: So, there are no handwritten notes.

SCHLEUNING: There may have been things that they did within the period you are, the Quality Assurance portion that's published under statute, but, um, this is, this is what she did for those.

BARKLEY: Okay. Can you please provide the background of your training and classification as a paramedic?

HERGERT: I'm a paramedic in Oregon. I have been since, uh, 1982. I've been working for basically the same company since 1982. It's changed owners and names, but, basically the same company.

BARKLEY: And can you give us a brief background of your experience as a paramedic. There are certain, there, I understand, there is different levels, classifications of paramedics. So...

HERGERT: Oregon now only has one classification as paramedic. There are three levels of EMT, basic, intermediate, and paramedic.

BARKLEY: Okay, so you are...

HERGERT: A paramedic.

BARKLEY: ...a paramedic. Now, is the classification of paramedic, is that a classification that would be higher than an EMT or where does it fall in line?

HERGERT: It is higher than an basic and an intermediate.

BARKLEY: Okay. Can you please explain what occurred on Sunday, September 17th, 2006 regarding Mr. JAMES CHASSE in the 1300 Block of NW Everett from the time you received the medical call, what was your understanding of that call until you cleared the location. So, what we'd like to know is you get the call, and what was your understanding of the call at that time. You arrive at this location, 1300 Block of NW Everett Street. You did certain things. You were told certain things. And

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49 then you cleared. If you could, in your own words, recount from the very beginning
50 of the receiving the call until you cleared.

51 **HERGERT:** Well, we received the call, we responded to the scene. Um, when I got, uh, out of
52 the ambulance, an officer, I believe is a sergeant based on his uniform, came up. I
53 asked him if, um, they just wanted us to transport the patient. If we were there to do
54 a transport. He said essentially no. That, um, they wanted his vital signs, um,
55 checked.

56 **BARKLEY:** Okay, now when you received the call, when the call is dispatched to you, what are
57 you told at that time as soon as you get the call?

58 **HERGERT:** It was coded...

59 **SCHLEUNING:** Look at her...

60 **BARKLEY:** Sure.

61 **HERGERT:** ...a UNI.

62 **BARKLEY:** Now, a UNI is what?

63 **HERGERT:** It, it's a code that, um, says unconscious, not breathing, abnormal breathing.

64 **BARKLEY:** Okay, so that's, that's all the information you were given prior to arriving.

65 **HERGERT:** To my memory, yes. I can't recall what might have been typed on the, um, MDT. I,
66 I do know we were going to see someone who was in police custody.

67 **BARKLEY:** Okay.

68 **HERGERT:** That the police were calling us to see someone.

69 **BARKLEY:** So, when you arrived at the scene, you're contacted by a uniform sergeant and you
70 base that on, what, the chevrons on his sleeve?

71 **HERGERT:** Yes.

72 **BARKLEY:** Okay. And he asked you specifically what. Did, did he make a request of you or
73 what conversation took place initially between the two of you?

74 **HERGERT:** He walked up as I got out. I asked him if they were just wanting us to transport.
75 Um, he said no. Um, he wanted us to check the man's vital signs. Um, and then I
76 asked him what had happened. He said that they had chased him for some distance.
77 Uh, according to my charts, I wrote down that he, they chased him for several
78 blocks. That he fought with them, um, was cuffed, and then became quiet.

79 **BARKLEY:** Okay, and so, now when you arrived, you were contacted by the sergeant. How, do
80 you recall how many police officers there were?

81 **HERGERT:** Um...

82 **BARKLEY:** At that time.

83 **HERGERT:** ...at that time?

84 **BARKLEY:** Yes.

85 **HERGERT:** At that time, I saw him and as I looked over to Mr. CHASSE, there was another
86 officer standing by his feet.

87 **BARKLEY:** So there were two officers that you recall when you arrived.

88 **HERGERT:** Yes.

89 **BARKLEY:** Okay. Was...

90 **HERGERT:** That is not to say there weren't more.

91 **BARKLEY:** Okay.

92 **HERGERT:** That's what I remember seeing.

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93 **BARKLEY:** Was the Portland Fire Bureau present when you arrived?
94 **HERGERT:** No. They arrived after us.
95 **BARKLEY:** What type of timeframe?
96 **HERGERT:** I don't know if it was shortly...
97 **BARKLEY:** Shortly afterwards...
98 **HERGERT:** ...shortly after.
99 **BARKLEY:** Okay. So, based on the conversation you had with the sergeant, you then did what?
100 **HERGERT:** Walked over to Mr. CHASSE and tried to talk to him. He didn't respond. Um, I
101 could see that his eyes were open, that he was looking towards the ground. That he
102 was breathing. Um, I went to do vital signs. I tried to put the cuff on his arm and
103 was not able to get enough slack to move his arm because of the position he was in.
104 **BARKLEY:** Okay. Now, to clarify that position, when, when you initially contact Mr. CHASSE,
105 is he handcuffed?
106 **HERGERT:** He's cuffed. His feet are restrained and his hands and feet are restrained together.
107 **BARKLEY:** Okay, so the police officers have put handcuffs on him, then what they call a hobble,
108 a nylon cord around his ankles and he had, they had the ankles connected by the
109 hobble to the, uh, handcuffs. Is that correct? Yes or no.
110 **HERGERT:** Uh, yes.
111 **BARKLEY:** Okay. And is Mr. CHASSE lying on his right side, left side, stomach.
112 **HERGERT:** He's laying on his right side, partially rotated forward.
113 **BARKLEY:** Okay. So his eyes are open. And you try to communicate with him and do you get
114 any response.
115 **HERGERT:** No.
116 **BARKLEY:** Okay. At that point, what do you, what is your opinion, based on your observations,
117 and your communication with him. How would you describe his demeanor? Was
118 he at all agitated?
119 **HERGERT:** He was laying quiet.
120 **BARKLEY:** Quiet. But not saying anything.
121 **HERGERT:** Yes.
122 **BARKLEY:** Okay. And so you say that you attempted to put the blood pressure cuff...
123 **HERGERT:** Yes.
124 **BARKLEY:** ...around his arm? Okay. What happened?
125 **HERGERT:** I couldn't get enough slack to move his arm up to wrap the cuff around it.
126 **BARKLEY:** And that was because of why?
127 **HERGERT:** Of the position he was in.
128 **BARKLEY:** And that was because his arm was pulled back because of the hobble and the
129 handcuffs?
130 **HERGERT:** Yes.
131 **BARKLEY:** Okay. So then what happened?
132 **HERGERT:** Uh, I looked at the officer who was at his feet. Um, before I could ask him, before I
133 could say anything, he, he generally said I believe he said not a chance. And then he
134 said try this and he moved Mr. CHASSE's feet closer to his buttocks and that gave
135 enough slack I could get the cuff on his arm.

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136 **BARKLEY:** Okay, now so this is, now we're talking about this is not the sergeant that you
137 initially...

138 **HERGERT:** No, it is an officer.

139 **BARKLEY:** ...spoke with. Okay. So at this point, is Portland Fire Bureau, are they present or
140 no?

141 **HERGERT:** I believe they arrived somewhere around the time or right after I took his blood
142 pressure.

143 **BARKLEY:** Okay. Now, you have a partner, Mr. STUCKER.

144 **HERGERT:** Uh-huh.

145 **BARKLEY:** Now, is he assisting you with what it is that you're doing. Or are you doing this
146 independently on your own.

147 **HERGERT:** At that time, I was doing it on my own.

148 **BARKLEY:** Okay.

149 **HERGERT:** Putting the blood pressure cuff on.

150 **BARKLEY:** Okay, was Mr. STUCKER there while you were doing this?

151 **HERGERT:** Yes.

152 **BARKLEY:** Okay. But he's not assisting you physically.

153 **HERGERT:** No.

154 **BARKLEY:** Okay. So you put the cuff on to take his blood pressure and what is Mr. CHASSE's
155 behavior at this time?

156 **HERGERT:** He's still quiet.

157 **BARKLEY:** Okay. And do you get a reading of Mr. CHASSE's blood pressure?

158 **HERGERT:** Yes.

159 **BARKLEY:** And what would be that reading?

160 **HERGERT:** According to my chart it was 110/73.

161 **BARKLEY:** Okay, now can you describe to me the method, without sounding redundant, how is
162 it that you obtained the blood pressure you put on a standard, is that a cardiac
163 monitor cuff?

164 **HERGERT:** It was a _____, yes.

165 **BARKLEY:** Okay, so, okay, explain to me, I saw, I saw a reference to the cardiac monitor in the
166 report with the Portland Fire Bureau. So...

167 **HERGERT:** The blood pressure connects to the cardiac monitor and it's an automatic blood
168 pressure cuff.

169 **BARKLEY:** So it, so the monitor actually does, you put the cuff on and do you have to pump,
170 pump it up?

171 **HERGERT:** No.

172 **BARKLEY:** Okay.

173 **HERGERT:** The monitor, the monitor does it.

174 **BARKLEY:** Okay. And so the monitor has a reading.

175 **HERGERT:** Yes.

176 **BARKLEY:** And that reading was 110/73, is that correct?

177 **HERGERT:** Yes.

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178 **BARKLEY:** Okay. And how does that number, I, I notice, and we'll get to your pre-hospital care
179 report shortly, but so the monitor says 110/73. And how it that then recorded for
180 later reference? Is it handwritten or does it go into a computer tape or what?
181 **HERGERT:** Um, yes, it can, it, you can get a computer tape off the light pack. It'll print out the
182 vital signs that you took.
183 **BARKLEY:** And did, is that what occurred in this case?
184 **HERGERT:** Uh, I, I tend to write on my glove. I may have written on my glove.
185 **BARKLEY:** Okay. So not only, so, so in this particular case, you're not sure whether it printed it
186 out on computerized form or whether you wrote the numbers on your glove.
187 **HERGERT:** I'm sure I, I can't be positive. My general practice is that I write on my glove. The
188 printout is usually printed out at a later time when I go to write the chart.
189 **BARKLEY:** So it, so the monitor...
190 **HERGERT:** It doesn't...
191 **BARKLEY:** ...has a memory?
192 **HERGERT:** ...print it out, yes.
193 **BARKLEY:** Okay.
194 **HERGERT:** It doesn't print it out automatically.
195 **BARKLEY:** Now, you're referring to a computer printout of this monitor? Are you?
196 **HERGERT:** Uh, she just showed me it was there.
197 **BARKLEY:** Can I see it, please? Thank you. And where does it show the, um, the 110/73,
198 because it looks like 119/73.
199 **HERGERT:** Well, if that's the case, then I made a mistake on my chart.
200 **BARKLEY:** Is that 119 or 110?
201 **HERGERT:** It says 119.
202 **BARKLEY:** Okay. So the accurate number, rather than what's on your form, would, is said to
203 110 over 73 would be actually 119 over 73?
204 **HERGERT:** It looks like it.
205 **BARKLEY:** Okay. At the end, can I get a copy of this?
206 **HERGERT:** Um, yeah. I think, do you have, have we already released the pre-hospital care
207 report to you?
208 **BARKLEY:** I have it right here. Yes.
209 **HERGERT:** Okay. Then we'll, we can give you that.
210 **BARKLEY:** Okay.
211 **HERGERT:** I'll have somebody make a copy before you leave.
212 **BARKLEY:** What, what significance...
213 **SCHLEUNING:** I, can I talk to you?
214 **HERGERT:** Yeah.
215 **BARKLEY:** We're going off the record?
216 **HERGERT:** Yeah.
217 **BARKLEY:** Okay, we'll be off the record for a moment.
218 **BARKLEY:** We're back on the record. It is 1026 hours. Okay, Ms. HERGERT, so the actual
219 reading when you took the blood pressure, the machine monitor, um, has a printout
220 that was saved that indicates it was 119/73 opposed to the 110/73 that was reported
221 in your pre-hospital care report. What significance, if any, is there between a 110/73

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222 that you reported in your pre-hospital care report and a computerized printout
223 showing that it was actually 119/73. Is there a significance?
224 **HERGERT:** No.
225 **BARKLEY:** Okay. So you get back to where you were at in this examination of Mr. CHASSE.
226 Now, is Portland Fire Bureau personnel there at this, this particular time?
227 **HERGERT:** I believe so.
228 **BARKLEY:** Okay. And so you take his blood pressure. You're the one that's physically doing
229 all of the examination for vitals, correct?
230 **HERGERT:** Yes.
231 **BARKLEY:** Okay. At, at what point does anyone other than yourself assist you in checking Mr.
232 CHASSE in any way?
233 **HERGERT:** The Fire Bureau checked, uh, the blood glucose.
234 **BARKLEY:** Okay. So you, what happens next? You check his, you check Mr. CHASSE's blood
235 pressure and it comes back as 119/73. You get the reading. You take, do you take
236 the cuff off his arm?
237 **HERGERT:** I don't remember.
238 **BARKLEY:** Okay. What do you do then next?
239 **HERGERT:** Um, we're going to take, uh, blood glucose.
240 **BARKLEY:** And what's the significance of that?
241 **HERGERT:** Um, diabetics can have altered mental status when their blood sugar gets low. It's a
242 way to determine whether someone may be a diabetic or maybe having a stroke or
243 something just, uh, it's become another vital sign to check.
244 **BARKLEY:** So, who is it that's in the process of checking Mr. CHASSE's blood glucose? Is that
245 simply you or who?
246 **HERGERT:** One of the fire, one of the Fire Bureau people actually checked, actually got the
247 blood sample and used the monitor. Is that what you're asking?
248 **BARKLEY:** Okay. Yes. So it was not you that determined the blood glucose level.
249 **HERGERT:** No.
250 **BARKLEY:** Okay. And do you know who, from the Fire Bureau, was the one that checked?
251 **HERGERT:** No.
252 **BARKLEY:** Would it have been the Lieutenant?
253 **HERGERT:** I, I don't know.
254 **BARKLEY:** Okay. So you do the blood pressure. Then the Fire Bureau, how did they go about
255 determining the blood glucose level?
256 **HERGERT:** You, um, get, you, you poke the patient to get a drop of blood, break their skin so
257 you get a drop of blood. It goes on the end of a strip that's plugged into the monitor.
258 **BARKLEY:** Now, is this still your monitor?
259 **HERGERT:** I believe it was our monitor, our equipment was out yet.
260 **BARKLEY:** So your monitor does a variety...
261 **HERGERT:** It's not the light pack monitor. It's a separate piece of equipment.
262 **BARKLEY:** Okay, but we're, so we're still back at the cardiac monitor. And that cardiac
263 monitor...
264 **HERGERT:** Is nitrate blood glucose.
265 **BARKLEY:** ...okay, it _____...

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266 **HERGERT:** The glucose monitor and a separate piece of equipment.
267 **BARKLEY:** Okay.
268 **HERGERT:** So.
269 **BARKLEY:** Okay, so, so somebody from the Fire Bureau pokes Mr. CHASSE to get a drop of
270 blood to check the blood glucose level. And do you recall what that level was?
271 **HERGERT:** 119.
272 **BARKLEY:** Okay. And what does that number represent?
273 **HERGERT:** Uh, a normal blood sugar.
274 **BARKLEY:** So, nothing in that number of 119 milligrams would cause you concern?
275 **HERGERT:** No.
276 **BARKLEY:** Okay. And, at this point, we now established that the 119/73 blood pressure was
277 noted through the computer. How is that we have blood glucose being 119? How
278 does that happen? Is that again monitored and computerized or is that written
279 down?
280 **HERGERT:** Um...
281 **BARKLEY:** How do you retrieve that information as you keep going through...
282 **HERGERT:** You write it down at the time.
283 **BARKLEY:** You write this, this particular number was written down.
284 **HERGERT:** Yes.
285 **BARKLEY:** Handwritten.
286 **HERGERT:** Probably on my glove.
287 **BARKLEY:** Okay. So do you recall whether it be you or the Fire Bureau who wrote down the
288 119?
289 **HERGERT:** If I wrote it on my glove, it was me who wrote it on my glove.
290 **BARKLEY:** Okay. So somebody had to handwrite, because one of the questions I, we, we had
291 when we were looking at this was does AMR and/or the Portland Fire Bureau, do
292 they have like a, a portable computer that as of giving these type of readings, that
293 they enter it immediately or this is all something that's done either by handwriting
294 or, in this case, the blood pressure it actually has a computerized memory.
295 **HERGERT:** It's, it's done by, it's done by handwriting.
296 **BARKLEY:** Okay. So there is no computer where somebody is standing there...
297 **HERGERT:** No.
298 **BARKLEY:** ...and going okay, 119 and they're entering it into a computer. Okay. So, the
299 Portland Fire Bureau gets a reading of 119 for blood glucose. What is the next
300 process involving you?
301 **HERGERT:** Um, before the glucose was taken, we kind of jumped in between there. You wanted
302 to know what happened on...
303 **BARKLEY:** Correct.
304 **HERGERT:** ...um, before, as, uh, about the same time we were getting ready to take Mr.
305 CHASSE's glucose, he looked up at, um, towards me, he saw the life pack that was
306 sitting there, and he asked me what I was doing with his backpack. I told him it
307 wasn't his backpack and I turned it around so he could see the front of it. The back
308 of it is black canvas with a big flap on it. Um, he then looked up around, um, and
309 asked what all the people were doing around him. And, about that time, they went

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310 to try and take, um, the glucose. And, uh, generally we take it by poking the finger.
311 When they tried to grab his fingers, to extend them, he started to fight. So he was
312 held still and we poked him in the forearm instead. Um, and got the blood glucose
313 that way. And then we waited for the results of the glucose test.
314 **BARKLEY:** So, up until that point, Mr. CHASSE was calm, sedate...
315 **HERGERT:** Yes.
316 **BRUMFIELD:** ...just lying there. He gets agitated, uh, when he realizes that someone is about to,
317 in this case, the Portland Fire Bureau, was about to poke him to get some, some
318 blood.
319 **HERGERT:** Right.
320 **BARKLEY:** Is that correct?
321 **HERGERT:** At, uh, actually I have no idea if he had agitated because he thought we were going
322 to poke his finger or because he thought we were in his backpack.
323 **BARKLEY:** Okay.
324 **HERGERT:** That's just the time period at which he became agitated.
325 **BARKLEY:** Okay. And what was the response of anyone there to deal with Mr. CHASSE
326 becoming agitated?
327 **HERGERT:** Well, as he started to move around, we needed to, we held his arm steady so we
328 could poke it with a needle and get the drop of blood.
329 **BARKLEY:** So, he is still laying, lying on his right side, so his left arm would have been poked,
330 is that correct?
331 **HERGERT:** Yes.
332 **BARKLEY:** Okay. So, at this point, what is the reaction by the Portland Police officers on-scene
333 to Mr. CHASSE becoming agitated and was he physically, you know, attempting to
334 get up or to move around?
335 **HERGERT:** He, he was moving, he just kind of, well, he couldn't move much in the position he
336 was in. He was, um, kind of rolling a bit.
337 **BARKLEY:** Okay. So, what, I mean, what, what, what is the, what is the reaction by both the
338 police officers, AMR, Portland Fire Bureau personnel, how do they go ahead and get
339 him stabilized or calmed down.
340 **HERGERT:** Um, I don't remember exactly how we did it. I can tell you that normally he simply
341 would have been held, his shoulders would have been held, his arm would have
342 been held long enough to get the blood sample and then we would have let him go.
343 **BARKLEY:** Okay, at that point, did you, did you, did you observe or hear anything that you
344 would consider to be inappropriate by anyone there at the scene, by AMR, by
345 Portland Fire Bureau, and specifically Portland Police Bureau?
346 **HERGERT:** No. No.
347 **BARKLEY:** Okay. So, you get his blood...
348 **HERGERT:** Uh-huh.
349 **BARKLEY:** ...and then what happens? Does he continue to be agitated or does he calm down?
350 **HERGERT:** I think he calmed down.
351 **BARKLEY:** Okay. Then what?

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352 **HERGERT:** Um, then I went, I, I, I moved away from Mr. CHASSE. I went to the sergeant and
353 told him that, um, he had normal vital signs. Um, and that he, it, he could probably
354 be on some sort of drug.

355 **BARKLEY:** Okay. Now, let me give you a copy of your pre-hospital care...

356 **HERGERT:** I have one.

357 **BARKLEY:** You have one?

358 **HERGERT:** Yeah.

359 **BARKLEY:** Okay. I'll give you a copy so you can refer to what's been highlighted. So, at this
360 point, have you seen anything at all by anyone at the scene, including citizens,
361 Portland Police officers, Portland Fire Bureau personnel, AMR, yourself, including
362 Mr. STUCKER, or any citizens that you would consider to be inappropriate
363 behavior, either physically or verbally at that point?

364 **HERGERT:** No.

365 **BARKLEY:** No. Okay. Refer to your, your pre-hospital care report. And I, I've got to touch on
366 this now because you're, you're talking about the vital signs. Look at page two and,
367 at the very bottom, it, it has your name, TAMARA HERGERT, and it says vital
368 sign, ECG, blood pressure 110 over 73. Now, we've already determined it is
369 actually 119 over 73. It says pulse, 100. When was Mr. CHASSE's pulse taken?

370 **HERGERT:** Um, it was taken twice. The machine automatically takes it.

371 **BARKLEY:** Now, you're talking about the cardiac monitor?

372 **HERGERT:** Yes.

373 **BARKLEY:** Okay.

374 **HERGERT:** Automatically takes it, um, at the same time it takes the blood pressure.

375 **BARKLEY:** Okay.

376 **HERGERT:** Um, I believe I checked Mr. CHASSE's carotid pulse when I initially, um, made
377 contact with him.

378 **BARKLEY:** Okay, so to back up then, so to walk through this methodically, you talked to the
379 sergeant. You go over, there's another officer standing at Mr. CHASSE's feet. You
380 then attempt to communicate with Mr. CHASSE. You get essentially no response.
381 You then want to check, you want to check Mr. CHASSE's vital signs.

382 **HERGERT:** Well, I, I believe that when I talked to him and got no response, I reached up and
383 checked a pulse.

384 **BARKLEY:** Okay, so at that time, be, prior to taking his blood pressure, you physically checked
385 his carotid artery for a pulse.

386 **HERGERT:** I think so.

387 **BARKLEY:** Okay. And respiration is 18. That's noted on the bottom of page two of your pre-
388 hospital care report. Now, is that a number that is manually...

389 **HERGERT:** I would have counted that.

390 **BARKLEY:** You would have counted that. The machine does not do that?

391 **HERGERT:** No.

392 **BARKLEY:** Okay. When would you have done the respirations of 18? Would it have been after
393 checking his carotid?

394 **HERGERT:** Probably all within the same time.

395 **BARKLEY:** So, you, okay, we now know you did...

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396 **HERGERT:** I, I, I don't know exactly at what point through this I counted.
397 **BARKLEY:** Okay.
398 **HERGERT:** You can look at someone and see that they're breathing.
399 **BARKLEY:** Correct.
400 **HERGERT:** You can look and see whether they are breathing abnormally slow or abnormally
401 fast, um, just in an initial walk in and look at someone.
402 **BARKLEY:** How, how, how did you establish the respirations to be 18?
403 **HERGERT:** At some point, I would have actually looked and counted...
404 **BARKLEY:** And...
405 **HERGERT:** ...by watch.
406 **BARKLEY:** ...looked and counted what?
407 **HERGERT:** His respirations
408 **BARKLEY:** Okay, how do you do that?
409 **HERGERT:** You watch their chest rise and fall. Um, in Mr. CHASSE's case, you could also, he,
410 uh, has a split lip and there was, um, some blood on his mouth. And every time he
411 exhaled, he blew this little piece of bubble.
412 **BARKLEY:** Okay.
413 **HERGERT:** And he blew into a little, um, small pool of blood that was below his mouth.
414 **BARKLEY:** So, so...
415 **HERGERT:** So, along with watching the chest, you could also see him, blood move.
416 **BARKLEY:** Okay, so, so respirations are determined by vision.
417 **HERGERT:** Yes.
418 **BARKLEY:** Okay. So you could, that could have possibly been determined the same time that
419 you were doing the physical check of his carotid for a pulse.
420 **HERGERT:** Yes.
421 **BARKLEY:** Okay. So, when you see all these vital signs, the 119 over 73, the, the pulse of 100,
422 respirations of 18, do any of those numbers cause you any concern?
423 **HERGERT:** No.
424 **BARKLEY:** And on top of that, the Portland Fire Bureau, and it has registered a blood glucose of
425 119. So take all those numbers and your physical observations, at that particular
426 moment, did you have any concern for Mr. CHASSE's health?
427 **HERGERT:** No.
428 **BARKLEY:** Okay.
429 **RODRIGUES:** This is Sergeant Rodrigues. Ms. HERGERT, now that we determined that his blood
430 pressure was 119 over 73, how would you equate that in terms of an individual.
431 Would that be consistent with someone sitting, someone who just ran a marathon,
432 somebody, what level of state would, would that be consistent with? Resting...
433 **HERGERT:** It, it all depends on the, on the particular person.
434 **RODRIGUES:** Right.
435 **HERGERT:** Um, runners generally run marathons and still have fairly normal blood pressures
436 because their, their normal maybe lower than yours or mine.
437 **RODRIGUES:** So, the readings that you had, obviously you didn't know him or his background or
438 anything. It would, it would, it's individual specific. Is that what you're saying? Is
439 there a, is there a generalization as to, through your training and experience as far as

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440 most people in a normal resting state? Would, would that be consistent numbers or
441 are you able to...

442 **HERGERT:** Is, is 119 over 73 considered a normal resting blood pressure?

443 **RODRIGUES:** Yeah, or what state, or what state _____

444 **HERGERT:** Yes, it can be.

445 **RODRIGUES:** Thank you.

446 **BARKLEY:** So, at this point, you, you say you recontacted the, the sergeant to inform him that
447 the vital signs were within the normal range.

448 **HERGERT:** Vital signs were normal. Right.

449 **BARKLEY:** And then what happened.

450 **HERGERT:** And I asked him if he, I asked him again if he wanted us to transport Mr. CHASSE.
451 And he indicated no. Um, and then, I'm not sure, somehow he signaled the other
452 officers. I don't know if he said something and I missed it or did a hand signal, but I
453 had seen movement and I saw them pick up Mr. CHASSE and move toward the
454 squad cars.

455 **BARKLEY:** At that point, when you had this conversation with the sergeant, did you have any
456 further conversation with any police officers at the scene?

457 **HERGERT:** I got my, um, refusal paperwork out of the ambulance and, um, took it up toward,
458 um, where the officers were standing at the squad cars.

459 **BARKLEY:** Now this is after Mr. CHASSE has been placed in the police car?

460 **HERGERT:** Yes.

461 **BARKLEY:** Okay. Um, I walked up, I asked who was doing the paperwork. The sergeant
462 indicated another officer. I asked him to sign the refusal form, and he did. And
463 then, um, I went back to the ambulance and we cleared the scene.

464 **BARKLEY:** Okay. To the best of your ability, aside from what you've already explained to us
465 what was communicated between you and the police officers, and you and the
466 Portland Fire Bureau, is there anything else specifically that you can recall that was
467 either communicated in a, in a request or a direction by the Portland Police officers
468 to you or of you, other than what you've already explained.

469 **HERGERT:** Uh, I don't think I understand what...

470 **BARKLEY:** Did, for instance, did any Portland Police officer explain to you, other than that Mr.
471 CHASSE had been chased several blocks, did they go into detail to explain to you,
472 you know, that how he had fallen and in what manner he had fallen?

473 **HERGERT:** No.

474 **BARKLEY:** Did they provide you with, with de, detailed information of how did, and Mr.
475 CHASSE got on that sidewalk?

476 **HERGERT:** No.

477 **BARKLEY:** So it would be selection, and I know this is going to be somewhat repetitive, but the
478 best of your ability, can you, once again, explain what it is that any police officer,
479 including the sergeant, had either told you, requested of you, any communication
480 that you recall that you received from any Portland Police officer.

481 **HERGERT:** That when I asked what had happened, that he, um, they just attempted, I, I assume
482 they attempted to stop him. That they had chased him, um, for quite a distance. That

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483 when they caught him, he struggled with them. Um, while they, while they were
484 trying to restrain him. And that, um, then he went limp.

485 **BARKLEY:** Okay. That, that, that's the sergeant, that's the sergeant telling you this.

486 **HERGERT:** Yes.

487 **BARKLEY:** And then the sergeant requests that you check Mr. CHASSE's vital signs. Correct?

488 **HERGERT:** Right. But, yes, before they take him to jail.

489 **BARKLEY:** Okay. And then you go over, you check Mr. CHASSE, there's another officer, not
490 the sergeant, who is there. And was there any other comment made by him other
491 than when you couldn't get the blood pressure cuff around his arm, something to the
492 effect that that's not going to happen in the sense of uncuffing him for you to take
493 this test. Was there anything else specifically that you can recall that was either
494 requesting you by the Portland Police officers or that you were advised of?

495 **HERGERT:** No.

496 **BARKLEY:** Okay. How about the Portland Fire Bureau personnel. Same thing. How did they,
497 how did, how did you do work in concert with them. You, you obviously, had some
498 very specific rolls where you, you know, had, you checked the blood pressure. You
499 took the pulse. The Portland Fire Bureau took the blood glucose level. What
500 communication took place between you, Mr. STUCKER, the other paramedic from
501 AMR, and the Portland Fire Bureau? Anything that you can recall, any comments
502 made, any requests made?

503 **HERGERT:** Um, when the Bureau, when the Fire Department got there, you know, the
504 paramedic came up. I, uh, believe I stood up and told him what I had been told
505 about Mr. CHASSE. Um, and what I had gotten so far. I mean, I can't, I don't
506 remember if they arrived before I had gotten the blood pressure or right after I had
507 gotten it or, whatever. Um, we discussed to taking, um, the blood glucose. Went
508 ahead and, and, and went ahead and took it.

509 **BARKLEY:** So any comments that you could recall being made between you and the Portland
510 Fire Bureau as these readings are, are being established. Was there any
511 communication saying well, this looks good, this looks normal, or anything of that
512 nature.

513 **HERGERT:** Um...

514 **BARKLEY:** That you recall.

515 **HERGERT:** ...specifically, I don't recall. I, I am sure that we, uh, I mean, we all knew what the
516 readings were. I either would have told them when they got there,, um, what I had
517 gotten or it occurred as they were there and they saw it themselves.

518 **BARKLEY:** Can you recall, uh, and recount any conversations that you may have had with any,
519 anyone other than the Portland Police officers or the Portland Fire Bureau personnel,
520 i.e. a citizen.

521 **HERGERT:** On, on-scene?

522 **BARKLEY:** On-scene, yes.

523 **HERGERT:** Um, I do not talk to any citizens on-scene.

524 **BARKLEY:** Okay. You've done a good job of describing Mr. CHASSE's demeanor and
525 behavior. But now going back and looking at, other than the description that you
526 provided. Is there any other description that you can, can, can provide regarding Mr.
527 CHASSE. You say that when you get there, he's already got the handcuffs on. He's

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528 hobbled with his ankles pulled up behind his back. He's docile, just laying there not
529 talking. Um, and then he gets agitated and, and is moving around when the Portland
530 Fire Bureau, well either simultaneously he re, he believes that your cardiac monitor
531 is his backpack and/or when the Portland Fire Bureau attempts to take his blood
532 glucose. Did you observe Mr. CHASSE attempt to bite any of the officers or that he
533 did bite them?
534 **HERGERT:** No.
535 **BARKLEY:** So, was that ever communicated to you by any of the Portland Police officers that
536 they had been bitten or that Mr. CHASSE attempted to bite them?
537 **HERGERT:** On the scene?
538 **BARKLEY:** Yes.
539 **HERGERT:** To me?
540 **BARKLEY:** Yes.
541 **HERGERT:** No.
542 **BARKLEY:** So you never observed that. So that would either have been before you arrived or
543 after you left, if that occurred.
544 **HERGERT:** I never observed it.
545 **BARKLEY:** Okay.
546 **HERGERT:** Correct.
547 **BARKLEY:** So any other behavioral or issues dealing with Mr. CHASSE's demeanor that you
548 can recall except for that he's docile to begin with when you arrived. He gets
549 agitated, attempting to move around, uh, at that particular moment that we've
550 already discussed. Any other behavioral or issues dealing with his demeanor that
551 you can recall that stand out?
552 **HERGERT:** No.
553 **BARKLEY:** He wasn't yelling, screaming, anything of that nature?
554 **HERGERT:** Um, he was yelling at the point we were doing the blood glucose. I'm sure he was,
555 uh, I, I remember he was just yelling. Um, but I don't specifically remember
556 anything else.
557 **BARKLEY:** Okay. You arrived at the location of 1500 Block of NW Everett Street at 1725
558 hours.
559 **HERGERT:** Okay.
560 **BARKLEY:** And this, according to your printout and what we have available, and then you
561 cleared at 1741. So that's sixteen minutes later. During that time you were there,
562 did you observe and/or hear anything regarding police officers or Portland Fire
563 Bureau personnel that you considered not in Mr. CHASSE's best interest.
564 **HERGERT:** I, I'm not sure what you mean by that. I'm sorry.
565 **BARKLEY:** Did you, did you hear or observe anything during that sixteen minutes that you were
566 at that location, that you would have considered either something verbally that was
567 stated or an action by any member of the Portland Police Bureau or the Portland Fire
568 Bureau to have not been in Mr. CHASSE's best interest, i.e..
569 **HERGERT:** Are you asking me if I heard or saw anything that I would have considered abusive?
570 **BARKLEY:** Abusive or not, or, or not in Mr. CHASSE's best interest. For instance, you had
571 said that you advised them that his vital signs were normal. Let's say they weren't

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572 as a hypothetical. And they ignored your advice and they still took him, that clearly
573 would not have been in the Mr. CHASSE's best interest. So, that's what I'm asking
574 for your clarification. Was there anything that was said or done by any member of
575 the Portland Police Bureau or the Portland Fire Bureau that was not in Mr.
576 CHASSE's best interest? Would it have been in his best interest to have the hobble
577 removed. That's what I'm asking. Anything that you can think of that was either
578 done or not done that affected Mr. CHASSE's best interest in a health care sense.
579 **HERGERT:** Uh, in a health care sense. Um, I don't think so. Releasing the hobble would have
580 made my job simpler and it would have made Mr. CHASSE certainly more
581 comfortable. But I don't believe it would have affected, um, the vital signs that we
582 got or anything like that.
583 **BARKLEY:** You, you stated earlier that when, when you cleared the scene and that would have
584 been at 1741 hours, that you did not stay at the scene talking to Portland Fire Bureau
585 or Portland Police officers. That 1741 represents a time when in which you and
586 your partner, Mr. STUCKER, had put your equipment in the ambulance and then
587 drove away, correct?
588 **HERGERT:** Yes.
589 **BARKLEY:** Okay. When, so you did not, just to clarify this, once you get done checking him out
590 and you observed who picked Mr. CHASSE up to put him in the police car.
591 **HERGERT:** Um, officers. Uh, the sergeant was still standing, I believe he was still standing near
592 to me when I turned and looked. I know they had, there were at least, at least three,
593 'cause they had picked up, him up by both arms and there was at least one person at
594 the feet.
595 **BARKLEY:** And would the sergeant then, one of those people, was he standing by the police
596 car? Do you recall?
597 **HERGERT:** I, I don't recall.
598 **BARKLEY:** Okay. Did the Fire Bureau assist in picking Mr. CHASSE up and carrying him to
599 the police car?
600 **HERGERT:** I don't think so.
601 **BARKLEY:** Okay. Did you observe how Mr. CHASSE was placed in the police car?
602 **HERGERT:** No.
603 **BARKLEY:** So you don't know whether he was placed on his front side, chest, or in a sitting
604 position?
605 **HERGERT:** No.
606 **BARKLEY:** Okay. At the time that you were at that location until you departed, did you have
607 any specific concerns regarding Mr. CHASSE's medical condition?
608 **HERGERT:** In terms of what?
609 **BARKLEY:** Medically speaking.
610 **HERGERT:** Are you asking me if I thought it was unsafe for him to leave?
611 **BARKLEY:** Correct.
612 **HERGERT:** No, I did not.
613 **BARKLEY:** You believed it was, he was, he was, he was staying alive...
614 **HERGERT:** I believed, I believe he was safe to go with the police to jail.

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615 **BARKLEY:** Okay. Did you and/or Mr. STUCKER, your partner, form an opinion regarding Mr.
616 CHASSE's psychological state based on your observations and examination?
617 **HERGERT:** I can't speak for KEVIN. Um, I told the officers that there was a possibility that he
618 could have been on drugs.
619 **BARKLEY:** Okay, and why, what, what led you to believe that Mr. CHASSE may have been on
620 drugs?
621 **HERGERT:** Um, that, that may have been colored by, um, I believe when I was walking from the
622 ambulance towards Mr. CHASSE, I heard somewhere else, um, that he was stopped
623 for, um, that they thought he had drugs. And that may have colored my opinion.
624 **BARKLEY:** Okay. Do you recall who would have said that?
625 **HERGERT:** No, I didn't, I didn't look to see who was...
626 **BARKLEY:** Was it cocaine that was mentioned, or do you just recall drugs?
627 **HERGERT:** Just drugs.
628 **BARKLEY:** Okay. Did you have an opinion as to Mr. CHASSE's intoxication state?
629 **HERGERT:** I did not smell any alcohol on Mr. CHASSE.
630 **BARKLEY:** How about intoxication by any form.
631 **HERGERT:** Uh, it's possible he could have been on drugs, that would have explained, uh, why
632 he thought my, my piece of equipment was, um, the backpack or, um, his agitation
633 when we were dealing with him.
634 **BARKLEY:** Okay. What was Mr. CHASSE's physical appearance, i.e. the condition of his
635 personal hygiene, clothes, et cetera, in your opinion.
636 **HERGERT:** Um, gosh, I don't think I remember. Uh, I know that his, uh, hair was partially
637 covering his face. I moved it some to look, so it looked like it was kind of straggly,
638 but, um, I don't, I don't recall whether he was, or you're asking me if he looked
639 dirty or clean or...
640 **BARKLEY:** Un, unkempt, soiled.
641 **HERGERT:** Um, I don't remember.
642 **BARKLEY:** Okay. Did Mr. CHASSE's appearance and/or psychological condition affect the
643 quality of medical attention and examination that he received from you, AMR,
644 and/or the Portland Fire Bureau?
645 **HERGERT:** No.
646 **BARKLEY:** Now in reference to your information form and I'll provide you with a copy of that
647 form here, this is a form that apparently was prepared by and signed by you and at
648 the top, it's referenced to information form. And would this have been the form that
649 you had prepared on September 17th, 2006?
650 **HERGERT:** Yes.
651 **BARKLEY:** Okay. Can you explain why Officer HUMPHREYS signed this form?
652 **HERGERT:** Um, I had gone up and I, well, I had asked for someone to sign the form.
653 **BARKLEY:** Why?
654 **HERGERT:** I would get it signed on, um, all cases like these. Well, when we were supposed to
655 get a form signed every time we see a patient who, um, isn't going to the hospital.
656 **BARKLEY:** Okay, so in this particular case, clearly, Mr. CHASSE, when, when the entire
657 incident concludes, is not going to the hospital because he's being placed in the back

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658 of a police car. At that time, that's when you requested Officer HUMPHREYS to
659 sign this form?
660 **HERGERT:** I went up to the patrol cars. I spoke to, in general to the group, asking who was
661 doing the paperwork. Um, and the sergeant indicated another officer, who then
662 signed the form.
663 **BARKLEY:** Okay. And you circled that Officer HUMPHREYS was the guardian.
664 **HERGERT:** These forms are not perfect. Uh, as you can see, it's patient or guardian assessment.
665 **BARKLEY:** Correct.
666 **HERGERT:** Um, I circled that not in terms of assessment, but in terms of I was speaking to a
667 guardian. The rest of the, to indicate it was a guardian signature. I, that's just what I
668 meant.
669 **BARKLEY:** Okay. So, is it routine for you to request either the patient or specifically, in this
670 case, the police to sign this information form if they refuse or if they don't go to the
671 hospital, just blanket, they don't go to the hospital.
672 **HERGERT:** No, not just blanket. They don't go to the hospital. Sometimes, we are called to
673 incidents where there are no injuries and no complaints, and the person, then call for
674 themselves, so we wouldn't have them sign a form saying they had a problem and
675 didn't want to go to the hospital. Cause they didn't have a problem.
676 **BARKLEY:** Okay.
677 **HERGERT:** Um, when we see someone and evaluate them, yes, we try and have the patient sign
678 the form if they do not want to go to the hospital.
679 **BARKLEY:** Okay, but you keep saying if they don't want to go to the hospital. But...
680 **HERGERT:** In this particular case, the reason I have the officer sign is because he is in police
681 custody and, to my understanding, the officers are deciding where that patient is
682 going to go.
683 **BARKLEY:** Okay. And, and to clarify, based on your examination, along with the Portland Fire
684 Bureau's examination, you would not, or would you have recommended that this
685 patient go to the hospital based on your complete examination and findings?
686 **HERGERT:** Based on what I saw and the vital signs I got, I did not tell the officers that he
687 needed to go to the hospital.
688 **BARKLEY:** And your opinion is what? Should he have gone or should not have gone, at that
689 time, not now today.
690 **HERGERT:** At that time, I thought he could safely go to jail.
691 **BARKLEY:** Okay. Let's say he wasn't hypothetically going to go to jail. Let's say he wasn't in
692 handcuffs. And after you checked his vitals, would Mr. CHASSE, in your opinion,
693 physically have been able to, to just simply walk away, in your opinion been stable,
694 medically speaking?
695 **HERGERT:** There is a lot of hypothetical there. Um, much would have depended on what Mr.,
696 what our interactions with Mr. CHASSE had been. If he had just been someone we
697 found on the street. If he had re, kept refusing to talk to us and walked away, um,
698 we wouldn't have gotten vital signs and we would have assumed that he didn't want
699 our care because he was making it clear by leaving us he didn't want any help. If we
700 had gotten vital signs and they were normal and he simply refused to sign the
701 paperwork, or talk to us, and he walked away, um, we wouldn't have had any reason
702 to stop him. So, is that what you're asking me?

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703 **BARKLEY:** Yeah. Yeah. Now, referring to the _____, you know here under patient or
704 guardian assessment, number two it says altered level of consciousness and you
705 marked yes. What does that mean?

706 **HERGERT:** That I could not determine he had a normal level of consciousness. I, it was, it's
707 basically, it's a yes/no question and one I could not say no to because he never spoke
708 directly to me in answer to questions such as what's your name, um, what day is it.

709 **BARKLEY:** There was no response...

710 **HERGERT:** Where are you. He didn't answer any of those questions.

711 **BARKLEY:** Okay. And head injury, number three under that. Nothing is marked.

712 **HERGERT:** Um, I don't believe I had seen any, I don't know why I didn't mark it.

713 **BARKLEY:** Okay. And then alcohol, number four, alcohol, drug ingestion, or psychiatric
714 impairment. You marked unknown and yes. What, what does that mean?

715 **HERGERT:** I believe I marked unknown and then I thought about the fact that I had wrote that
716 he was probably, that, that he could be on drugs and I wrote yes.

717 **BARKLEY:** Okay.

718 **HERGERT:** 'Cause there was a possibility, both unknown and yet there was a possibility.

719 **BARKLEY:** So, to clarify this, if, if you get a call to a location and the police, and there is police
720 officers at the location, and the patient doesn't go to the hospital for whatever
721 reason, and do you first ask the patient, generally speaking, to sign this form?

722 **HERGERT:** It depends on if they are in custody.

723 **BARKLEY:** Well, if they're not, let's say they're not.

724 **HERGERT:** If they're not in custody, um, it's all on the patient. The most we would have an
725 officer do is sign as a witness if the patient refused to go or refused to sign.

726 **BARKLEY:** Okay. And, but in this particular case, it is routine for you to ask police officers
727 present if the subject is in custody to sign this form.

728 **HERGERT:** Yes.

729 **BARKLEY:** Okay. What, what if Officer HUMPHREYS and the other Portland Police officers
730 present had refused to sign the form? What would you have done then?

731 **HERGERT:** I would have documented the fact that they refused to sign the form.

732 **BARKLEY:** So you would not have asked the Portland Fire Bureau to sign the form.

733 **HERGERT:** Uh, I don't know. But if I did, it would have been as a witness to the police not
734 signing, not, they weren't refusing transport for Mr. CHASSE.

735 **BARKLEY:** What, what's the significance of this form?

736 **HERGERT:** An acknowledgement basically that we were there.

737 **BARKLEY:** And so it doesn't have, does it have anything to do with, the issue of liability?

738 **HERGERT:** I'm sure it does.

739 **BARKLEY:** Okay.

740 **HERGERT:** He doesn't want to speculate it, so you don't know.

741 **SCHLEUNING:** You know...

742 **BARKLEY:** Is, is this, let me just ask it in a different way. Is your understanding that this form
743 is, is a standardized form that AMR has because you were at a location and you
744 provided a service and your service is now then ended. And you request either the
745 patient or the police, depending on the circumstances, to sign the form to verify that,
746 in fact, you were there and provided a service. Or, does it also include that there is a

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747 liability issue attached to the fact that you were there and provided a service. Do
748 you know what AMR's position is on that?
749 **HERGERT:** AMR's position is that if we see someone and do any sort of exam, and don't take
750 them to the hospital, that would get the form signed.
751 **BARKLEY:** Or at least request that the form be signed.
752 **HERGERT:** Yes.
753 **BARKLEY:** Okay. Now, it's approximately 11 minutes after 11, so we've been in here for an
754 hour. Do you need to take a break before we conclude this?
755 **HERGERT:** No.
756 **SCHLEUNING:** I do. I need a quick one, I need a quick restroom break if you don't mind.
757 **BARKLEY:** Okay.
758 **HERGERT:** Okay.
759 **BARKLEY:** Okay, it is 11 minutes after 11:00 AM, and we'll be off the recorder for a moment.
760 **BARKLEY:** We're back on the record. It is 1117 hours. And we're with Ms. HERGERT.
761 Referring to your pre-hospital care report, I would like you to clarify a number of
762 points here. On the lower right corner, it's printed 9/17/2006 at 6:41:25 PM. What
763 does that date and number represent?
764 **HERGERT:** Um, well, it's the date the chart was written. And the time, I'm not in, uh, it's
765 probably the time, probably, the time that I transmitted it.
766 **BARKLEY:** So, so, would it represent the date and time that you, that you entered the
767 information or would it be the date and time that you printed it, do you know?
768 **HERGERT:** The charts are done on computer and then they are wirelessly transmitted to another
769 computer. I believe the time is when that transmission occurs. You can print the
770 chart out after the fact or before that or any other time, but I think it's the time it's
771 transmitted. I'm not positive.
772 **BARKLEY:** Okay. Looking at the front section that I've highlighted, the narrative part. You had
773 already stated that the police are requested that you check for life threatening vital
774 signs before they take him to jail. That's correct.
775 **HERGERT:** That's what I wrote.
776 **BARKLEY:** And you've noted here on the second paragraph, VS, which would for vital signs, is
777 that correct?
778 **HERGERT:** Yes.
779 **BARKLEY:** Within normal limits, is that correct?
780 **HERGERT:** Yes.
781 **BARKLEY:** Police, it says, below that, police refusing transport for patient in their custody.
782 What does that mean.
783 **HERGERT:** It means I asked them if they wanted us to take him to jail and they, or to the
784 hospital, sorry, and they said no.
785 **BARKLEY:** Okay. And that, that request by you or that, that question posed by you, was that
786 because you felt that Mr. CHASSE should go to, to, to the hospital, or was that
787 generic.
788 **HERGERT:** Generic.
789 **BARKLEY:** Okay. And it says here advised vital signs were normal, but patient was probably on
790 some sort of drug. Police acknowledged this and signed refusal. Is that accurate?

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791 **HERGERT:** Yes.

792 **BARKLEY:** Okay. If we go to page two, under physical findings. You write down, okay, it says

793 head, negative. How did you determine that now, are we talking about injuries to

794 these specific locations?

795 **HERGERT:** It's where it, it is where injuries would be noted.

796 **BARKLEY:** Okay. So, when you enter negative for head, what does that mean?

797 **HERGERT:** That I didn't see any significant injuries to his head.

798 **BARKLEY:** Was, was that visual or was that actual physical touching of his head?

799 **HERGERT:** Visual.

800 **BARKLEY:** Okay. You say face, negative, not pinpoint, lips bloody. Is that based on what,

801 observation or physical examination?

802 **HERGERT:** If it looks bloody or observation, I could see that. Uh, the pinpoint, um, the Fire

803 Department had checked his pupils. They would have told me if they had been

804 pinpoint, 'cause that would have taken us _____ to narcotic overdose, nor can

805 kind of route.

806 **BARKLEY:** Neck, not assessed.

807 **HERGERT:** That, that means...

808 **BARKLEY:** You didn't, you didn't, did not check his neck.

809 **HERGERT:** No.

810 **BARKLEY:** Chest, negative. What does that mean?

811 **HERGERT:** It means that visually, his chest was moving equally. He was not in any respiratory

812 distress that I could see. And that he was breathing normally.

813 **BARKLEY:** Okay, did you, when you say chest, negative, did you physically ever touch Mr.

814 CHASSE's chest cavity?

815 **HERGERT:** No.

816 **BARKLEY:** Back, not assessed. Is that accurate?

817 **HERGERT:** I, I assume so, yes.

818 **BARKLEY:** Arms, abrasion on elbows, that's visual?

819 **HERGERT:** Yes.

820 **BARKLEY:** Abdomen, not assessed. That's correct? You didn't touch his abdomen. Pelvis, not

821 assessed. Did you or anyone present at that location use a stethoscope to listen to

822 Mr. CHASSE's breathing and, and heart?

823 **HERGERT:** I did not.

824 **BARKLEY:** Did anyone...

825 **HERGERT:** To my knowledge, no one else did.

826 **BARKLEY:** Do you, are you equipped with a stethoscope?

827 **HERGERT:** Yes.

828 **BARKLEY:** And what determines whether or not you use the stethoscope or not.

829 **HERGERT:** Either, um, the visual condition of the patient, the patient's specific complaints, or,

830 uh, well mostly those. Or you visually wondering or, um, the patient having some

831 sort of complaint.

832 **BARKLEY:** Did Mr. CHASSE ever complain to you or anyone else present of any specific pain

833 or injury?

834 **HERGERT:** No.

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835 **RODRIGUES:** Sergeant Rodrigues. Was there ever any indication that Mr. CHASSE was in any
836 type of pain? Grunts, moans, any indicators at all?
837 **HERGERT:** Um, not that I recall.
838 **RODRIGUES:** Okay.
839 **BARKLEY:** So, uh, for the clarification, these numbers concerning his vital sign that either
840 recorded automatically to the cardiac monitor, or they're handwritten either by
841 yourself or Portland Fire Bureau personnel typically on your glove. That's what you
842 said and then you retrieve that information later to be entered into the computer?
843 **HERGERT:** Yes.
844 **BARKLEY:** Okay. Portland Fir Bureau has the exact same vital readings, plus some additional
845 readings. But they're the exact same numbers as, as yours. They indicate that, for
846 instance, Mr. CHASSE's blood pressure was 100/73. Which, they obviously got the
847 incorrect number. So how does that take place, 'cause they fill out a, a pre-hospital
848 care report also. So, is there a link between what the numbers you get and you enter
849 in the computer, does it go to their computer or is this...
850 **HERGERT:** No.
851 **BARKLEY:** ...you're writing down the numbers or they're writing down the numbers and you
852 just all go ahead and key off what the other one is saying. Is that what happens?
853 **HERGERT:** Pretty close.
854 **BARKLEY:** Okay. How close?
855 **HERGERT:** Um, the Fire Bureau, if they're not there, then, and I've taken vital signs, then I
856 would have said what the vital signs were. And they would have written down what
857 they heard, whether they heard what I said, whether I misspoke. Uh, I, I, any of
858 those things are possible in the, in the realm of communication.
859 **BARKLEY:** Here is the, the last section that I want _____ of you and then Sergeant
860 Rodrigues has a few follow-up questions. I understand that you're not a medical
861 doctor. You're not a pathologist. And you're not a medical examiner. So if, if you
862 can explain or clarify the questions, then do so. If you don't feel comfortable
863 because you don't have the level of expertise that I'm going to request of you, then
864 for your, your explanation, then you need to tell me that. Dr. GUNSON, the State
865 Medical Examiner, determined the following. And for the record, I, I don't mean to
866 be redundant with you, but for the record, we have twenty-four total ribs. And in
867 Mr. CHASSE's case, fourteen total ribs were fractured of the twenty-four. Mr.
868 CHASSE suffered twenty-seven total numbers of fractures of the fourteen ribs.
869 Now, according to Dr. GUNSON, and her autopsy, a total of ten fractures occurred
870 due to CPR. A total of seventeen fractures occurred not related to CPR. Five
871 fractures occurred on the left lateral. Nine fractures occurred on the left posterior.
872 Three fractures occurred on the right posterior. Given Mr. CHASSE suffered
873 seventeen fractures of his ribs, not related to CPR, and Dr. GUNSON determined
874 that the left lung to be flail, unstable, can you explain how you were able to
875 determine and obtain vital signs within normal limits at the 1300 Block of NW
876 Everett Street?
877 **HERGERT:** All I can tell you is that I took the vital signs and these are the vital signs I got.
878 **BARKLEY:** Okay. You have been a paramedic since 1982.
879 **HERGERT:** Yes.

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880 **BARKLEY:** So you've been a paramedic for twenty-five plus years about?
881 **HERGERT:** Yes.
882 **BARKLEY:** Based on your experience, if you feel comfortable answering this question, based on
883 your experience, it seems that seventeen fractures seem to be quite severe. If they're
884 not related to CPR and CPR in Mr. CHASSE's case, occurred sometime later,
885 almost an hour later at a different location. So, based on your experience, would
886 you not expect Mr. CHASSE's blood pressure, pulse, respiration to be higher than
887 reported given the total of seventeen fractures?
888 **HERGERT:** You can expect certain vital signs, um, but everybody is different. What I would
889 have expected to see was, um, severe respiratory distress. Very rapid respirations or
890 very slow, and obviously labored breathing.
891 **BARKLEY:** Now, that would have been something that you visually...
892 **HERGERT:** Could see.
893 **BARKLEY:** ...okay. And if you had seen that, at the time, would that have caused you to use the
894 stethoscope?
895 **HERGERT:** Yes.
896 **BARKLEY:** But, did you did you not observe that at the location of the 1300 Block of NW
897 Everett?
898 **HERGERT:** I did not.
899 **BARKLEY:** So, there was no indication to you, at that moment, the sixteen minutes that you
900 were that and Mr. CHASSE was in any respiratory distress.
901 **HERGERT:** No.
902 **BARKLEY:** Based on your experience, would you consider seventeen, a total of seventeen
903 fractures to the ribs to be extensive?
904 **HERGERT:** Yes.
905 **BARKLEY:** And especially if a number of those fractures had penetrated the left lung?
906 **SCHLEUNING:** Would that _____
907 **HERGERT:** Was that _____
908 **BARKLEY:** Yeah, would, would, would that, would, if coupled with seventeen fractured ribs, or
909 excuse me seventeen fractures, okay, and some of those ribs that were fractured
910 penetrating the left lung, you would have seen an increase in respiration or
911 difficulty?
912 **HERGERT:** I would have expected to see respiratory distress.
913 **BARKLEY:** Okay.
914 **HERGERT:** Yes.
915 **BARKLEY:** As far as I'm, my questions, is there anything else that you wish to add, clarify
916 regarding the in-custody death of Mr. CHASSE?
917 **HERGERT:** No.
918 **SCHLEUNING:** Let's, let's just take a break, real quick.
919 **BARKLEY:** One, one second. He has a few real quick questions.
920 **HERGERT:** Okay.
921 **RODRIGUES:** Back to where Mr. CHASSE, right before he got the blood sugar prick and when he
922 recognized your bag or actually he saw your bag and thought it was his. You

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923 mentioned that he fought. What, what, what exactly did he do? And that, I'm
924 looking at the level of resistance. What...

925 **HERGERT:** I believe he just started moving, like rolling and moving.

926 **RODRIGUES:** Okay. Was that significant as far as, was that a concern from you like, oh, he's, he's
927 getting out of control or was it...

928 **HERGERT:** No.

929 **RODRIGUES:** Okay. And was he restrained or held down as a result of that? So that the fire guys
930 could get the blood.

931 **HERGERT:** He was held steady. He, the, they had a hold of his arm...

932 **RODRIGUES:** Okay.

933 **HERGERT:** ...trying to hold him still enough they could prick him without pricking themselves.

934 **RODRIGUES:** And who held him?

935 **HERGERT:** I believe the Fire Department. And there was still the officer at his feet. He was
936 there throughout, on, my guess is on, that would be a guess.

937 **RODRIGUES:** Uh-huh.

938 **HERGERT:** But that he would have, at least reached out and held his legs, but I don't know for
939 sure.

940 **RODRIGUES:** Was that, again, anything significant as far as that would raise any concerns with
941 you or like, was that like a fight or was that like a big deal, as far as...

942 **HERGERT:** No.

943 **RODRIGUES:** Okay. Now did, any, any time you were there, did anybody sit on his back, on his
944 stomach, put any part of the body or weight on any part of his body besides holding
945 his arms to get the needles prick?

946 **HERGERT:** I did not see anyone sit on him. Um, there was a fire fighter on his, kind of squatted
947 down behind him.

948 **RODRIGUES:** Uh-huh.

949 **HERGERT:** It is possible that as they, he was being held and he was trying to roll, that he could
950 have, you know, leaned against his knees, but there was no pressure put at any point
951 by anyone, other than on his arms.

952 **RODRIGUES:** Now, when Mr. CHASSE was picked up and taken to the patrol car, did you see
953 that? Did you see how he was actually put in the car or...

954 **HERGERT:** I did not see how he was put in the car. I saw the first few steps.

955 **RODRIGUES:** Was Mr. CHASSE yelling, screaming, saying anything at this time as he was being
956 picked up and taken to the car?

957 **HERGERT:** I don't know.

958 **RODRIGUES:** So he could have been?

959 **HERGERT:** He could have...

960 **RODRIGUES:** You don't remember or...

961 **HERGERT:** I was doing something else.

962 **RODRIGUES:** Okay. And lastly, if you were told by anyone out there that, see this is what I have
963 so far, you said the information you had is that the police chased him for several
964 blocks. He fought with police, but handcuffed, he became quiet. Is that, is that
965 correct?

966 **HERGERT:** Yes.

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967 **RODRIGUES:** Were you told, and I think you answered this previously, but were you ever told that
968 Mr. CHASSE, while being chased, fell down? At any point, did he fall to the
969 ground? Was there, did you have any information like that or were you ever told
970 about that?

971 **HERGERT:** No.

972 **RODRIGUES:** Okay. Would that have changed your preliminary examination or assessment of him
973 given that information?

974 **HERGERT:** Uh, if he had just been running and falling?

975 **RODRIGUES:** Fall or got shoved or got pushed or tripped while running at a good pace?

976 **HERGERT:** Um, I don't know. It would have, it would have to be more with whether, what they
977 were describing would have indicated significant injury. The, theoretically, being
978 pushed over the top of a car and rolled through the street then that, that would have
979 the possibility for more injuries than if he simply tripped while running and fell
980 down.

981 **RODRIGUES:** And, again, this, you weren't aware of this or just given that information by anyone
982 out at the scene while you were there? Besides the fact that he was chased, he
983 fought, they handcuff him, he became quiet.

984 **HERGERT:** That's the information I was given.

985 **RODRIGUES:** Okay. What would you consider, at the time, what was the communication like. It
986 seems like you only basically converse or had information from the sergeant, is that
987 correct?

988 **HERGERT:** Yes.

989 **RODRIGUES:** Okay. Anyone else, any other officer give you information on what occurred or...

990 **HERGERT:** Not me, no.

991 **RODRIGUES:** Okay. Based on that information that you was given, was there, did you want
992 anymore information? Did you need anymore information. Did you feel that the
993 officer gave you everything you needed? Did you desire, at the time, more
994 information? What was the cooperation like? Was it...

995 **HERGERT:** I, the officers were cooperative. I, I, uh, have an expectation that they will tell me
996 what, what I need to know. That if they felt something significant had happened,
997 they would tell me that.

998 **RODRIGUES:** So, the information that he gave you, obviously you weren't there. ~~But the~~
999 information he gave you, you felt, you didn't feel frustrated is what I'm saying. You
1000 know, I'm the paramedic, I come on-scene, no one wants to talk to me. I don't know
1001 what's going on. Did you get that feeling?

1002 **HERGERT:** No.

1003 **RODRIGUES:** Okay. That's all that I have. Thank you.

1004 **BARKLEY:** I have one other question. Did you ever physically touch, examine, Mr. CHASSE's
1005 chest area?

1006 **HERGERT:** No.

1007 **BARKLEY:** I have no other questions.

1008 **SCHLEUNING:** Let me just chat with her and make sure she's comfortable.

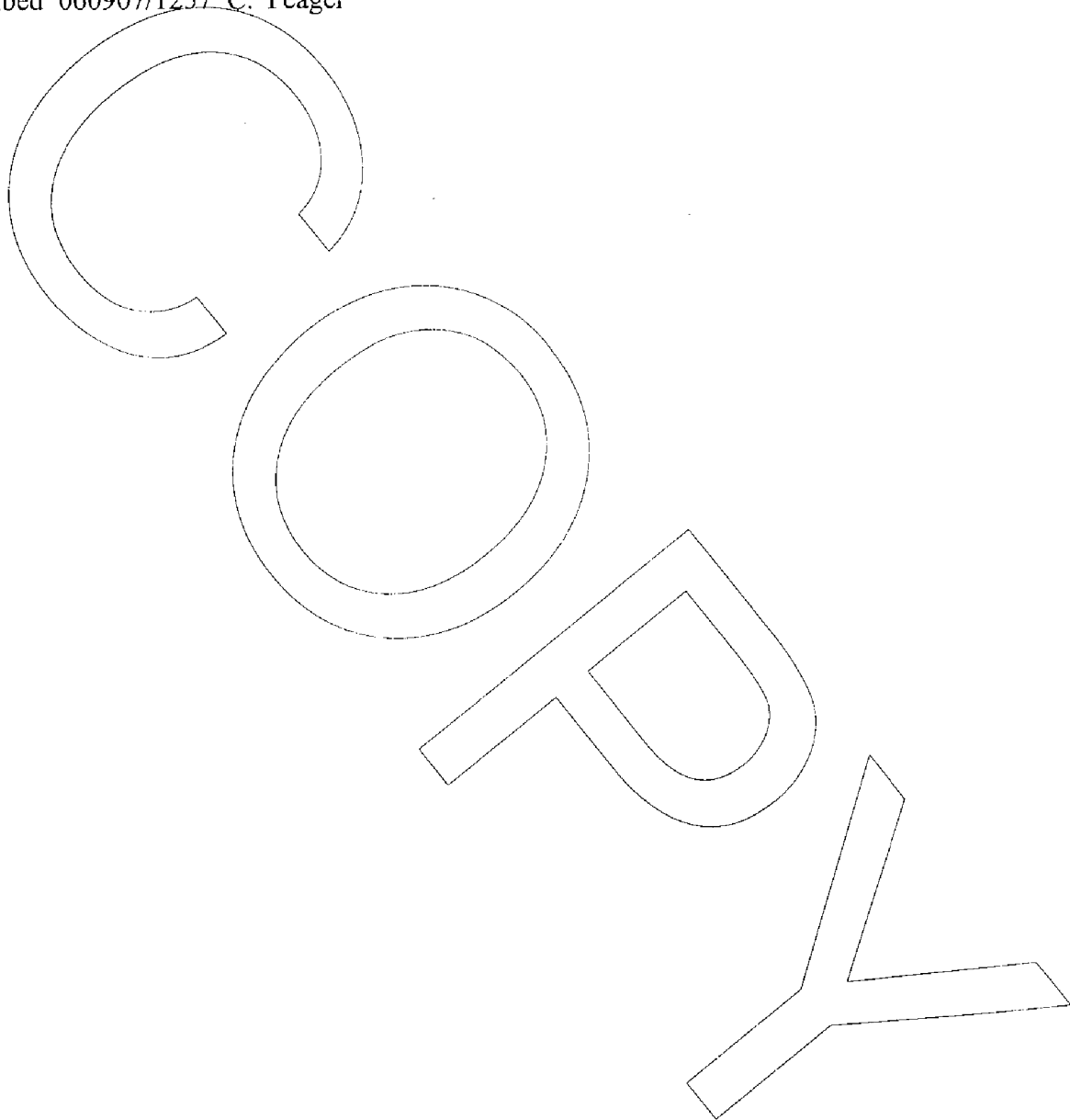
1009 **BARKLEY:** Okay. Okay, we'll be ending this interview unless there is additional statement to be
1010 made by Ms. HERGERT. It is 1138 hours.

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1012 2006-B00016TRS-HERGERT
1013 Transcribed 060907/1257 C. Yeager



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PORTLAND POLICE BUREAU
INTERNAL AFFAIRS DIVISION
Confidential Taped Statement
Sergeant Michael Barkley #8570

Interview Date: June 6, 2007
IAD #: 2006-B-0016
Complainant: Portland Police Bureau

Interviewed: Kevin Stucker

BARCKLEY: This is Sergeant Michael Barkley, #8750, with the Internal Affairs Division. Also present is Sergeant Derek Rodriguez, #37149 with the Internal Affairs Division. The date and time are Wednesday, June 6th, 2007 at 1155 hours. We are talking with Mr. KEVIN STUCKER, a paramedic with AMR Ambulance. Also present is Attorney Ms. Elizabeth Schleuning, spelled S-c-h-l-e-u-n-i-n-g and STUCKER is spelled S-T-U-C-K-E-R. She is an attorney representing AMR. We are in the law offices of Schwabe, Williamson, and Wyatt. Mr. STUCKER is a witness regarding IAD case number 2006-B-0016. First of all, Mr. STUCKER, do you have any handwritten documents, notes, regarding this incident of the in-custody death of Mr. JAMES CHASSE?

STUCKER: Not that I remember having.

BARCKLEY: Okay. Can you provide a brief background of your training and classification as a paramedic?

STUCKER: Uh, paramedic, um, been a paramedic for about, uh, five, five years, five, six years, uh, with Multnomah County, uh, AMR, uh, for about two, two-and-a-half.

BARCKLEY: Okay. Can you please explain what occurred on Sunday, September 17th, 2006 regarding Mr. JAMES CHASSE in the 1300 Block of NW Everett Street from the time you received the medical call until you cleared the location.

STUCKER: Do you want kind of a brief overview of the, the whole...

BARCKLEY: Provide as much detail as, as you can recall and there will times that I'll, you know, interject with some questions of clarifications as will Sergeant Rodrigues. But from the time you got the call until you cleared the call.

STUCKER: Okay.

BARCKLEY: If you can describe your role, what you observed...

STUCKER: Okay. Um, TAMI was, uh, we got the call and, and I was driving to the scene, uh, focused on, on getting there safely. Um, we arrived on-scene, uh, to find the, to, to, and found, uh, the officers, uh, kind of around the patient. Uh, and again, I was driving, came around the ambulance. As I heard, uh, TAMI ask, uh, the off, one of the officers if, uh, they wanted him, uh, the patient transported. Um, he said that they wanted us to check, uh, to check his, his, uh, vital signs and make sure there was any life-threatening vital signs, uh, that he was under arrest, um, and that he was going to jail. Um, at that point, we approached, uh, about fifteen to twenty feet away, approached the other officers and the patient. Um, TAMI interacted with, um, with the original officer and I don't remember exactly who that was.

BARCKLEY: Okay, at that time, do you recall how many officers were at the location?

STUCKER: Uh, minimum of three.

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50 **BARKLEY:** Do you recall if Portland Fire Bureau had already arrived at the location?
51 **STUCKER:** I believe so.
52 **BARKLEY:** Okay. And so then what happened?
53 **STUCKER:** Um, TAMI began her assessment of the patient. Uh, my role was, uh, primarily
54 supportive. Uh, and, uh, as, you know, as, as TAMI was assessing the patient, I'm
55 also, uh, doing, uh, a visual assessment of the patient as well. Um, I had walked
56 around, uh, around the patient to, to, uh, to assist with a blood sugar being done.
57 Um, where the patient was, uh, a little bit, little bit, uh, agitated from that, uh,
58 fighting with that blood sugar, trying to help hold his arms still to get the sample of
59 blood on the _____
60 **BARKLEY:** Okay. Let's back up.
61 **STUCKER:** Okay.
62 **BARKLEY:** So TAMI HERGERT goes to Mr. CHASSE. Do you recall what position Mr.
63 CHASSE was in?
64 **STUCKER:** Yeah, he was, uh, in a, um, right, uh, lateral position, handcuffed with his hands
65 behind his back and his feet, uh, behind him with his, with handcuffed to his, uh, to
66 his hands, uh, with a chain. There wasn't, wasn't together, but with, uh, with a
67 chain.
68 **BARKLEY:** Okay, so Mr. CHASSE was lying on which side?
69 **STUCKER:** The right side.
70 **BARKLEY:** Right side.
71 **STUCKER:** Uh-huh.
72 **BARKLEY:** And he was handcuffed and was he hobbled with a chain or was he hobbled with his
73 ankles tied to the handcuffs by a nylon rope?
74 **STUCKER:** That...
75 **BARKLEY:** Or a strap.
76 **STUCKER:** ...that I don't recall specifically.
77 **BARKLEY:** Okay. So TAMI is attending to Mr. CHASSE. You're immediately in the vicinity.
78 Do you recall when Ms. HERGERT begins her evaluation, whether or not Portland
79 Fire Bureau paramedics are also with Mr. CHASSE?
80 **STUCKER:** Um, if there is other paramedics there with him prior to this?
81 **BARKLEY:** No.
82 **STUCKER:** Okay.
83 **BARKLEY:** Portland Fire Bureau...
84 **STUCKER:** Yes.
85 **BARKLEY:** ...personnel. Were they there when TAMI started her...
86 **STUCKER:** Yes.
87 **BARKLEY:** ...evaluation.
88 **STUCKER:** They were, yes.
89 **BARKLEY:** Okay. Do you recall the sequence of, of examinations that Ms. HERGERT did?
90 **STUCKER:** I don't recall specifically. Um, I know that she checked his vital signs. Uh, I
91 believe she looked at his chest. Um, I don't recall specifically anything other than
92 the, the vitals.

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93 **BARKLEY:** Do, can you recall what was specifically requested of, of AMR paramedics, yourself,
94 or Ms. HERGERT or the Portland Fire Bureau personnel by the police?
95 **STUCKER:** Um, primarily that, that, like I said, he was, they wanted his vital signs checked to
96 make there, make sure there was no life threatening vitals. Um, and, uh, if, uh, if
97 there weren't, that he was under arrest and that they were going to be taking him to
98 jail.
99 **BARKLEY:** Okay. How would you describe Mr. CHASSE's demeanor, behavior, when you
100 initially arrived at his side.
101 **STUCKER:** Initially, he was, uh, he was calm. He was, his eyes were open. He was looking
102 around. Um, he, he was, uh, he was breathing about eighteen to twenty breaths a
103 minute. Um...
104 **BARKLEY:** How do you know that?
105 **STUCKER:** I counted.
106 **BARKLEY:** You counted.
107 **STUCKER:** Yes. Like I said, I was visually assessing him as well.
108 **BARKLEY:** Okay. Did, at any time that you were there, did you, did Mr. CHASSE make any
109 complaints of pain or injury?
110 **STUCKER:** Not that, not that I recall. Um, nothing, nothing specific. He, like I said, he was
111 fairly calm. He didn't show any sign of, of being in any severe pain.
112 **BARKLEY:** So visually, your observation, what would that be regarding Mr. CHASSE's health
113 condition. You said you counted eighteen to twenty respirations. Anything else?
114 **STUCKER:** Uh, he, like I said, he was looking around. Um, he would respond to, by, by, by
115 verbal, or by eye contact when asked questions, but he wouldn't talk to us. He
116 wouldn't respond verbally back to us. Um, he, um, he did have a small amount of
117 blood from, from his, uh, nose or mouth. Um, just a small amount on the, on the
118 sidewalk.
119 **BARKLEY:** Okay, you were there at the location from 1725 hours and there sixteen minutes later
120 at 1741 hours. During that sixteen minutes, did you observe Mr. CHASSE's
121 demeanor or behavior change from being in a calm state?
122 **STUCKER:** He had a, he had a, like I say, a brief, uh, period of being a little agitated while we
123 were doing his blood sugar and then he did calm down again. Uh, he was asking
124 questions about his backpack, which was there on the scene, uh, and which I saw.
125 Um...
126 **BARKLEY:** When you say he was agitated, how would you describe that?
127 **STUCKER:** Uh, I would describe that as, uh, trying to fight with us as we were doing his,
128 checking his blood sugar.
129 **BARKLEY:** Now, you say fight. Was, was he attempting to fight with you while he was
130 handcuffed and hobbled, or was he struggling?
131 **STUCKER:** He was trying to get away from being grasped so that we could get a sample of
132 blood. Trying, trying to move his extremities.
133 **BARKLEY:** Did he ever say anything...
134 **STUCKER:** Uh...
135 **BARKLEY:** ...that you recall?
136 **STUCKER:** ...not that I recall. Um, I don't recall anything specific that he said.

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137 **BARKLEY:** You, you say originally an officer asked to have Mr. CHASSE's vital signs checked
138 because he was in custody and going to jail. Do you recall any other conversation
139 that took place between you, Ms. HERGERT, members of the Portland Fire Bureau,
140 or Portland Police officers?
141 **STUCKER:** I, yeah, there was, uh, conversations between, um, Portland, the, uh, the officers, uh,
142 I don't recall specifically which ones that, you know, which officers I was speaking
143 to, um, about the takedown, uh, how that occurred, of the patient, as, as they, uh, as
144 they initially, uh, tried subduing him, uh...
145 **BARKLEY:** So you, what did you overhear?
146 **STUCKER:** Um, I didn't overhear it, uh, anything specific from the officer that was speaking
147 with TAMI, but inside conversation, uh, there was, uh, one of the officer had,
148 officers had mentioned that when the, when the, when he was being taken down,
149 they had, uh, grabbed him from behind, um, and then, and then, um, tripped him
150 forward. As they were going forward, the, uh, the officer mentioned that he had, uh,
151 rolled onto his side shoulder, onto his shoulder, not, not landing on the patient
152 himself.
153 **BARKLEY:** The officer, the off, now was the officer talking to you or was he talking to
154 _____
155 **STUCKER:** He was talking to me, yes.
156 **BARKLEY:** He was talking to you. So he said he was chasing the, Mr. CHASSE and he did
157 what then?
158 **STUCKER:** He had, um, gotten, gotten, uh, from behind him, tripped him forward, and, uh, to,
159 to, to do him, to get him onto the ground after chasing him, um, and then, uh, as they
160 were going forward onto the ground, landing on the, uh, he had rolled, the officer
161 rolled on his shoulder. Uh, not allowing himself to land on the, on the patient
162 himself.
163 **BARKLEY:** Now would this have been Officer HUMPHREYS?
164 **STUCKER:** I, I don't recall.
165 **BARKLEY:** So the officer specifically told you that he did not fall onto Mr. CHASSE/
166 **STUCKER:** Right. That he landed he primarily on his shoulder.
167 **BARKLEY:** Now, did you see any injury to the police officer?
168 **STUCKER:** No.
169 **BARKLEY:** Did he ask to be examined by you? Was there anything else said about the incident
170 as it unfolded that you recall.
171 **STUCKER:** That specific incident?
172 **BARKLEY:** Yes.
173 **STUCKER:** Nothing I can recall.
174 **BARKLEY:** Okay. Do you recall any specific conversations that you either were engaged in or
175 overheard involving anyone there at the location, including citizens.
176 **STUCKER:** Um, there was no, no conversations between me and any citizen. Um, I don't recall,
177 um, any, any conversations with the officer that TAMI was speaking with at the
178 time. Um, TAMI and the fire, uh, paramedic were primarily in conversation
179 together and I was, like I said, I was a supportive role. Uh, you know, at, ready to do
180 whatever they needed to me to do and get whatever they needed me to get. Um, but

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181 there was other conversations between the officer, like I said, in, in, uh, very casual
182 conversation. Um, that, about the, uh, I'm sorry, I lost my train of thought. Um...

183 **SCHLEUNING:** If you can't remember, he can ask you another question.

184 **STUCKER:** Okay.

185 **BARKLEY:** Okay. Did you, so did you overhear Ms. HERGERT from AMR and the Portland
186 Fire Bureau personnel speaking with one another as they were checking Mr.
187 CHASSE's vital signs? Did you overhear...

188 **STUCKER:** Could you, could you repeat the question? I'm sorry.

189 **BARKLEY:** When Ms. HERGERT was checking Mr. CHASSE, along with the Portland Fire
190 Bureau personnel, did you overhear them, the, them discussing the results of their
191 checking Mr. CHASSE's vital signs?

192 **STUCKER:** I had, uh, seen his blood, uh, his blood pressure was normal, uh, but his heart rate
193 was, was, uh, elevated, but within normal limits. Um, again, I counted his
194 respirations myself. Um, his, his blood sugar was normal. Other than that, I didn't
195 hear any other, anything else, uh, from them regarding his vital signs.

196 **BARKLEY:** Okay. Based on your observations and what you heard between people at the
197 location, did Mr. CHASSE's condition at the time cause you any concern?

198 **STUCKER:** No, not at the time. Uh, he, like I said, his breathing was, was, uh, was normal as
199 I've described before. It was like you and I breathing now. Um, he, uh, he made
200 reference to his backpack. Um, he was looking at people when, when he was, when
201 he was spoken to. And his condition appeared fairly normal.

202 **BARKLEY:** So, when you were visually counting Mr. CHASSE's respirations, were you doing
203 that based on breath from his mouth or the actual movement of his chest?

204 **STUCKER:** Uh, the movement of his chest.

205 **BARKLEY:** And you, to clarify that, you counted eighteen to twenty respirations? Okay. Did
206 you observe or hear anything regarding the police officers or Portland Fire Bureau
207 personnel that you considered to be inappropriate at the location?

208 **STUCKER:** Um, I'm sorry. Repeat the question.

209 **BARKLEY:** Did you observe and/or hear anything regarding the Portland Police officers or
210 Portland Fire Bureau personnel that you considered to be inappropriate.

211 **STUCKER:** I did not hear anything or see anything that, that was alarmingly inappropriate.

212 **BARKLEY:** Did you observe and/or hear anything regarding the police officers or Portland Fire
213 Bureau personnel that you considered not in Mr. CHASSE's best interest?

214 **STUCKER:** Not that I can recall.

215 **RODRIGUES:** This is Sergeant Rodrigues. Back to his chest again. You said you visually checked
216 his chest...

217 **STUCKER:** Uh-huh.

218 **RODRIGUES:** ...and it was eighteen to twenty breaths.

219 **STUCKER:** Right.

220 **RODRIGUES:** I mean, I'm not a doctor or nothing or a paramedic, but was the rise and whatever
221 you call it, rise and sink, was it, normal or did, was there anything that concerned
222 you as far as his chest inhaling and exhaling.

223 **STUCKER:** No, there was, uh, good tidal volume. Good equal expansion of his chest.

224 **RODRIGUES:** Okay, okay. Thank you.

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225 STUCKER: Yeah. Like, like I said, uh, breathing as if you and I were breathing now.
226 RODRIGUES: Okay.
227 BARKLEY: Did you and/or Ms. HERGERT form an opinion regarding Mr. CHASSE's medical
228 condition?
229 STUCKER: That, um, no. TAMI and I again, uh, didn't have much, much communication
230 between the two of us. She was primarily, uh, speaking with the fire medic about his
231 condition as I was talking with other officers on the scene.
232 BARKLEY: So, what you visually observed and what you overheard, did you, did you personally
233 form an opinion as to Mr. CHASSE's medical condition at that location?
234 STUCKER: He appeared to be fairly stable to me. It was, but it wasn't my decision at the time.
235 Uh, TAMI was the paramedic in charge.
236 BARKLEY: But, from your objective point of view, it would have been what, concerning his
237 medical condition?
238 STUCKER: Um, well, his breathing was normal. He was looking, uh, he appeared to be, uh,
239 conscious. He, uh, it was fairly stable at the time. I had no immediate concerns of a
240 life threatening condition.
241 BARKLEY: If you had had some concerns, would you have voiced those to your partner, Ms.
242 HERGERT and/or the Portland Fire Bureau personnel?
243 STUCKER: Yes.
244 BARKLEY: And you did not though.
245 STUCKER: I didn't have any concerns, no.
246 BARKLEY: Okay. Did you form an opinion regarding Mr. CHASSE's psychological state?
247 STUCKER: No.
248 BARKLEY: Did you form an opinion regarding Mr. CHASSE's state of intoxication?
249 STUCKER: No, not that I can recall, um, no.
250 BARKLEY: What was Mr. CHASSE's physical appearance, i.e. the condition of his personal
251 hygiene, his clothes, et cetera. Do you recall him being unkempt, soiled...
252 STUCKER: He was, um, that I recall a little bit unkempt. Um, he was wearing, I believe, if I
253 recall, jeans and a T-shirt. Um, other than that, I do, I don't recall, um, specifically
254 anything else.
255 BARKLEY: Did Mr. CHASSE's appearance and/or psychological condition affect the quality of
256 medical attention and examination he received by either AMR and/or the Portland
257 Fire Bureau?
258 STUCKER: No, can you repeat the question?
259 BARKLEY: Did Mr. CHASSE's appearance and/or psychological condition affect the quality of
260 medical attention and examination he received by either AMR and/or the Portland
261 Fire Bureau?
262 STUCKER: I don't believe so.
263 BARKLEY: When you were at that location, did you observe Mr. CHASSE bite and attempt to
264 bite officers present?
265 STUCKER: I did not observe that. I was told that he had possibly tried to bite one officer.
266 BARKLEY: That was, that would have occurred prior to your arrival?
267 STUCKER: That I'm aware of, yes. It did not occur while I, while I was there that I'm aware of.

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268 **BARKLEY:** And Mr. CHASSE's demeanor and behavior, you described him as being calm when
269 you get there. He gets agitated, moving around when they're attempting to take his
270 blood glucose.

271 **STUCKER:** Uh-huh.

272 **BARKLEY:** Anything else in a change of his behavior or demeanor that you can recall?

273 **STUCKER:** Um, he appeared to be, um, a little bit, um, agitated as he was, uh, lifted, uh, from
274 the ground and by the police, um, and swearing. But other, other than that, there
275 was no dramatic/significant changes.

276 **BARKLEY:** So, after Ms. HERGERT and the Portland Fire Bureau personnel finished their
277 examination, do you know what the determination was concerning Mr. CHASSE's
278 condition?

279 **STUCKER:** Yeah, _____ part of that conversation between TAMI and, and the fire medic
280 don't exactly know what they had come to a determination about.

281 **BARKLEY:** Okay. So then what happens when they get done with their examination of Mr.
282 CHASSE?

283 **STUCKER:** Um, at some point, there was a decision made, uh, that, uh, and I'm, again, I'm not
284 aware of the, uh, what, what exactly was said. Um, he was lifted up from the
285 ground, um, by, by police, um, and taken to, uh, I'm, I'm assuming, uh, one of the
286 police cars.

287 **BARKLEY:** Okay, so, so what did you observe? Did you actually observe the police officers
288 picking Mr. CHASSE up?

289 **STUCKER:** Yes.

290 **BARKLEY:** How did they pick him up?

291 **STUCKER:** Um, one, there was three officers that lifted him. Uh, two on each side of his, under,
292 underneath his arms. And one holding the strap that was, uh, that was, uh, holding
293 the feet and arms together.

294 **BARKLEY:** So when they pick him up, you didn't observe where they took Mr. CHASSE?

295 Okay. Regarding your information form, I have a quick question to ask you. This
296 form was signed by Officer HUMPHREYS as the guardian. Do you have any
297 understanding of why that was?

298 **STUCKER:** No.

299 **BARKLEY:** Okay.

300 **STUCKER:** I, I was, I had no part in the refusal process at the time.

301 **BARKLEY:** Okay. Given the circumstances, you get a call to that location, the police ask for Mr.
302 CHASSE's vital signs to be checked to see if they're life threatening. And that he's
303 in custody and is going to go to jail. This particular situation, Mr. CHASSE is
304 handcuffed, hobbled, obviously cannot go ahead and sign a form. You're not taking
305 Mr. CHASSE to the hospital. Would you have requested Officer HUMPHREYS to
306 sign this form?

307 **STUCKER:** Uh, I don't know that I, I, I don't know that I can state what I would, what I would
308 have done. Um, you know, I was, again, it wasn't my, my decision at the time, it
309 was TAMI's. TAMI was _____, um, TAMI made that decision. And I don't
310 know that I can speculate what, what she was thinking at the time.

311 **BARKLEY:** Okay.

312 **STUCKER:** And her thoughts.

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313 **BARKLEY:** Is it your routine, is it AMR's policy to have these forms signed under these
314 circumstances by a police officer.

315 **STUCKER:** It's not something that I do, um, and I don't believe that it had previously been in the
316 policies. Um, uh, anything, that I recall anything specific about not having police
317 officers sign, being that they're in custody.

318 **BARKLEY:** So you would, you routinely do not request police officers at a location as Mr.
319 CHASSE's to sign these information forms, is that what you're saying?

320 **STUCKER:** Right. And I, I don't know that I've ever been in a situation that I've had to do that.

321 **BARKLEY:** Do you typically ask the patient?

322 **STUCKER:** I do.

323 **BARKLEY:** And if the patient refuses or, in this case, Mr. CHASSE was unable to sign the form,
324 it is not your customary procedure to ask the police to sign the form.

325 **STUCKER:** No, I've never been in that situation. I've never had to do that when the patient was,
326 was not able to verbalize it and, and, uh, in custody.

327 **BARKLEY:** Okay. Regarding Ms. HERGERT and the Portland Police, Portland Fire Bureau
328 personnel checking Mr. CHASSE's vital signs, did you observe them performing
329 these checks?

330 **STUCKER:** Did, blood pressure?

331 **BARKLEY:** Yes.

332 **STUCKER:** Yeah, yeah, uh, the, yeah, I was standing there visualizing, yes.

333 **BARKLEY:** Okay. And what did you observe? Who checked Mr. CHASSE's blood pressure?

334 **STUCKER:** Uh, TAMI.

335 **BARKLEY:** And how did she do that?

336 **STUCKER:** Uh, with a blood pressure cup on her, on, on his arm with the monitor.

337 **BARKLEY:** What monitor? Is that called a cardiac monitor?

338 **STUCKER:** Yeah, the, uh, Light Pack Twelve.

339 **BARKLEY:** Okay. And so did you observe Ms. HERGERT check his carotid artery for a pulse?

340 **STUCKER:** I don't, I, I, I believe that she did. Um, but I don't remember specifically, uh, you
341 know, all parts of her exam.

342 **BARKLEY:** Do you, you recall the, who it was that established Mr. CHASSE's blood glucose
343 level?

344 **STUCKER:** No. Again, I overheard it, but I don't remember who called who, who verbalized it.

345 **BARKLEY:** Do you know who actually did the, the physical check?

346 **STUCKER:** I believe Fire, um, Fire had, had been in charge of that at the time and I had stepped
347 in to help hold his arm so they could get a sample.

348 **BARKLEY:** Okay. At any time while this was taking place, did you observe anyone whether it
349 was an AMR, paramedic for the Fire Bureau personnel, or Portland Police officer
350 apply any type of pressure or anything similar to Mr. CHASSE's chest?

351 **STUCKER:** Um, I don't, I don't recall. I don't recall either way. I don't recall one way or the
352 other whether they did or did not.

353 **BARKLEY:** Well, say if you had gone ahead and seen, seen someone jump on Mr. CHASSE's
354 chest, to go ahead and apply quite a bit of pressure to his chest, either by their knee
355 or their hand, would that not have stuck in your mind?

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356 **STUCKER:** If I had, if I had, I may not have visualized anybody palpating his chest. I don't
357 believe I ver, visualized anybody doing that. I may have turned my head.

358 **BARKLEY:** But, if you had observed something like that.

359 **STUCKER:** Somebody, uh, on an assessment?

360 **BARKLEY:** Jumping on his chest, pushing down on his chest, other than just doing a physical
361 examination. Would that not have gone ahead and caused you some concern to
362 register in your memory?

363 **STUCKER:** Um, it would have caused me to, to assess his chest.

364 **BARKLEY:** Okay. The issue of a stethoscope. Do you carry one?

365 **STUCKER:** I don't carry one on myself, no.

366 **BARKLEY:** Okay. Was there a stethoscope there?

367 **STUCKER:** Um, I don't recall.

368 **BARKLEY:** Do you recall whether a stethoscope was used to check Mr. CHASSE?

369 **STUCKER:** I don't, I don't recall.

370 **BARKLEY:** Okay. Do you know what the purpose of a stethoscope is?

371 **STUCKER:** Absolutely.

372 **BARKLEY:** What is that?

373 **STUCKER:** To listen to lung sounds, to heart tones.

374 **BARKLEY:** Okay. So do you recall anything else besides the police officer asking for Mr.
375 CHASSE's vital signs to be checked to see if they were life threatening and the
376 conversations that you've already told us? Is there anything else that you recall that
377 you have either observed or heard?

378 **STUCKER:** Um, I, I had heard one of the officers mention that they had attempted to, uh, tase
379 him, but that they didn't have an effect or the desire to, that they, uh, wanted, uh,
380 I'm assuming that means that, uh, I was assuming at the time that that meant the,
381 they had attempted to taser with the barbs, and, uh, it, it didn't work. It didn't have
382 the, uh, the, the barbs didn't stick and it didn't pass enough electrical current.

383 **BARKLEY:** Did you observe any personnel at the scene check, physically check Mr. CHASSE's
384 chest?

385 **STUCKER:** I, I, I believe I recall seeing TAMI observe his chest by lifting his shirt. Um, but I, I
386 don't specifically recall it beyond that.

387 **BARKLEY:** Okay.

388 **STUCKER:** Um, I believe I remember her palpating as she observed. Um, again, beyond that, I,
389 I don't know exactly what she says.

390 **BARKLEY:** Okay, referring to page two here of your pre-hospital care report that was prepared
391 by TAMARA HERGERT, at the very bottom, you'll see where it says treatment and
392 response and the vital signs that were noted was blood pressure 110/73. We've
393 established and we'll get a copy of that printout before we leave, that it was actually
394 119/73. Would you consider that to be in a normal range?

395 **STUCKER:** Uh, 100, 119, somewhere around there, is, uh, he was just, he was just in an
396 altercation a little bit police it sounded like. But if he had been, just been running,
397 so yeah, I would, uh, assume that that would be a normal rate.

398 **BARKLEY:** 119/73?

399 **STUCKER:** Oh, the blood pressure? Yeah, that's within normal limits.

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400 BARKLEY: Okay.

401 STUCKER: It's, uh, a little low, uh...

402 BARKLEY: No, we're talking about, forget the 100. We've established that 100 is incorrect.

403 What the actual reading was was 119/73.

404 STUCKER: 119?

405 BARKLEY: And your...

406 STUCKER: For blood, for blood pressure.

407 BARKLEY: Correct.

408 STUCKER: Okay.

409 BARKLEY: Is your experience that that is within a normal range?

410 STUCKER: That is a normal blood pressure.

411 BARKLEY: Okay. And it's...

412 STUCKER: A normal...

413 BARKLEY: ...noted here pulse was 100.

414 STUCKER: Uh-huh.

415 BARKLEY: Would you consider that to be with the normal range?

416 STUCKER: Uh, yes, uh, yes, like I said, after, after he had just been running, uh, and had been

417 having in, in some sort of altercation, I would consider that normal.

418 BARKLEY: Okay, and respirations, it's noted as eighteen. You said you counted between

419 eighteen to twenty. Would you consider that to be normal?

420 STUCKER: That's, that is, in my opinion, normal.

421 BARKLEY: Okay. And the blood glucose is noted as 119 milligrams. Would you consider that

422 to be normal?

423 STUCKER: That is normal.

424 BARKLEY: Okay. Now, I'm going to ask you, if you do not feel comfortable answering these, if

425 it's beyond your scope of expertise then let me know. But, based on your five years'

426 experience as a paramedic, Dr. GUNSON, State of Oregon Medical Examiner ter,

427 determined of the twenty-four total ribs that we all have, fourteen ribs were

428 fractured. Of the fourteen ribs that were fractured, it, it consisted of a total of

429 twenty-seven fractures, individual fractures. Dr. GUNSON determined that ten of

430 the fractures were due to CPR, which leads a total of seventeen fractures that

431 occurred not related to CPR. Five fractures occurred on the left lateral. Nine

432 fractures occurred on the left posterior. Three fractures occurred on the right

433 posterior. Given Mr. CHASSE severed seventeen fractures not related to CPR, and

434 Dr. GUNSON determined the left lung to be flailed, unstable, can you explain with

435 those injuries, how what appear to be normal vital signs could be obtained,

436 obtained?

437 STUCKER: I don't know that I can speculate, uh, the cause of that. I mean, based on the

438 information that we were given, that he had, the officer had not landed on him, um,

439 you know, with that information given to me, I, I don't, I can't speculate how that,

440 how those occurred.

441 BARKLEY: Okay. Is there anything else that you would care to add or clarify based on the

442 questions I have asked and the answers you've given?

443 STUCKER: No, not to my knowledge.

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444 **BARKLEY:** Sergeant Rodrigues, do you have any questions?
445 **RODRIGUES:** Yeah, I have a couple.
446 **STUCKER:** Uh-huh.
447 **RODRIGUES:** When Mr. CHASSE was picked up and he, you've already stated that you didn't see
448 him being placed in the patrol car, how was he picked up? How would you describe
449 the manner in which he was picked up? You said there were, there was one officer
450 at the area of his legs, and an officer on either side of his arms.
451 **STUCKER:** Uh-huh, uh-huh.
452 **RODRIGUES:** How was he...
453 **STUCKER:** Um, basically he was picked up by the two officers on each side of his arms. And,
454 uh, his feet had, um, been dragged about three feet before the other officer grabbed
455 his, uh, leg, or the, uh, strap between his hands and leg.
456 **RODRIGUES:** So, what do you mean dragged. They picked up the arm parts...
457 **STUCKER:** Arm parts, yeah.
458 **RODRIGUES:** And then his leg actually physically...
459 **STUCKER:** Uh, they may not have drug, but, but it was a couple steps before the other officer,
460 the other picked his feet up.
461 **RODRIGUES:** How would you describe the manner in which he was actually physically lifted,
462 lifted up? I mean was it...
463 **STUCKER:** It was, it was, uh, it was slightly forceful, but not overly aggressive.
464 **RODRIGUES:** Can you paint a more clear picture for me. I mean give me, slightly forceful. What,
465 what do you mean by that?
466 **STUCKER:** Um, quick. Um, it was not, uh, it was not exactly gentle, but it wasn't overly
467 aggressive as well. That's the best I can give you.
468 **RODRIGUES:** And did Mr. CHASSE yell out, scream, say anything?
469 **STUCKER:** Yes. What, he was yelling, um, and, and swearing.
470 **RODRIGUES:** Af, after he got picked up?
471 **STUCKER:** Yeah.
472 **RODRIGUES:** Do you know what he was saying?
473 **STUCKER:** Uh, no, I don't. He, he, he had, he had made some, some swear, swearing
474 comments, but I don't remember specifically the words.
475 **RODRIGUES:** Were there any response by any of the officers? Did they say anything to him as
476 they lifted him up or was taking him away?
477 **STUCKER:** I don't recall anything specific about what they said. Um...
478 **RODRIGUES:** What, what did the officers' demeanor like? Did they, did they appear happy, sad, I
479 mean or did you notice?
480 **STUCKER:** Um, I don't, I don't recall noticing.
481 **RODRIGUES:** You mentioned that one of the officers told you that they took him down, but they,
482 but he didn't land on top of Mr. CHASSE?
483 **STUCKER:** Correct.
484 **RODRIGUES:** Is that correct?
485 **STUCKER:** That's what I was told, yeah.
486 **RODRIGUES:** Was that a sergeant? Did he...
487 **STUCKER:** I, I don't recall. Uh, the one that, that...

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488 **RODRIGUES:** Told you.
489 **STUCKER:** ...told me?
490 **RODRIGUES:** Yeah.
491 **STUCKER:** It was, to my knowledge, it was not the sergeant.
492 **RODRIGUES:** About how tall was this officer, do you remember?
493 **STUCKER:** I don't recall.
494 **RODRIGUES:** Okay.
495 **STUCKER:** Yeah, I don't...
496 **RODRIGUES:** Was, was he in a Portland Police Bureau uniform?
497 **STUCKER:** That I don't recall either.
498 **RODRIGUES:** Okay. Now, what was Ms. HERGERT at that time when you was being given that
499 information?
500 **STUCKER:** She was talking with one of the other officers and doing her assessments.
501 **RODRIGUES:** Okay. Now when you was given this information, did you communicate this to Ms.
502 HERGERT?
503 **STUCKER:** No, not, not, because I, like I said, I, I didn't feel, at the time, that it was of
504 significance with the, the mechanism of the officer not landing on him.
505 **RODRIGUES:** Okay. Okay, and back to the, the blood pressure, 119/73. You said that it was
506 normal for, for someone who had just been, well let me ask you this. 119/73, is that
507 normal for a person who has not been involved in any physical activity or is that
508 normal for a resting blood pressure? Could you mention something about if that
509 would be normal or within range for someone who had been involved in running or
510 some kind of action with police.
511 **STUCKER:** Well, the, the pulse rate, again, was, was a little _____, but, that, that's, you
512 know, I would expect after running. Uh, the blood pressure in, in anybody, to my
513 knowledge, will remain fairly constant based on, on, uh, pulse rate. Uh, what your
514 veins are doing at the time, uh, so, you, I mean, that, that seems like it would be a
515 normal blood pressure at the time.
516 **RODRIGUES:** So, why would...
517 **STUCKER:** To my knowledge.
518 **RODRIGUES:** ...what, what does the, so was it the blood pressure, the pulse rate actually, so if I'm
519 running, my pulse rate would be elevated. Is that correct?
520 **STUCKER:** Yes.
521 **RODRIGUES:** And what was the pulse, the pulse rate reading?
522 **STUCKER:** 100.
523 **RODRIGUES:** Okay, and would that be a normal pulse rate, I'm just generalizing, would that be a
524 normal pulse rate for somebody in a resting mode or someone that had just engaged
525 in some kind of physical activity?
526 **STUCKER:** Just engaged.
527 **RODRIGUES:** Okay. It would, and it's obviously specific to individuals.
528 **STUCKER:** Right.
529 **RODRIGUES:** But that would, would that be, and you, that's _____ wanted to be elevated for
530 or unusual for someone who had just been involved in some type of physical
531 activity.

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532 STUCKER: Right.
533 RODRIGUES: Okay. That's all I have.
534 BARKLEY: Is there anything you care to, to clarify or add?
535 SCHLEUNING: Let me chat with him in the hall and see if there _____
536 BARKLEY: Okay. The interview is concluded unless Mr. STUCKER would care to add
537 something else in addition. It is now 1236 hours.
538 BARKLEY: It is 1238 hours and Mr. STUCKER had recalled another issue that he would like to
539 address. Go ahead.
540 STUCKER: Prior to the, uh, to taking _____ the, the one thing I did recall was that the,
541 uh, one of the officers had mentioned that they had saw, uh, and this, uh, for the
542 most part quoted, uh, that there, that he had a rock in his hand, which we had
543 assumed, uh, was possibly cocaine. Um, other than that, uh, there was, there was no
544 other, um, comments regarding that.
545 BARKLEY: Okay. Well, regarding that issue of, of cocaine. Having heard that, based on the
546 vitals that were obtained, would those vitals be consistent with someone who, in
547 fact, was or was not under the influence of, in this case, cocaine?
548 STUCKER: Um, well it de, it would depend on if it was actually in use or not.
549 BARKLEY: If it, let's say it was, if it was in use, would you get the readings of the vitals that
550 were obtained that day?
551 STUCKER: Possibly, yes. Uh, I don't see any reason why you couldn't have vitals that, uh, I
552 can't speculate. Um, this, and you know, I can't, I can't speculate specifically what,
553 what _____ Every, every patient is different. I mean every incident is
554 different.
555 BARKLEY: Okay.
556 RODRIGUES: Read quick. Sergeant Rodrigues. Just for clarification, rocks in his hand were
557 referring to the officer's hand?
558 STUCKER: No, the patient's. The, the, the officers had, uh, had stated they had found a rock in
559 his hand. Um...
560 BARKLEY: And the rock is in reference to what?
561 STUCKER: That we were, we had assumed that it was in reference to possibly cocaine.
562 BARKLEY: Okay.
563 STUCKER: Which is, uh, to my understanding, the reason, um, what, the reason behind the
564 altercation.
565 RODRIGUES: This is Sergeant Rodrigues again. Anything further than that? Anything more that
566 was said?
567 STUCKER: No.
568 RODRIGUES: Okay. Thank you.
569 BARKLEY: Is there anything else?
570 RODRIGUES: No.
571 BARKLEY: Okay. The interview is concluded at 1248 hours.
572
573 2006-B-0016TRS-STUCKER
574 Transcribed 061007/0846 C. Yeager

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PORTLAND POLICE BUREAU
INTERNAL AFFAIRS DIVISION
Confidential Taped Statement
Sergeant Michael Barkley #8570

Interview Date: June 21, 2007
IAD #: 2006-B-0016
Complainant: Portland Police Bureau

Interviewed: Dr. Karen Gunson (Medical Examiner)

BARKLEY: This is Sergeant Michael Barkley, #8570 with the Internal Affairs Division. Sergeant Derek Rodrigues, #37149 with the Internal Affairs Division is present. The date and time are Thursday, June 21st, 2007 at 0907 hours. We're talking with Dr. KAREN L. GUNSON, State of Oregon Medical Examiner, Forensic Pathologist, who performed the autopsy of Mr. JAMES CHASSE on Monday, September 18th, 2006, the date following the death of Mr. CHASSE. Dr. GUNSON is a witness regarding IAD case number 2006-B-0016. To start off with, on Tuesday, May 22nd, 2007 at 1135 hours, you were initially interviewed by me and Sergeant Derek Rodrigues regarding the autopsy you performed on Mr. JAMES CHASSE on Monday, September 18th, 2006. On Wednesday, June 6th, 2007, Ms. TAMARA HERGERT, H-E-R-G-E-R-T and Mr. KEVIN STUCKER, S-T-U-C-K-E-R, two AMR paramedics that examined Mr. JAMES CHASSE on Sunday, September 17th, 2006 at the 1300 Block of NW Everett Street were interviewed. AMR paramedics were assisted by the Portland Fire Bureau personnel. As a result of our interview with the two paramedics, the following are additional questions that we have of you. You previously identified and explained the following injuries sustained by Mr. CHASSE on Sunday, September 17th, 2006 as being 14 total number of ribs fractured, 27 number of fractures, 10 of which of those fractures were caused by CPR and 17 total number of fractures caused by blunt force chest trauma. Are those numbers and causes accurate?

GUNSON: Yes, sir.

BARKLEY: You previously stated that the fractured ribs were fresh and not old fractures. How were you able to determine that the fractures of the ribs were fresh opposed to old fractures?

GUNSON: Well, rib fractures, when they're fresh, the ends of the bones are jagged and easily movable, uh, back and forth. And there is fresh hemorrhage. That is there is fresh bleeding around the, uh, fracture site. As a fracture heals, the end of the bones knit together. They, um, become sealed together by an in-growth of different types of cells. And the fresh hemorrhage turns a golden yellow color as the blood breaks down. Um, over time, even if the bones are not set, so that the ends are flush with one another, um, the bones will heal and sort of a knot of bone forms. Of course, that takes probably, um, in displaced fractures, it would probably take, uh, a couple of months to have, to have that actual, um, solid bone form, maybe up to three months. And then, of course, you see it as a bulge instead of a nice thin bone, you'll see a bulge of, of, uh, what we call callous. So, um, it's evasive medical and forensic pathology principle the way we look at and determine the difference between a fresh fracture and a healing fracture.

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50 **BARKLEY:** Okay. You previously stated that the 17 fractures could not have been caused by
51 individual blows, but rather would have been caused by a broad based application of
52 force. Can you explain the difference between the types of force as they relate to Mr.
53 CHASSE's specific injuries?

54 **GUNSON:** Between, uh, individual versus broad based?

55 **BARKLEY:** Correct.

56 **GUNSON:** Okay. Um, individual blunt force blows could cause individual rib fractures.
57 However, the rib fractures that are, we're concerned about are actually located along
58 the spinal column, along the backbone. And in adults, well in children, for that
59 matter, that area is highly protected by muscle and by actually the spinal cord or spinal
60 column itself. So, um, it is true that you could see fractures there, but it would be
61 from something like a high velocity car crash or possibly a long distance fall of a
62 hundred foot, I mean, you know, really a big fall. And in those, in those cases, you
63 probably would see, you could see rib fractures along the backbone. However, so, so,
64 in my opinion, blows could not have caused, individual blows cannot cause those rib
65 fractures along the backbone. Um, however, we know from studies mostly with
66 children, that a, an, what we call anterior posterior, front to back compression, can
67 cause rib fractures by causing the rib to move, uh, over its, uh, articulation with the
68 backbone. And, and, and that sort of acts as a fulcrum and then it fractures at the
69 fulcrum where it's, where it's bending against the backbone. And, indeed, in this case,
70 we have lateral rib fractures on the left and we have the rib fractures along the
71 backbone. And I could actually demonstrate at the time of autopsy if I rolled Mr.
72 CHASSE onto his, up on his right side, but more, not completely on his right side, but
73 more as if he was say at a 45 degree angle up, on his right side. That you could
74 actually, by pressing on the chest in that position, you could actually see that the ribs
75 were fractured in exactly the manner that they did. That is along the lateral side and
76 along the backbone. And that indicates that there had to be a broad based fracture,
77 'cause otherwise, you would not get the rib fractures along the backbone. You may
78 get rib fractures along the lateral aspect of the chest from individual blows, but it
79 would require more than one application of force. It would require multiple
80 applications of force. Say, multiple knee drops, multiple kicks, vigorous kicks, that
81 kind of thing would not come from a punch. It would have to be something where
82 there is a bigger force or velocity like a leg or a block with the knee. However, in
83 order to explain all the rib fractures that we see that I attribute to blunt force trauma,
84 the easiest way to explain that is a single broad based application of force, such as a
85 pressure, uh, that's applied while he's at a 45 degree angle up on his right side.

86 **BARKLEY:** Now, to follow-up on that, if there was individual blows, either from say a kick, a hit,
87 would there not be some evidence of that from tissue damage?

88 **GUNSON:** Excellent point and yes. There would be. You would expect to see that there would be
89 contusion or bruising, and, you know, sometimes even laceration from those
90 individual blows. We don't have that. And...

91 **BARKLEY:** That was not, that was not existent with Mr. CHASSE.

92 **GUNSON:** Exactly. It was not present. And, and the reason it's not present is because if you
93 apply a force over a greater distance, over, uh, over a broader surface, then there is not
94 a point application of force, which is what is required in order to have a contusion or a

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95 laceration. But, say, for instance, you fall onto this floor and you hit your head. Many
96 times, there is absolutely no contusion in your head or, because of the apple, the forces
97 is spread over a bigger area. So if it's spread over a bigger area, we're not going to
98 have a point where we have a contusion or laceration. And that's why I think we
99 don't see this.

100 **BARKLEY:** How were you able to determine that Mr. CHASSE suffered the blunt force chest
101 trauma at the location of 1300 Block of NW Everett Street?

102 **GUNSON:** That's based on not so much the autopsy, as everything, the scene investigation, um,
103 the subsequent activities that occurred, and it is based on my knowledge of that. Now,
104 I may have incomplete knowledge, but I do have knowledge of the struggle that
105 occurred at 13th and Everett, the subsequent transport to, um, the jail, the subsequent
106 activities in the sally port, and this is a point where I may not have all the information
107 and it may never be forthcoming. And, subsequently, his removal from the car into
108 the, uh, holding cell, and after that, the assessment of the nurse, and then the transport
109 to the hospital and what happened on that transport. So I am basing my, um,
110 interpretation is, is based on all of these, uh, scene invest, these scene details, if you
111 will. So, and I received those from, um, the investigating detectives, Detective Lynn
112 Courtney, uh, to be more specific. Also, from you, uh, and Detective Rodrigues. And
113 also to a much lesser degree, a much lesser degree, um, to conversations, a single
114 conversation that I had a few days ago with City Attorney and, and County Council.

115 **BARKLEY:** So, so your determination as to location, in your medical opinion where this occurred,
116 is based primarily and solely on information that you're provided by the police and
117 independent witnesses, is that correct?

118 **GUNSON:** Yes.

119 **BARKLEY:** Prior to the autopsy, were you advised as to any other location or locations where Mr.
120 CHASSE was involved on a physical struggle and resistance with others, including
121 Portland Police officers?

122 **GUNSON:** No. Prior to the autopsy, um, the explanation or the, the story that was given to me
123 was about the, uh, confrontation at 13th and Everett. I was not told that there was any
124 confrontation or, um, assault prior to that and I was not told that there was any assault
125 or confrontation or a struggle or, uh, an application of force after that.

126 **BARKLEY:** Aside from the confrontation and the 1300 Block of NW Everett Street, prior to the
127 autopsy, were you provided any information from any source that there had been a
128 physical confrontation or struggle at Multnomah County Detention Center and
129 specifically the sally port, and including the, uh, interior of the holding room?

130 **GUNSON:** Not to my, not to my recollection. No.

131 **BARKLEY:** Okay. I'm going to go through some readings that were obtained from AMR
132 paramedics and the Portland Fire Bureau personnel. What I'd like to know is what is
133 your professional medical opinion as to whether Mr. CHASSE suffered blunt force
134 trauma in the 1300 Block of NW Everett Street, where he had a physical confrontation
135 with Portland Police officers based upon the following information. Your autopsy
136 determined that Mr. CHASSE sustained 17 total fractures caused by quote blunt force
137 chest trauma. Mr. CHASSE's vital signs were checked by two paramedics with AMR
138 and the Portland Fire Bureau personnel. Mr. CHASSE's vital signs were, were
139 determined to be quote within normal limits. AMR's cardiac monitor reported and

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140 recorded at 1725 hours a blood pressure of 119 over 73, a pulse rate of 100. Ms.
141 HERGERT, AMR paramedic, checked Mr. CHASSE's pulse via his carotid artery.
142 Ms. HERGERT visually counted his chest respirations to be 18. Ms. HERGERT had
143 a stethoscope present, but did not use it because Mr. CHASSE did not exhibit any
144 signs to indicate he was having problems breathing. Mr. STUCKER, AMR
145 paramedic, counted his chest respirations to be 18 to 20. The Portland Fire Bureau
146 reported Mr. CHASSE's vital signs to be the following. SPO2 saturation percent, 98
147 percent. Pulse rate 100. Pulse rhythm regular. Pulse quality strong. Respiration rate
148 18. Respiration rhythm regular. Blood pressure 110 over 73. Blood glucose 119.
149 Based on these recorded vital signs, what is your, your medical, professional opinion
150 as to whether Mr. CHASSE suffered this blunt force trauma at the location of 1300
151 Block of NW Everett in light of these vital signs?

152 **GUNSON:** It's my opinion that in medical probability, Mr. CHASSE sustained his rib fractures,
153 his blunt force trauma, at that location of 13th and Everett.

154 **BARKLEY:** Even with, could you expand on that, with what appears to be somewhat normal type
155 vital signs?

156 **GUNSON:** Yes. Um, first of all, this is a single reading of an individual. Um, and I don't have
157 any idea what his resting heart rate is. We do know that there had been a struggle with
158 police officers at 13th and Everett. And we know that, um, he may have run up to a
159 block along the way. And we know that the, um, struggle ended when he was finally
160 handcuffed and hobbled, it's my understanding. Um, that he appeared to pass out
161 quote/unquote, but then came to and that police immediately asked for medical
162 backup. And that that whole medical backup maybe took about six minutes to get
163 there. So that, from the time of the struggle to the time when the medical backup
164 arrived was maybe eight to ten minutes at, at the most, eight to ten minutes, right in
165 that timeframe. Now, of course, it would take them a little while to get their, to get
166 their stuff out, but that would only be a few minutes at most. So, maybe, we're
167 looking at, by the time they check his heartbeat and respiration, up to twelve minutes
168 or so. Um, now, his heart rate and pulse and so forth, or his, and respiration rate
169 might have gone down slightly during that time, but in a normal person, under these
170 circumstances, and I don't even mean the rib fractures, I mean just the struggle, and,
171 in fact, probably a confrontation with police, which can be highly stressful in and of
172 itself, that I would expect his heart rate to be higher and I would have expected his
173 blood pressure to be higher and his respiration rate to be higher. But I go back to the
174 point that I don't know what his actual resting heart rate is, his resting respiratory rate,
175 and it could be that instead of being a normal 72, it's much less than that. His, his
176 heart rate being normally 72, it may not normally be 72. It may be much less. It may
177 be 50. And, therefore, the readings we're getting here in a single reading in a single
178 context, while they may be accurate, may not accurately reflect how stressed he is or
179 how, um, they, they may be in, within normal limits for a normal person, but he may
180 not be, these may not be normal for him. So, I can't, in this particular case, these vital
181 signs actually do not enter into my calculation as much as the numerous witness
182 statements and, uh, actions that occur that I have information about from police, uh,
183 and from, you know, some, uh, citizen/witnesses and things like that. So, given that, I
184 know that a struggle occurred at this particular point with three police officers and Mr.

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185 CHASSE, and I know pretty well about what happened during the struggle from
186 witnesses and from the police, police officers occurred, who were, who were there at
187 the time, um, it is my opinion that it most probable that he sustained the injuries in
188 this confrontation with police at this particular point on Everett Street. That being
189 said, I do not have a full understanding of all of the activities that occurred in the sally
190 port when they arrived in the police car at the Multnomah County facility. Um, the
191 information that has been provided to me by you about some of the struggle that did
192 occur there, and the fact that he verbalized moaning and groaning on two separate
193 occasions when he was picked up while he was handcuffed and hobbled, indicates to
194 me that he was pro, he was suffering most likely pain at those points. Now, given the
195 fact that he has rib fractures, in my opinion, that's already sustained, um, it is also
196 likely that when they're moving him about in this fashion at, when the Multnomah
197 County deputies are moving him about in this fashion, that it would exacerbate or
198 make worse these rib fractures. That is, perhaps they were not displaced at the time of
199 the actual, uh, blunt force trauma. But now, with his movement around, uh, by picking
200 him up by the shoulders and legs and so forth and, and putting stress and strain on his
201 ribcage, that maybe, at this point, they became either displaced or were, um, at least
202 made worse by this movement. And that's why we see him verbalizing pain, uh, by
203 moaning and groaning. And, subsequently, the nurse looks in and see that he is not
204 doing well. And requests him being transported to the hospital.

205 **BARKLEY:** Okay. To expound upon that, at the location of 1300 Block of NW Everett, Mr.
206 CHASSE, at that location, isn't verbalizing the moaning, the groaning, so since that's
207 lacking there, and then Mr. CHASSE is picked up, hobbled, handcuffed at that
208 location, carried to the police car, transported while hobbled to the Multnomah County
209 Detention Center, and then once again, he's picked up by the arms, the legs, while
210 handcuffed and hobbled, both going into the jail facility and then likewise coming
211 from the jail facility to the police car, your, your explanation is is that the injuries, it's
212 most probable that the injuries would have occurred at 1300 Block NW Everett, but
213 that with this type of activity and the manner in which Mr. CHASSE was carried on
214 three different separate incidences, could have increased the pain and actually caused
215 the injuries to be more severe?

216 **GUNSON:** Yes. Yes. And, you know, we know that there was, uh, then a fairly rapid downhill
217 course for Mr. CHASSE after that point, uh, of being in the, in that holding room and
218 then transported. So, yes, that's exactly what I'm saying.

219 **BARKLEY:** And I believe that there were three ribs on the left side that had actually punctured the
220 lung.

221 **GUNSON:** Uh-huh.

222 **BARKLEY:** Would, what's the probability that those sustained injuries would have occurred from
223 carrying Mr. CHASSE while hobbled and handcuffed?

224 **GUNSON:** Well, I think the rib fractures were probably already there. But, perhaps, the, uh,
225 displacement of those rib fractures and the perforation of the lung may have occurred
226 with the three subsequent carrying positions or, or, you know, carrying episodes, if
227 you will. Um, now, I do know that, at one point, there was noted to be some blood
228 around his mouth. And that could easily have arisen from having his lung punctured

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229 by one of those ribs. But it was my understanding this blood did not appear until he
230 was at the Multnomah County facility. They didn't see it on the street.
231 **RODRIGUES:** No, that's actually, this is Sergeant Rodrigues, it was seen on the street.
232 **GUNSON:** It was seen on the street?
233 **RODRIGUES:** Yes.
234 **GUNSON:** Um, it could arise from the lung puncture. My explanation, and our discussion about
235 this and this occurred between myself and Mr. Rice, the City Attorney, um, I said it
236 could arise from that lung. But, likewise, we know he's been through a struggle and
237 any number of injuries can occur to your nose and mouth during this struggle. So, I
238 told him at the time, I don't know exactly where it came from. But it could have come
239 from the lung as well.
240 **BARKLEY:** Okay. I have three other questions and Sergeant Rodrigues may have some follow-up
241 questions. In your forensic, medical opinion, what is the probability percentage that
242 Mr. CHASSE could have sustained the described blunt force chest trauma in the 1300
243 Block of NW Everett Street given the noted, by the readings obtained at the location?
244 **GUNSON:** Um, as I said I think it's medically probable and that means that I, it's greater than 51
245 percent that it, you know, it's into the more probably than not category.
246 **BARKLEY:** And that would be your best estimation based on your forensic, medical opinion?
247 **GUNSON:** I, I think, I think, in my opinion, frankly, if we're not talking in legalese, I think it's
248 almost a certainty that he sustained those injuries at the 1300 Block of Everett.
249 **BARKLEY:** Okay. And likewise, what it would be the probability or percentage, in your forensic,
250 medical opinion, that these sustained injuries could have occurred either before the
251 police contacted him at the 1300 Block of NW Everett or following when AMR
252 paramedics left that location?
253 **GUNSON:** Um, I would say that my, given the information I have now, the current information
254 that I have, that it is highly unlikely, if not impossible, for those to have occurred other
255 places.
256 **BARKLEY:** And, if there was evidence that, that came forward that there was another physical
257 confrontation with Mr. CHASSE at a different location, either prior or following the
258 1300 Block of NW Everett, and that struggle would indicate some sort of possible
259 blunt force chest trauma, that would then be new information for you.
260 **GUNSON:** Yes, it would be new information for me and I would reassess given the information.
261 **BARKLEY:** Okay, Sergeant Rodrigues, do you have anything?
262 **RODRIGUES:** Yeah, doctor, you mentioned earlier that when you actually had him on his right side,
263 at a 45 degree angle, you could see the breakage in, in the ribs, is that correct?
264 **GUNSON:** Yes.
265 **RODRIGUES:** Now, the 45 degree angle leaning towards his chest or towards his back area?
266 **GUNSON:** Um, well, if you can picture, um, that lying flat on your back would be, would be zero
267 percentage...
268 **RODRIGUES:** Right.
269 **GUNSON:** ...okay. And that laying fully upright on your right side would be, um, you know, 90,
270 90 degrees like this.
271 **RODRIGUES:** Uh-huh.

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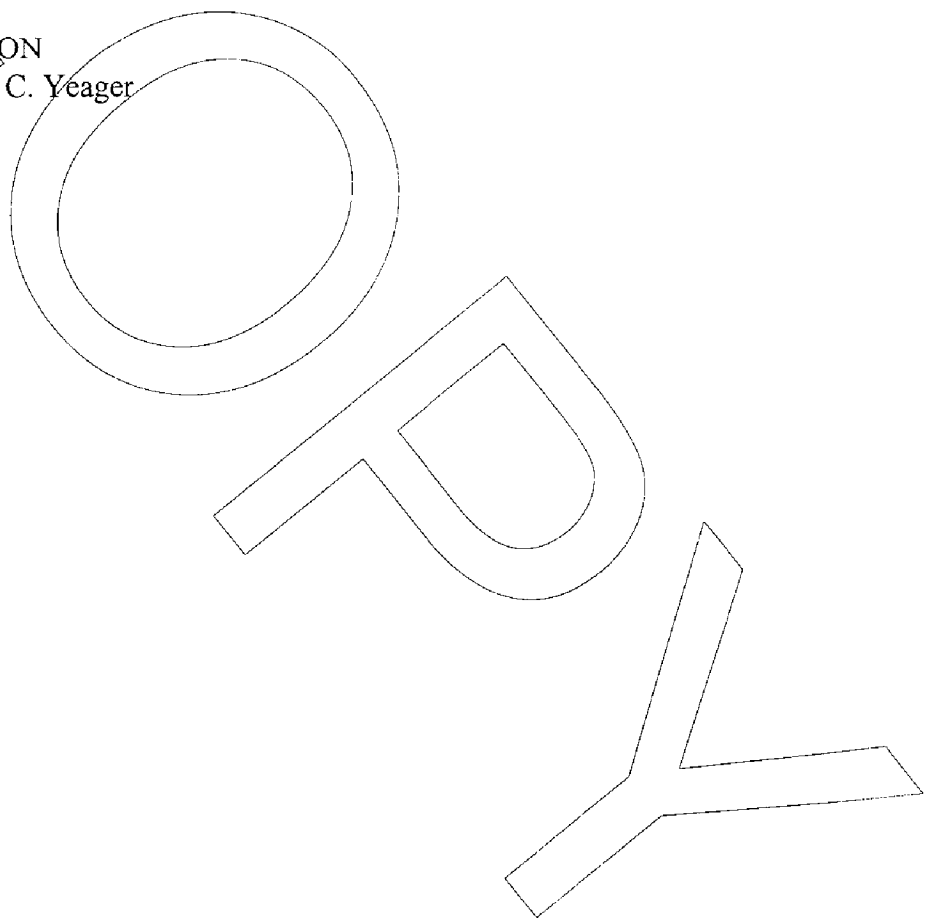
272 GUNSON: Then it's, it's halfway between the two. Now give or take, obviously, I, you know, I
273 can't give you an exact percentage or exact low, degree of tilt, but, but if I were, um,
274 if, if it's me laying flat like this, and I were to partially roll up onto my right side so
275 that my...
276 RODRIGUES: Okay.
277 GUNSON: ...this, this part, so that my left side was presented upward...
278 RODRIGUES: Right.
279 GUNSON: ...not fully straight up, but about halfway in between, that's what I mean by 45
280 degrees.
281 RODRIGUES: Okay. I guess I'm asking 'cause were you able to determine, and maybe you just said
282 it earlier, but were you able to determine the origination, in other words, would it be
283 likely that the origination of the blunt force trauma was as he fell forward or as he fell
284 backward?
285 GUNSON: No, I can't tell that. No, I'm sorry, I can't tell that. I, all I can say is this is the, what
286 was presented in my opinion...
287 RODRIGUES: Right.
288 GUNSON: ...at the time when the force was applied. But how he arrived at this particular
289 location, you know, from how he got there, I, I can't tell.
290 RODRIGUES: Okay. So, the, it is, you, you mentioned earlier it's a, it's a pressing...
291 GUNSON: Yes.
292 RODRIGUES: ...simultaneous pressing...
293 GUNSON: Compression.
294 RODRIGUES: ...and, at this point, we don't know the origination of the pressing, but it was more
295 towards the chest, more towards the back area.
296 GUNSON: Well, it would have to be, it would have to be on the lateral aspect of the chest. Um,
297 how can I, maybe I'm not understanding the question correctly, but the...
298 RODRIGUES: Well...
299 GUNSON: ...the person would be lying on the ground.
300 RODRIGUES: Correct.
301 GUNSON: His left side of his body would be presented upward at an, yes.
302 RODRIGUES: Okay.
303 GUNSON: Force would be applied this way. Okay, so from, from the side, trapping the body
304 between this force and the ground, okay?
305 RODRIGUES: Okay.
306 GUNSON: I mean not, it wouldn't be like somebody fell here. It would be more like the force
307 was applied here.
308 RODRIGUES: Okay.
309 GUNSON: Okay.
310 RODRIGUES: Okay.
311 GUNSON: Okay.
312 RODRIGUES: So it wouldn't be as if he fell forward from, or the impact started on the back or
313 impact started on the stomach. It had to be the impact originating on the lateral side of
314 his ribs.
315 GUNSON: Yes, yes.

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316 **RODRIGUES:** I'm clear. Thank you.
317 **GUNSON:** Okay, yeah.
318 **BARKLEY:** And that would be on the left side, correct?
319 **GUNSON:** Left side. Correct.
320 **BARKLEY:** Okay.
321 **GUNSON:** Yeah.
322 **RODRIGUES:** That's all I have. Thank you.
323 **BARKLEY:** Is there anything else that you wish to add to clarify?
324 **GUNSON:** No, I think, I think I've done enough talking. Thank you.
325 **BARKLEY:** Okay. The interview is concluded at 0936 hours.
326
327 2006-B-0016 TRS2-GUNSON
328 Transcribed 062507/4409 C. Yeager



PORTLAND POLICE BUREAU
INTERNAL AFFAIRS DIVISION
Confidential Telephonic Taped Statement
Sergeant Michael Barkley #8570

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7
8 **Interview Date:** July 24, 2007
9 **IAD #:** 2006-B-0016
10 **Complainant:** Portland Police Bureau

11
12 **Interviewed:** Susan Dunaway

13
14 **BARCKLEY:** This is Sergeant Michael Barkley with the Internal Affairs Division. The date and
15 time are Tuesday, July 24th, 2007 at 0827 hours. I am calling Ms. SUSAN
16 DUNAWAY, D-U-N-A-W-A-Y, Multnomah County Counsel at 503-988-3138
17 regarding the possible interview of Multnomah County Sheriff's Office Deputy
18 THOMAS HOLLENBECK as a witness regarding IAD case number 2006-B-0016
19 regarding the in-custody death of JAMES CHASSE, C-H-A-S-S-E. Previously, I had
20 spoken with two people, one being Multnomah County Detention Center Captain
21 LINDA YANKEE at 503-988-3051. She referred me to Ms. DUNAWAY. Also
22 previously, I had spoken to Multnomah County Sheriff's Office Internal Affairs
23 Division Sergeant DAN STATON, S-T-A-T-O-N, at 503-988-4557, who indicated
24 that the Multnomah County Sheriff's Office, Internal Affairs Division, has an open
25 case pending involving the in-custody death of Mr. CHASSE, but that Multnomah
26 County Counsel, Ms. SUSAN DUNAWAY, has possession of the investigation and
27 has referred me to speak with her directly.

28 **?:** County Attorneys.

29 **BARCKLEY:** Yes, my name is Sergeant Michael Barkley. I'm with the Portland Police Bureau,
30 Internal Affairs Division.

31 **?:** Yes, Sergeant. How can I help you?

32 **BARCKLEY:** I have been referred to Ms. SUSAN DUNAWAY...

33 **?:** Okay.

34 **BARCKLEY:** ...regarding an open IAD case with Multnomah County.

35 **?:** Hold on. Let me see if she's at her desk. Just a minute.

36 **BARCKLEY:** Thank you.

37 **?:** You bet. Hold on just a moment, Sergeant.

38 **BARCKLEY:** Thank you.

39 **?:** She was just walking through the door. Hold on, I'll put you through.

40 **BARCKLEY:** Okay. Thank you, very much.

41 **?:** You bet. You bet.

42 **DUNAWAY:** Hello.

43 **BARCKLEY:** Hello. Is this Ms. SUSAN DUNAWAY?

44 **DUNAWAY:** Yes, it is.

45 **BARCKLEY:** Yes, this is Michael Barkley. I'm a sergeant with the Portland Police Bureau, Internal
46 Affairs Division.

47 **DUNAWAY:** Uh-huh.

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48 **BARKLEY:** And I have been referred to speak with you by both the Multnomah County Detention
49 Center Captain LINDA YANKEE and Multnomah County Sheriff's Office, Internal
50 Affairs Division Sergeant DAN STATON.

51 **DUNAWAY:** Okay.

52 **BARKLEY:** And, are you aware of, of the inquiry I...

53 **DUNAWAY:** Vaguely, yeah.

54 **BARKLEY:** ...had been...

55 **DUNAWAY:** Yeah. I can't remember. You want to talk to somebody?

56 **BARKLEY:** Yeah. What we'd like to do is interview Multnomah County Sheriff's Deputy
57 THOMAS HOLLENBECK.

58 **DUNAWAY:** Okay.

59 **BARKLEY:** He was one of four Multnomah County Sheriff's Deputies that was present when Mr.
60 CHASSE was brought to the Multnomah County Detention Center.

61 **DUNAWAY:** Okay.

62 **BARKLEY:** And we'd like to interview him as a witness as to what specifically took place in the,
63 the timeline of what occurred from the time Mr. CHASSE arrived in the sally port
64 until he was transported from the Detention Center.

65 **DUNAWAY:** Well, this is, this is the thing is that HOLLENBECK could very well be named as an
66 individual defendant in this case. He is specifically mentioned both in the complaint
67 and in the discovery documents that we've gotten from plaintiff. So I'm a little bit
68 hesitant to have him make statements, um, at this point in time unless what you want
69 to do is ask him specific questions about specific actions that were taken by Deputy,
70 or, uh, Officer HUMPHREYS.

71 **BARKLEY:** Well, what, what I do have is the Multnomah County Sheriff's Office information
72 reports that were written by Deputy HOLLENBECK and the other three deputies plus
73 a number of reports, including like the on-duty sergeant at the time.

74 **DUNAWAY:** Right.

75 **BARKLEY:** But, the reports, um, are somewhat vague as to, you know, for instance, when Mr.
76 CHASSE arrived there in the Portland Police car. Were there any deputies that were
77 out there that met the Portland Police officer in the sally port or had the car arrive with
78 Mr. CHASSE and then they came out. What specifically did they observe. Was there
79 any physical force used in the sally port other than what's been described in these
80 reports.

81 **DUNAWAY:** Um, why do you want to question him? I mean this is an IAU investigation in regard
82 to Deputy (Officer) HUMPHREYS?

83 **BARKLEY:** Right. Well, no it's not, it's not just directed at Officer HUMPHREYS. It, you know,
84 in Internal Affairs, we review the entire case for any possible violations of Portland
85 Police Bureau directives, policies, and procedures. And the reason that we, at this
86 time, only want to interview Deputy HOLLENBECK as opposed to all four of them, is
87 we would like to ascertain whether or not there was any physical force used at that
88 facility. We'd like to know what specifically they observed in the way in which, uh,
89 Mr. CHASSE was handled and, you know, did, as I said earlier, did the police car
90 arrive in the sally port and then the deputies came out or were they in the sally port
91 when the car arrived to establish whether or not anything in the way of any physical
92 force was used other than at the 1300 Block of NW Everett.

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93 **DUNAWAY:** Okay, well, I have not had a chance to meet with, with Deputy HOLLENBECK yet.
94 Um, I'll be meeting with Deputy HOLLENBECK in August because his, his
95 deposition is in September. I'm not going to allow you to interview him before I do.
96 **BARKLEY:** Okay.
97 **DUNAWAY:** Okay? So, um, let me see if I've got, if I've got a date yet. I know there were a
98 couple that were pretty hard to set. Um, and his deposition is set for September 13th.
99 **BARKLEY:** Our focus, as I said, is were there any violations of Portland Police Bureau policies
100 and procedures involving Portland Police officers.
101 **DUNAWAY:** Right.
102 **BARKLEY:** And we're not doing, we're not conducting an Internal Affairs investigation as to the
103 actions or conduct of Multnomah County employees or AMR, or the Portland Fire
104 Bureau. So that's what our focus is. And it is clearly not criminal.
105 **DUNAWAY:** Okay. Um, well, I don't know how it could be criminal since the Grand Jury already
106 went over all this, but I'm...
107 **BARKLEY:** Right. I'm just clarifying that.
108 **DUNAWAY:** Uh-huh. Um, I still don't want, I still don't want him to meet with you until I have a
109 chance to talk with him myself. I think you can understand that. He could be
110 individually named and, and the question, and if you do this investigation prior to his
111 deposition, then he is going to be asked about this during his deposition. And I would
112 rather it occurred after his deposition.
113 **BARKLEY:** Okay.
114 **DUNAWAY:** Okay? I, can you understand that?
115 **BARKLEY:** Sure.
116 **DUNAWAY:** Okay. So I'm not trying to be, I'm just, I'm not saying no or anything. And I certainly
117 understand why you need to do this investigation in terms of your officers. But I've
118 got to protect him as a client.
119 **BARKLEY:** Sure. I understand that.
120 **DUNAWAY:** Um, and, you know, we're, we're looking at four or five more individually named
121 defendants here. So, um, although I think I probably already know the answers to
122 your questions, I want to sit down with, with HOLLENBECK before you talk to him.
123 Um, depending on how that, that goes, um, it may be that I'll be able to produce him,
124 um, prior to his deposition. Um, but I've got to find out exactly what he's going to
125 say first. Because he's going to get asked about this during his, and I don't know if
126 that's good for any of the defendants. You know what I'm saying?
127 **BARKLEY:** To do what?
128 **DUNAWAY:** I don't know if it's good for any of the defendants for, um, for you to interview him
129 prior to his deposition and for him to have to talk to about that interview during his
130 deposition.
131 **BARKLEY:** Okay.
132 **DUNAWAY:** Okay?
133 **BARKLEY:** Well, yeah, if, you know, of course, you know, through discovery, you know, typically
134 although the Internal Affairs Division resists releasing, you know, any of our
135 documents or investigations, typically, you know, through the legal procedure as
136 you're aware that, you know, they typically do get them.

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137 DUNAWAY: Get them anyway. Yeah. Right.
138 BARKLEY: You know, we have interviewed the two AMR paramedics with their attorneys
139 present.
140 DUNAWAY: Okay.
141 BARKLEY: And, you know, our last interviews obviously are directed at Officer HUMPHREYS
142 and...
143 DUNAWAY: Right.
144 BARKLEY: ...the other...
145 DUNAWAY: Right.
146 BARKLEY: ...and the other Portland Police officers who were at the location, at the 1300 Block of
147 NW Everett. But, no our purpose, as I said, in, in not wanting to interview all four
148 jailers that were present, but it seems as if HOLLENBECK was in a position to, to
149 observe possibly more than the other three.
150 DUNAWAY: Okay. All right.
151 BARKLEY: It doesn't seem, you know, from what I've read and, and the reports are, are somewhat
152 vague about the timeline and what specifically happened, it seems as if, by reading
153 these reports, he was more in a position to observe more than say the other three.
154 DUNAWAY: Okay.
155 BARKLEY: Opposed to actually having hands on.
156 DUNAWAY: Okay.
157 BARKLEY: Does that make sense?
158 DUNAWAY: Yeah, it does. Um, let me do this. I've got the, the liaison deputy, oh, for the
159 Sheriff's Office who is supposed to be setting up my interviews with all the deputies
160 prior to their deposition standing outside my door right now.
161 BARKLEY: Okay.
162 DUNAWAY: So, um, so let me get, let me get your number.
163 BARKLEY: Okay.
164 DUNAWAY: And it was Barkley, right?
165 BARKLEY: Yes. It's, it's Michael...
166 DUNAWAY: Michael.
167 BARKLEY: Barkley, B-a-r-k-l-e-y. And my direct number is 503-823...
168 DUNAWAY: Uh-huh.
169 BARKLEY: ...0984. Now, I understand that you have the actual Multnomah County Internal
170 Affairs Division case?
171 DUNAWAY: Uh, I mean am I defending the, the County in the case?
172 BARKLEY: No, no, no. I understand that there is an open Internal Affairs investigation through
173 Multnomah County and that you, in fact, are in possession of that. Is that correct?
174 DUNAWAY: Well, there is no, no. I'm, I mean I have, I don't, the only thing I have is the, is the, is
175 the big report that was done kind of jointly.
176 BARKLEY: Okay.
177 DUNAWAY: That, that, that might be what they're referring to. It's the same one you have.
178 BARKLEY: Oh, okay.
179 DUNAWAY: Yeah. That's all I have.
180 BARKLEY: That's...

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181 DUNAWAY: Yeah.
182 BARKLEY: ...that's the sense I got also.
183 DUNAWAY: Right. Yeah. There was, uh, I mean all there was here was since, I can tell you
184 straight out there was no use of force in the jail really, except to actually carry him in
185 and carry him out. I'm sure you must have the video.
186 BARKLEY: Yeah, the video...
187 DUNAWAY: You've got the video, okay.
188 BARKLEY: ...but there is no video of the sally port.
189 DUNAWAY: No, there is not.
190 BARKLEY: So, and, and, and that is, that's one of the loose ends that we'd like to clear up.
191 DUNAWAY: Right.
192 BARKLEY: There is no video of the sally port so, therefore, you know, we don't have the luxury
193 of looking at the video saying okay, gee, look at that. The police car got here. It was
194 out there for like five minutes, ten minutes, before the Multnomah County Sheriff's
195 deputies came out to the car. See we don't know that.
196 DUNAWAY: Uh-huh. Okay.
197 BARKLEY: And we're interested in what, what took place, if anything...
198 DUNAWAY: Okay.
199 BARKLEY: ...regarding Mr. CHASSE and the Portland Police officers, specifically in that sally
200 port, which is not videotaped.
201 DUNAWAY: Right, okay. All right. Um, and no, there wasn't, there was an HIR in regard to the
202 use of force by BURTON. Um, but you probably have that too.
203 BARKLEY: Correct.
204 DUNAWAY: Right. Okay. All right. And that, and that's all the documents...
205 BARKLEY: Okay.
206 DUNAWAY: ...at this point.
207 BARKLEY: Is there an open pending Multnomah County Internal Affairs Division investigation?
208 DUNAWAY: Um, not that I'm aware of.
209 BARKLEY: Okay.
210 DUNAWAY: No, not that I'm aware of.
211 BARKLEY: Okay, well, I'll tell you what. If you could give me a call back at your earliest
212 convenience when you feel comfortable with wherever you're at in the process. I'd
213 appreciate that.
214 DUNAWAY: Right. After I talk to HOLLENBECK.
215 BARKLEY: Sounds good.
216 DUNAWAY: All right? And I am trying to set up those meetings right now.
217 BARKLEY: Okay, sounds great.
218 DUNAWAY: Good timing. Okay. I'll talk...
219 BARKLEY: Okay.
220 DUNAWAY: ...I'll give you a call.
221 BARKLEY: Thank you very much.
222 DUNAWAY: Okay. 'Bye, 'bye.
223 BARKLEY: 'Bye, 'bye.
224

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225 **BARKLEY:** The time is 0842 hours.
226
227 2006-B-0016TRS-DUNAWAY
228 Transcribed 072407/1535 C. Yeager

COPY

DATE: September 11, 2007
TO: John A. Tellis
Captain
Internal Affairs Division

FROM: Michael R. Barkley
Sergeant
Internal Affairs Division

SUBJ: **JAMES CHASSE I.A.D. INVESTIGATION**



Bureau of Police Portland, Oregon

INTER-OFFICE MEMORANDUM

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On Tuesday, July 24, 2007 I spoke with Ms. Dunaway, Multnomah County counsel, regarding me and Sergeant Derek Rodrigues interviewing Multnomah County Detention Center Deputy Thomas Hollenbeck. Deputy Hollenbeck is a witness related to the Internal Affairs Division Case #2006-B-0016, In-Custody Death of James Chasse. Ms. Dunaway advised me that she would *not* approve Deputy Hollenbeck being interviewed until following his civil deposition scheduled for the first week in September. The same date, Ms. Dunaway's position was discussed with Captain Tellis and Deputy City Attorney Stephanie Harper. As a result, the Internal Affairs Division investigation was placed on hold while waiting for the completion of the scheduled deposition.

On Thursday, September 6, 2007 I had two conversations with Susan Dunaway regarding the availability of the Deputy Hollenbeck and former Deputy Burton, currently a Portland Police officer, to be interviewed by me and Sergeant Derek Rodrigues. Ms. Dunaway stated that she and City of Portland Deputy Attorney Jim Rice would not allow Multnomah County deputies or Portland Police Bureau officers to be interviewed prior to their re-scheduled civil depositions in January 2008. Later this date, Captain Tellis, Sergeant Rodrigues, Deputy City Attorney Dave Woboril and I met in the Internal Affairs Division conference room to discuss the issue.

Sergeant Rodrigues and I request the interviews of Deputy Burton and Deputy Hollenbeck be conducted prior to the interviews of Sergeant Nice and Officer Humphreys in order to produce a transparent, complete and thorough I.A.D. investigation. The following are significant areas to be covered during the interviews of the two deputies (Deputy Burton's interview is more critical):

DEPUTY BURTON:

1. Why was **Mr. Chasse's** behavior at N.W. Everett Street and 18th Avenue considered so "peculiar" to cause **Deputy Burton** and **Officer Humphreys** to clear the cover call and search for **Mr. Chasse**.
2. What was discussed between **Deputy Burton**, **Officer Humphreys** and **Sergeant Nice** regarding **Mr. Chasse** prior to clearing N.W. Everett Street and 18th Avenue.
3. What was discussed between **Deputy Burton** and **Officer Humphreys** regarding **Mr. Chasse** from the time they cleared N.W. Everett Street and 18th Avenue and located him on N.W. Everett Street between 14th and 13th Avenues.

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4. What was **Deputy Burton's** *legal justification* for contacting and ultimately engaging in a foot chase of **Mr. Chasse**.
5. What was discussed between **Deputy Burton, Officer Humphreys** and **Sergeant Nice** regarding *legal justification* for contacting and chasing **Mr. Chasse**.
6. Was any other physical force used by any officers and/or deputies directed at **Mr. Chasse** following his transportation from N.W. Everett Street and 13th Avenue.
7. Did **Deputy Hollenbeck** observe or hear of any actions by officers and/or deputies who were present that caused him any concerns or violated Oregon criminal statutes.

DEPUTY HOLLENBECK:

1. When **Mr. Chasse** arrived at the M.C.D.C. sally port, were any Multnomah County Detention Center deputies present (**Officer Humphreys** had called and requested assistance with **Mr. Chasse**)
2. If no M.C.D.C. deputies were present when **Mr. Chasse** arrived, does **Deputy Hollenbeck** know how long **Mr. Chasse** was in the sally port area alone with **Deputy Burton** and **Officer Humphreys**.
3. Is **Deputy Hollenbeck** aware, either via personal observations or by another person, of *any* physical force directed at **Mr. Chasse** while at M.C.D.C. by any officers and/or deputies.
4. Did **Deputy Hollenbeck** observe or hear of any actions by officers and/or deputies who were present that caused him any concerns or violated Oregon criminal statutes.
5. Is **Deputy Hollenbeck** aware why **Mr. Chasse** was transported from the facility by the police rather than requesting an ambulance to the location.

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PORTLAND POLICE BUREAU

INTERNAL AFFAIRS DIVISION

Confidential Taped Statement

Sgt. Michael Barkley #8570 | Sgt. Derek Rodrigues #37149

COPIY

Interview Date: November 14, 2007

IAD #: 2006-B-0016

Complainant: Portland Police Bureau

Interviewed: Sgt. Kyle Nice #26853

BARKLEY: This is Sgt. Michael BARKLEY #8570, and I'm with Sgt. Derek RODRIGUES #37149. Both of us are assigned to the Internal Affairs Division. The date is Wednesday, November 14, 2007. The time is 1553 hours. We're in the Internal Affairs Division. Persons present are Sgt. Kyle NICE #26853, and PPA President Robert KING #21075. Regarding IAD Case No. 2006-B-0016, also referenced with PPB Case No. 2006-84962. Sgt. NICE has been advised that his conduct, and/or the conduct of other bureau members on Sunday, September 17th, 2006, at approximately 1718 hours, at the 1300 block of NW Everett Street, is the subject of this investigation. Sgt. NICE has reviewed information necessary to be reasonably apprised of the nature of the allegations of the complaint. Sgt. NICE has been informed that he is a suspect in the case, and that Captain John Tellis is in charge of the investigation. I have advised Sgt. NICE that he could have representation present during the interview, and PPA President Robert KING is here in that capacity. Sgt. NICE has been provided a copy of the Advance Notice and Waiver form, and has signed it. Sgt. NICE: I am ordering you to answer all questions fully and truthfully. If you fail to respond fully and truthfully, you may be disciplined up to and including dismissal. Do you understand?

NICE: Yes.

BARKLEY: Prior to the interview beginning, Sgt. NICE reviewed related documents, specifically his transcribed statement with detectives, regarding this incident. Sgt. NICE, do you have any related documents that relate to this incident that you would like to provide to the Internal Affairs Division?

NICE: I do not.

BARKLEY: Okay. First, please describe and provide the background information related to law enforcement experience, prior to, and with the Portland Police Bureau.

NICE: Uh, prior to being hired here, uh, I had obtained a bachelor's degree in criminal justice from the University of Minnesota, and went through the State Police Academy, which was really backwards back there - they do the academy first and then you get hired. So that was something I did in preparation for getting hired, uh, out there. Uh, I _____ here, and was actually hired by the Portland Police Bureau first. So, uh, was hired in, uh, March of 1992. Um, was sent to the Basic Academy in Monmouth for, I believe, it was 8 weeks at that time. Came back and was assigned to East Precinct, uh, with a coach for about 2 or 3 months, the afternoon shifts. Went to day shift with a different coach, and went to the Advance Academy in, I believe, August of '92. Uh, I think that was about an 8 week academy. Came out of the academy and went back to East for a while, on a rotation through Traffic for 4 weeks. Uh, transferred out of Traffic to North Precinct. Spent the winter there with a coach, was released to what--

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51 what they then called Phase 3 status, which is Phase 5 status now, at North. Uh,
52 sometime in the spring of '93, was transferred to Central Precinct, as my final
53 training rotation. Uh, was on the night shift there. Stayed there for about 3, 3 ½
54 years on night shift, until I put in a transfer to go back to East. Uh, wound up
55 on, uh, East afternoon shift, after a couple of months. Uh, worked towards, uh,
56 getting a district out there. Worked as a district officer for about 8 ½ years at
57 East Precinct. Um, was promoted to sergeant in 2003 - October, 2003, and was
58 transferred back to Central Precinct on the afternoon shift.

59 **BARKLEY:** And that's where you've been assigned between October of 2003 and the date of
60 the incident, Sunday, September 17th, 2006?

61 **NICE:** Yes.

62 **BARKLEY:** Sergeant at Central Precinct on the afternoon relief?

63 **NICE:** Yes.

64 **BARKLEY:** On Sunday, September 19th, 2006, that's the date of this particular incident
65 involving Mr. CHASSE...

66 **NICE:** September 19th?

67 **BARKLEY:** Excuse me - September 17th...

68 **NICE:** There you go.

69 **BARKLEY:** 2006. Your assignment at that time was Central Precinct afternoon relief, as a
70 sergeant - and was that in uniform?

71 **NICE:** Correct, yes, in uniform.

72 **BARKLEY:** Okay. On September 17th, 2006, were you CIT - Crisis Intervention Team -
73 trained?

74 **NICE:** No. I'd received the, uh, what all officers had received at that time, through in-
75 service, but I was not one of the CIT members at the time.

76 **BARKLEY:** Okay. Prior to September 17th, 2006, had you received any specific training
77 related to identification of persons who were mentally ill, and/or suffering from
78 mental disorders?

79 **NICE:** I cannot remember any specific training. I know that it was covered in the--
80 several of the academies. And I'd had, basically, on the job, training for years,
81 doing, uh, mental evaluations and mental holds, as a patrol officer. Like, I
82 don't--without looking at my training record, I can't specifically tell you any
83 other classes.

84 **BARKLEY:** Prior to September 17th, 2006, had you received any specific training related to
85 identification of persons who were under the influence of alcohol and/or drugs?

86 **NICE:** Yes, I've, um, had it in both academies. I've had it during the field sobriety
87 training classes. Um, and I'm trying to think if there's anything else.

88 **BARKLEY:** I take it you were assigned to the Traffic Division?

89 **NICE:** I was not, actually, but during my time at Central Precinct, I was the only person
90 certified on the old 4000 Intoxilizer, so I did a lot of the traffic enforcement for
91 the night shift. Um, also, out at East Precinct, um, I did quite a bit of traffic
92 enforcement as far as DUI enforcement. Worked a lot of missions through that
93 out there. So I never actually worked for the Traffic Division, but I had a lot of
94 experience with impaired drivers.

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95 **BARKLEY:** Okay. Please explain what initially occurred at NW Everett Street at 18th
96 Avenue.
97 **NICE:** Um, while on patrol, I observed a young man walking on the north side of the
98 Everett Street, at about 18th. There's a building there, I think it's like an old
99 library or something. Uh, I basically watched him fall down. Uh, he appeared
100 intoxicated. Uh, I pulled over to the north curb line to check on him. I got out
101 and talked to him. He kinda scraped himself up falling down. Um, he was fairly
102 intoxicated, but he was able to, you know, tell me who he was, show me some
103 identification, have a conversation with him. I don't know if he tripped, or what.
104 He lives relatively close, within a couple of blocks. Um, I checked him for
105 warrants. Um, we had a conversation about his drinking, 'cause he'd had some
106 prior DUI and other alcohol problems. Um, he seemed like he would be able to
107 make it home, um, so I was going to let him go. Uh, while I was having my
108 conversations with this person, uh, Officer HUMPHREYS and Deputy
109 BURTON, um, stopped by to cover me.
110 **BARKLEY:** Okay. On Sunday, September 17th, 2006, at this particular time, can you
111 describe the weather conditions, visibility, that sort of thing?
112 **NICE:** Um, it was a pretty nice day; it wasn't, uh, it was kinda a little bit overcast. I
113 don't know what the temperature was. It wasn't raining, like I said. It was just
114 kind of a nice day. I don't really recall what's...
115 **BARKLEY:** Was it still daylight?
116 **NICE:** Yes, it was still daylight.
117 **BARKLEY:** So it was dry, daylight?
118 **NICE:** Yes.
119 **BARKLEY:** Okay. And did Officer HUMPHREYS and Deputy BURTON - did they stop at
120 your location because they just happened to be driving by, or did you go out on
121 the radio with the person?
122 **NICE:** Uh, I believe I went out on the radio with it, and I think they were just in the area
123 so they stopped by. I didn't call for another car; I just put myself out with this
124 guy, and I think they just happened to be passing.
125 **BARKLEY:** While you were at the location of NW Everett Street and 18th Avenue, had you
126 observed Mr. CHASSE?
127 **NICE:** I had not.
128 **BARKLEY:** At no time did you see Mr. CHASSE while you were at NW Everett and 18th?
129 **NICE:** I did not.
130 **BARKLEY:** Okay. Once Officer HUMPHREYS and Deputy BURTON arrived, what, if any
131 discussion was there between yourself and/or Officer HUMPHREYS or Deputy
132 BURTON, regarding Mr. CHASSE?
133 **NICE:** I did not have any conversation with them about Mr. CHASSE. I heard them say
134 something about someone down the street bee-lining away from them, while I
135 was talking to this--to the intoxicated subject. Um, the conversations that I had
136 with HUMPHREYS were regarding, um, some activities - some police activity
137 the night before at Central. Um, I don't--I don't think, uh, Officer
138 HUMPHREYS said anything to me specifically about CHASSE or anything

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139 else. I remember them talking behind me, but I don't think that I had any
140 conversation with them directly about him.

141 **BARKLEY:** Okay, I'm going to refer to your transcribed statement with detectives. And that
142 occurred, it appears, on September 18th, 2006. You go to page 5, and this
143 paragraph right here, which would be the second...

144 **NICE:** Mm-hmm.

145 **BARKLEY:** comment made to you - or made by you. And you say "I don't know if he" -
146 referring to CHASSE - "was coming this way and ran, but I'm assuming since
147 we" - and I'm assuming that "we" means you, Officer HUMPHREYS and
148 Deputy BURTON - "saw him up at 18th, that he was continuing east-bound the
149 entire time." Can you explain...

150 **NICE:** Well, this was...

151 **BARKLEY:** your statement?

152 **NICE:** That--that answer was in relation to a question from Detective GOSSEN about
153 what direction he was walking. And--and the first time that I saw CHASSE was
154 when we were already had cleared from the--the intoxicated person were, and
155 Officer HUMPHREYS and Deputy BURTON were getting out from him. Um,
156 "since we saw him up at 18th" - I don't--I never saw him up at 18th. I mean the...

157 **BARKLEY:** So, in that particular statement that you made on page 5, your second statement
158 down from the top, when you say--when you refer to "we"...

159 **NICE:** I'm referring to Officer BURTON and - or Deputy BURTON and Officer
160 HUMPHREYS.

161 **BARKLEY:** Okay, so to clear that up, you're, when you're saying "we", you mean...

162 **NICE:** The police. I mean, not me specifically, but just police in general. Deputy
163 BURTON and HUMPHREYS had saw--had seen him up there. I don't know if
164 I misspoke or not, because that doesn't even make sense, but I-I never saw
165 CHASSE up at--when I was at 18th.

166 **BARKLEY:** Okay. So, while you're up at 18th and Everett, there was no conversation that
167 took place involving any of the three of you, referring to you, Officer
168 HUMPHREYS, and/or Deputy BURTON, as it pertained to Mr. CHASSE?

169 **NICE:** I think I remember Officer HUMPHREYS saying to Deputy BURTON "Let's go
170 stop that guy; let's go see what that guy's up to." But, um, there wasn't any
171 conversation between Officer HUMPHREYS and I about, you know "hey, look
172 at what that guy's doing", or anything like that. I was--my focus was on the
173 intoxicated gentleman, and we had a little bit of conversation, you know, about
174 some other things, but I don't ever remember Officer HUMPHREYS saying
175 "you know, Sarge, look at that guy", or anything like that.

176 **BARKLEY:** Okay. So, really the reason why we're trying to get this cleared up - when you
177 use the word "we" on page 5 - you didn't--could not provide us with a
178 characterization of how Mr. CHASSE's behavior was at 18th and NW Everett.

179 **NICE:** No, I cannot.

180 **BARKLEY:** Okay.

181 **NICE:** Um, like I said, I was dealing with the intoxicated man. Um, Deputy BURTON
182 and Officer HUMPHREYS were behind me, and I remember them having some
183 type of discussion about seeing somebody doing something. But, like I said, I'm

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184 watching the intoxicated subject, and I'm running his name on the MDT - my
185 focus is on--on him.

186 **BARKLEY:** Okay. So you--you get done dealing with your intoxicated subject at NW
187 Everett and 18th. You have a conversation with Officer HUMPHREYS and
188 Deputy BURTON about an incident that occurred the evening before. And then
189 you clear that location.

190 **NICE:** Yes.

191 **BARKLEY:** And can you tell me what occurred, and that includes any conversation that you
192 would've had with Officer HUMPHREYS and/or Deputy BURTON, from the
193 time you decided to leave the location of NW Everett and 18th, until there was
194 contact made with Mr. CHASSE, in the 1300 block of NW Everett?

195 **NICE:** As far as conversation, there was very little. Like I said, I remember Officer
196 HUMPHREYS saying something to Deputy BURTON about "let's go" - I can't
197 say verbatim what they said - but they were going to go contact that gentleman,
198 and see what he was up to. Um, I said "All right. I'll see you later", or
199 something like that. I had no intention of going with them, um, and I was just
200 going to get in my car and drive away.

201 **BARKLEY:** Okay, so, what's...

202 **NICE:** I didn't have... I've never actually met Deputy BURTON, and I don't think I
203 said anything to him. I never met him before.

204 **BARKLEY:** So, once you left the location of NW Everett and 18th, you're in a car by yourself
205 - an unmarked sergeant's car - correct?

206 **NICE:** Yes.

207 **BARKLEY:** And they're in a marked police vehicle together?

208 **NICE:** Yes.

209 **BARKLEY:** So, do you all leave that location together, or how do you then proceed down
210 Everett Street?

211 **NICE:** Um, I think they got in their car first, and start to drive away. I got in mine
212 shortly after them, and we kinda hit the cycles of the light together. So we went
213 kinda parallel down the blocks, uh, stopping at each light, before we got to the
214 last. There's like, I think there's a light at, I-205 there, or whatever that is, that's
215 16th...

216 **BARKLEY:** You mean I-405?

217 **NICE:** I-405, yeah, I'm sorry. Um, so we hit, like, one or two lights, and then we were
218 just driving down Everett. They, uh, were slightly ahead of me in the south lane,
219 and I was in the north lane, going east-bound. Um, they pulled to the curb at
220 about - just past 14th. And I was going to continue on, 'cause I'd been, you
221 know, there wasn't any reason for me to go with them. They didn't ask me to go
222 with them. There was two of them to contact one subject, that seemed
223 appropriate to me. It didn't seem like they needed me there. Um, so I continued
224 to drive on.

225 **BARKLEY:** Now, at that point, where did - who's driving? Was it Officer HUMPHREYS or
226 was it Deputy BURTON?

227 **NICE:** Officer HUMPHREYS.

228 **BARKLEY:** Okay. Where did they stop their police vehicle?

229 NICE: Um, they angled to the south curb line, I want to say mid-block, 13 to 14, I think.
230 BARKLEY: When they stopped that police vehicle, where was Mr. CHASSE in relationship
231 to the front of their police vehicle?
232 NICE: He was a couple yards further east on the south sidewalk.
233 BARKLEY: Okay. So, you're driving past, and you see them stop the police vehicle, did you
234 then key in on Mr. CHASSE?
235 NICE: I did not, uh, initially. As I passed them, uh, as I saw them pull to the curb - I
236 mean, I'm driving, so I'm, you know, looking at traffic. I look at them as they
237 angle to the car - or to the curb. I look again at traffic, and when I look back, I
238 see that they are getting out of their car, and I see as Mr. CHASSE looks at them,
239 then turns eastbound, and takes off running.
240 BARKLEY: Okay. What behavior did you observe of Mr. CHASSE at that time? Did--did
241 you observe him doing anything that would indicate that he was involved in any
242 illegal activity...
243 NICE: I did not see anything. There were some parked cars and some trees, and my
244 view of him was obscured. I did not see him do anything.
245 BARKLEY: So, Mr. CHASSE takes off running eastbound on the south sidewalk toward...
246 NICE: 13.
247 BARKLEY: NW 13th. What do you do?
248 NICE: I was a little bit farther east of them. I pulled my car up to the west side of the
249 intersection at 13th, and got out to run and intercept Mr. CHASSE.
250 BARKLEY: Okay. So, would your car have been stopped on Everett, or was it actually
251 around the corner onto 13th, where it would've been in the path of Mr.
252 CHASSE...
253 NICE: It was on Everett.
254 BARKLEY: On Everett.
255 NICE: Just west of the intersection.
256 BARKLEY: Okay.
257 NICE: It's not a - I'm sure you guys have looked at it - it's not a standard intersection.
258 There's really - and the curb just kinda fades away, but my car - I did the same
259 thing that they did, I pulled towards the curb at an angle. Um, and, like I said, I
260 was just on the west side of 13th on Everett.
261 BARKLEY: As Mr. CHASSE was running, were both Officer HUMPHREYS and Deputy
262 BURTON chasing Mr. CHASSE?
263 NICE: Yes.
264 BARKLEY: Did you hear Officer HUMPHREYS and/or Deputy BURTON say anything to
265 Mr. CHASSE prior to Mr. CHASSE hitting the ground?
266 NICE: I don't remember.
267 BARKLEY: How would you estimate the distance Mr. CHASSE ran prior to Officer
268 HUMPHREYS forcing him to the ground?
269 NICE: I can--I can only guess - um, 20 yards. I really don't have any idea at this time.
270 BARKLEY: Well, if you're at 13th, and they're parked, and they stopped their vehicle mid-
271 block, between 13th and 14th, would Mr. CHASSE have ran an entire half block?
272 NICE: Just about, yeah.

273 **BARKLEY:** Approximately?
274 **NICE:** Yeah.
275 **BARKLEY:** And how would you describe the manner in which Mr. CHASSE was running?
276 Was he jogging, was he sprinting...
277 **NICE:** He was in a full-on sprint.
278 **BARKLEY:** So he was a full--it was a full sprint on his part? And the same for Officer
279 HUMPHREYS and BURTON?
280 **NICE:** I don't remember seeing Deputy BURTON. Um, my focus was on Mr.
281 CHASSE. I could see, you know, in my peripheral vision, I could see Officer
282 HUMPHREYS coming, and I don't remember where--what Deputy BURTON
283 was doing. I-I can assume he was running after, but I-I don't remember.
284 **BARKLEY:** Okay. You'd stated in your interview with the detectives, that initially you were
285 paralleling Mr. CHASSE in the street, and then moved to intercept him.
286 **NICE:** Correct.
287 **BARKLEY:** Okay. So, when Officer HUMPHREYS makes contact with Mr. CHASSE, how
288 close are you?
289 **NICE:** How close am I to...
290 **BARKLEY:** How close are you to Mr. CHASSE?
291 **NICE:** Um, I got out of my car, and had run on foot kind of--kind of south,
292 southeasterly to intercept him at the intersection. Uh, I think I got within, mmm,
293 3 yards; 3, 4 yards, I'd say.
294 **BARKLEY:** You were within a fairly short distance from...
295 **NICE:** At the time...
296 **BARKLEY:** Mr. CHASSE when there was contact made by...
297 **NICE:** Yes. Yes.
298 **BARKLEY:** Mr. CHASSE and Officer HUMPHREYS?
299 **NICE:** Was ahead of them on Everett, maybe 3 or 4 yards.
300 **BARKLEY:** Okay. When Mr. CHASSE made contact with the ground, was he on the
301 sidewalk, was he in the gutter, or was he on NW 13th, in the street?
302 **NICE:** That's kinda hard to say, because the--the sidewalk there when it meets 13th,
303 there isn't a curb, it just slopes into 13th. It's--it's--it's all ramped. And he kinda
304 lands in that transition zone, between the sidewalk and the street. So he's
305 almost, if you could draw a line, um, northbound from where - see, there isn't
306 even a curb there on 13th, but he's--he's just on that transition area. He's not
307 into the--this, what you call the street, he's on the sloped ramp section that's -
308 without showing you a picture of it, it's the transition area between the sidewalk
309 and the--and the street.
310 **BARKLEY:** As you observed Mr. CHASSE being chased eastbound on the south sidewalk of
311 NW Everett towards 13th, did you have an understanding of why Mr. CHASSE
312 was being chased?
313 **NICE:** I did not.
314 **BARKLEY:** Did you ever hear Officer HUMPHREYS and/or Deputy BURTON advise radio
315 that they were going to be out at that location to contact Mr. CHASSE?
316 **NICE:** I don't remember them... I don't remember if they did that or not.

317 **BARKLEY:** Do you recall whether or not Officer HUMPHREYS and/or Deputy BURTON,
318 including yourself, advised radio that there was a foot pursuit?
319 **NICE:** I know that I did not, and I don't know if they did.
320 **BARKLEY:** Was there reason why you didn't advise BOEC that you were in a foot pursuit?
321 **NICE:** 'Cause I didn't think he was gonna get away. It wasn't going to be foot pursuit
322 for more than a couple seconds more.
323 **BARKLEY:** So, it was--it was a short timeframe...
324 **NICE:** From the time I got out of my car, I knew that I would be able to intercept him.
325 And to me, it--it wasn't going to be a foot pursuit anymore.
326 **BARKLEY:** At what point did you realize what the legal justification for the foot chase was?
327 **NICE:** Uh, not until after Mr. CHASSE was in custody.
328 **BARKLEY:** So, the foot--the foot chase takes place, and it's after Mr. CHASSE is actually in
329 custody. Prior to that, you have no understanding of the legal justification for
330 the contact, or attempt to contact, or the foot pursuit.
331 **NICE:** Correct.
332 **BARKLEY:** Is that correct?
333 **NICE:** Correct.
334 **BARKLEY:** As the foot chase began and continued, did you believe the foot chase was
335 within the Portland Police Bureau guidelines established in the Manual of Policy
336 and Procedure?
337 **NICE:** I'm sorry, say that again.
338 **BARKLEY:** Once the foot chase began, and Mr. CHASSE is--is forced to the ground, during
339 that period of time, which is a short timeframe, based on your observations, and
340 not having knowledge of why he was being chased, did you believe, while you
341 were observing this, and also engaged in the foot pursuit yourself off to the side,
342 that this pursuit was within the Portland Police Bureau guidelines established in
343 the Manual of Policy and Procedure?
344 **NICE:** I don't think I thought of it at the time, but there was nothing that occurred to me
345 that would've been out of policy.
346 **BARKLEY:** Are you familiar with the Directive 630.15, regarding foot pursuits? If you
347 saw...
348 **NICE:** I'm familiar with it.
349 **BARKLEY:** If we like, we can go off the record, for you to review that.
350 **NICE:** That would be nice.
351 **BARKLEY:** Okay, specifically, in reference to Directive 630.15, Foot Pursuits, initially, this
352 directive was published as an Executive Order on July 13th, 2006, and then was
353 published in the 2007 Manual of Policy and Procedure. And specifically what
354 I'd like you to take a look at is the section that is titled "Deciding whether to
355 pursue."
356 **NICE:** Okay.
357 **BARKLEY:** So, we'll go off the record, and you can take a look at that.
358 **NICE:** All right.
359 **BARKLEY:** The time is 1634 hours. We're back on the record. Prior to taking a break, in
360 addition to having Officer NICE review Directive 630.15, titled "Pursuits", I

361 asked him also to review Directive 820.00, regarding arrest, specifically Fresh
362 Pursuit. Sgt. NICE, the question was: as the foot chase began and continued, did
363 you believe the foot chase was within the Portland Police Bureau guidelines
364 established in the Manual of Policy and Procedure?
365 NICE: Yes.
366 BARKLEY: As it relates to Directive 820.00, Arrest, and the subtitled section to that is Fresh
367 Pursuit, and let me quote: "If a member is in fresh pursuit of a person, whom the
368 member has seen commit an offense, or has probable cause to arrest pursuant to
369 ORS 133.310, section A" - did you believe that this foot pursuit was in
370 compliance with that directive of 820.00?
371 NICE: Yes.
372 BARKLEY: And concerning Directive 630.15, Pursuits, at that point in time of this incident,
373 it had not been published in the Manual of Policy and Procedure, but in fact had
374 been published as an Executive Order on July 13th, 2006. And within that
375 directive, specifically, the subsection "Deciding whether to pursue", it states,
376 quote "A sworn member has the authority to stop any person reasonably
377 suspected of having committed, or was about to commit a crime, violation, or
378 traffic violation", end of quote. Do you believe that this foot pursuit was within
379 the guidelines?
380 NICE: Yes.
381 BARKLEY: Can you explain why?
382 NICE: Back at the stop at 18th and Everett with the intoxicated subject, um, I heard
383 conversation between Officer HUMPHREYS and Deputy BURTON about a
384 man somewhere down the street acting suspiciously. When we got done with
385 our stop and we're getting back in our cars, I remember Officer HUMPHREYS
386 saying to Deputy BURTON, something to the effect of let us--let's go have
387 contact with that one; let's go stop him, or let's go see what he's up to -
388 something like that. So, I knew from their conversations that they, um, were
389 suspicious of the gentleman, and were going to go contact him just for some
390 reason.
391 BARKLEY: Okay, but you - back at NW 18th and Everett - didn't know that they were
392 specifically referring to Mr. James CHASSE - or did you?
393 NICE: No, I did not. I know that there was someone down the street that they were
394 gonna go talk to, but I don't--I didn't know, specifically. But it wasn't like it
395 was a crowded day. I mean, he was the only one on the sidewalk.
396 BARKLEY: Okay. In-service 2005-2006, there was a part of that in-service that dealt with
397 pursuits. I'm going to ask you if you recall this particular section - and I know
398 that's now been several years back - but there was a section in there agenda that
399 was 5.D. And it says, quote "Pursuing officer, officers may have the
400 opportunity to employ the defensive tactic of pushing a subject to the ground,
401 and allowing them to physically terminate the foot pursuit in its early stages",
402 end quote. Do you recall something to that effect in that in-service?
403 NICE: I do.
404 BARKLEY: Okay.

405 NICE: That's been a technique, um, used for years. I--and I do remember the in-
406 service, and it's been a very common technique. I believe it was taught in my
407 Advanced Academy also.

408 BARKLEY: Okay. Now, focusing on the legal basis for pursuing Mr. CHASSE - regarding
409 the legal basis for pursuing Mr. CHASSE, please explain when, what, and by
410 whom you were advised of that legal basis, and the reasoning for it. We know at
411 this point, that as the foot pursuit began, you were unaware of why Officer
412 HUMPHREYS and Deputy BURTON were pursuing Mr. CHASSE. So, at what
413 point did you become aware of the legal basis for them to pursue Mr. CHASSE,
414 and who?

415 NICE: Um, after CHASSE was taken into custody, the first information I had of why he
416 was pursued, is I remember Deputy BURTON saying I think he threw something
417 back there. Deputy BURTON walked back up the sidewalk, and I believe,
418 retrieved a small, uh, piece of plastic that had a white substance in it. Um, I also
419 remember - I-I'm trying to remember - I think I heard Officer HUMPHREYS
420 say, at the scene, some time after Mr. CHASSE was taken into custody, that he
421 had seen CHASSE urinating on either a tree or a wall, prior to them getting out
422 and contacting him. But I don't--I-I can't say for sure in the timeline when that
423 happened, but I believe it was at the scene, sometime after CHASSE was taken
424 into custody.

425 BARKLEY: Okay. So, just to clarify this, you're saying that Deputy BURTON had advised
426 you, or did you overhear him saying...

427 NICE: I heard him say that, and I saw him walk back, and pick something up.

428 BARKLEY: And that something was what?

429 NICE: I--well, I think it was later tested, and I don't think it was cocaine. It was--it
430 might be some--what we refer to as bunk. Somebody - and there are people in
431 downtown that sell imitation controlled substance - which is probably what that
432 was. But what it actually was, I don't remember.

433 BARKLEY: And was it Officer HUMPHREYS who told you, specifically, or did you
434 overhear Officer HUMPHREYS telling somebody else that he had observed Mr.
435 CHASSE urinating, either against the wall or on a tree?

436 NICE: I don't remember, but I'm pretty sure I overheard it. I don't think that Officer
437 HUMPHREYS and I had any specific discussions about that at the scene.

438 BARKLEY: Okay, and those conversations, would they have taken place, involving Deputy
439 BURTON and Officer HUMPHREYS, at the scene prior to Mr. CHASSE being
440 transported from the 1300 block of NW Everett...

441 NICE: Yes.

442 BARKLEY: or was it after?

443 NICE: It was prior.

444 BARKLEY: Prior to him being transported.

445 NICE: Yes.

446 BARKLEY: Okay. Can you describe the manner in which Mr. CHASSE was, quote
447 "forced", end of quote, to the ground?

448 NICE: As I ran to intercept Mr. CHASSE, my focus is looking at him running. Officer
449 HUMPHREYS came up behind him. Um, Officer HUMPHREYS' arms came

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450 up and made contact with Mr. CHASSE somewhere in the upper back, shoulder
451 area. Um, this happened very quickly, and they both, then, fell to the pavement.
452 **BARKLEY:** Okay, let me have you refer to page 19 of your transcribed statement to
453 detectives. If you'll go to halfway down the page, what starts with Detective
454 GOSSEN asking you - can we go back - I'm sorry, Sgt. - from there to the
455 bottom of the page please.
456 **NICE:** Would you like me to read it, or...
457 **BARKLEY:** No, just review it yourself.
458 **NICE:** Okay. Okay.
459 **BARKLEY:** In that--in your statement prior to this particular section, you had referred to the
460 manner in which Mr. CHASSE was forced to the ground, as being tackled. Is
461 that accurate?
462 **NICE:** That's an assumption on my part. Uh, this is--this is something that happened
463 very fast. Like I said, my focus is on, uh, Mr. CHASSE, and when I see Officer
464 HUMPHREYS come up behind him, and he's--he's close to Mr. CHASSE, and
465 his arms come up around the mid-chest area, I assumed that he tackled Mr.
466 CHASSE, based on the way they fell down together.
467 **BARKLEY:** So, in the statement here, I think you say there at the end of the paragraph, that
468 says, on the subject was running, your second-to-the-last sentence there is, quote
469 "It was just a straight bear-hug type tackle, I guess."
470 **NICE:** At the time I made the statement, I assumed that, and I thought that Officer
471 HUMPHREYS had grabbed him around the shoulders, and kind of, I don't want
472 to say rode him down, but grabbed him and fell to the pavement together. And
473 that's why I used the word tackle.
474 **BARKLEY:** Okay. So, could it have been more of a push, or--or how would you describe--
475 you describe it as he's got his arms around him - okay?
476 **NICE:** His arms are up around his upper back and shoulder area.
477 **BARKLEY:** Mr. CHASSE's?
478 **NICE:** I can't see his hands. I, you know, I see his arms come up. I don't know if he's
479 grabbing, pushing--you know, I don't know what he's doing. I'm watching
480 CHASSE, 'cause, you know, if he doesn't make contact, or gets away from him,
481 we're still gonna--you know, I'm gonna make contact with him next, 'cause I'm
482 about to intercept him. Um, you know, I'm watching CHASSE--HUMPHREYS
483 comes up behind him, in the peripheral view, and I'm--you know, I'm not
484 focusing on what his hands are doing. I-I assumed that he tackled him, 'cause
485 his hands and arms came up, and made contact with Mr. CHASSE in the upper
486 back, shoulder area. And, you know, I can't--I can't tell you where his hands
487 were - were they below his shoulders, were they above his shoulders - I don't
488 know.
489 **BARKLEY:** Were they in front around Mr. CHASSE's chest?
490 **NICE:** Thinking about it now, I don't remember.
491 **BARKLEY:** Okay. Can you describe how Mr. CHASSE landed? Did he land on his front?
492 Did he land on his...
493 **NICE:** He landed...
494 **BARKLEY:** side, his back? Did he put his arms out to break his fall?

495 NICE: He landed on his - I want to say, on his chest, slightly--slightly on his left side,
496 and his - I remember his left arm was straight out on the pavement, which is why
497 I ran and grabbed his arm - his left arm, uh, to secure his left arm, to take him
498 into custody.

499 BARKLEY: So, do you recall whether or not Mr. CHASSE's left hand, arm broke his fall
500 before making contact with the pavement?

501 NICE: I don't--I can't say whether it did or not.

502 BARKLEY: Do you recall hearing, you know, that ugly thump when someone lands hard on--
503 on concrete, like the--the thud sound of skull, or something of that nature?

504 NICE: You know, I don't remember that, but I-I don't remember him putting his arm
505 out. I remember him hitting the ground, and his arm being out, which drew my
506 focus to go secure that arm. But I don't, as far as sounds, I remember--you
507 know, he had--he hit the ground, and Officer HUMPHREYS hit the ground, and
508 his backpack hit the ground. There--I don't--I don't remember any specific
509 noises.

510 BARKLEY: Okay, describe how Officer HUMPHREYS landed.

511 NICE: I know he went to the ground. Uh, I want to say that he was to the right side of
512 Mr. CHASSE, and I don't remember what position he was in. He was--I
513 remember his, uh--he had, like--I think he still had a hand on Mr. CHASSE.
514 Um, he was right next to him, but I don't--uh, as far as where his--his foot or
515 knee placement would be, I can't say. I was focused on going to secure Mr.
516 CHASSE's left arm.

517 BARKLEY: Okay, let me refer you to the--your statement on the bottom of page 19 which
518 says, quote "It appeared--it appeared that Officer HUMPHREYS kind of landed
519 slightly off of the subject." Now that statement there would indicate that he was
520 somewhat on Mr. CHASSE, would it not?

521 NICE: Well, he's off to the right side of the subject.

522 BARKLEY: Okay.

523 NICE: 'Cause I'm on--I'm on CHASSE's left; Officer HUMPHREYS is on the other
524 side of him.

525 BARKLEY: Correct.

526 NICE: And he's, you know, he's...

527 BARKLEY: And--and...

528 NICE: He's kinda tangled up with him, in some way.

529 BARKLEY: Okay. And to continue with that, it says, quote, from you "kind of half on his
530 right side, and half on the ground, because I could see, you know, the backpack
531 that he had wounded up separated from us, but I don't know."

532 NICE: Yeah.

533 BARKLEY: So...

534 NICE: He was, you know, they're--they're tangled up together. I, you know--he's... I,
535 boy, I don't really remember his position right now.

536 BARKLEY: But, earlier, you said you were within 3 to 4 yards of Mr. CHASSE when he hit
537 the ground.

538 NICE: Right.

539 **BARKLEY:** Do you recall...

540 **NICE:** Well, when they--when they made contact...

541 **BARKLEY:** Okay.

542 **NICE:** is what I said.

543 **BARKLEY:** Okay. So, when they hit the ground, how close were you?

544 **NICE:** Well, they fell further forward, and I was still running towards them. So I had--

545 as they were falling, I'm closing the distance. And when they--when he hits the

546 ground, I'm two steps away, and I've got a hold of his arm.

547 **BARKLEY:** Okay. So now you're closer, so when Mr. CHASSE goes down, and - do you

548 recall how much, if any, of Officer HUMPHREYS' body landed on top of Mr.

549 CHASSE?

550 **NICE:** I don't remember. I don't remember. I've had - no, I don't remember how

551 much. I can't, you know, I can't say if it was 50%, 30% - I don't know. I just

552 remember that they fell down together on the pavement.

553 **BARKLEY:** But do you recall whether or not Officer HUMPHREYS landed on Mr.

554 CHASSE at all?

555 **NICE:** No, I just remember them by--when I went to grab the arm, they're right together

556 on the pavement.

557 **RODRIGUES:** I have a question.

558 **NICE:** Yeah.

559 **BARKLEY:** Go ahead.

560 **RODRIGUES:** Sgt. RODRIGUES. Sgt. NICE, was Mr.--did Mr. CHASSE have his backpack

561 on? And you mentioned earlier it fell off at some point. When he was going to

562 the ground, where was that backpack?

563 **NICE:** When he was--when he was running he had a backpack on. When we hit the

564 ground, it was off to the side - his right side - up ahead of Officer

565 HUMPHREYS. And I don't know if it was--he still had it on by, say, one

566 shoulder strap, but it was off to the side, slightly ahead of us.

567 **RODRIGUES:** And in regards to Officer HUMPHREYS, if you can remember, when he--when

568 both he and Mr. CHASSE made contact with the ground, did Officer

569 HUMPHREYS have any type of separation from Mr. CHASSE? And when I

570 mean separation, separation that you noticed, like there was a distance that he

571 had to come up and approach, or -- was there any separation at all?

572 **NICE:** I don't remember. You know, this is--this happened in a matter of seconds from

573 - I mean, the whole pursuit to the time I'm grabbing his arm is, you know, 4 or 5

574 seconds - I-I don't remember what his body position was when they went to the

575 ground.

576 **RODRIGUES:** Okay. Thank you.

577 **BARKLEY:** Please describe what occurred after Mr. CHASSE and Officer HUMPHREYS

578 fell to the ground.

579 **NICE:** Like I said, I went to grab a hold of Mr. CHASSE's left arm, which was straight

580 out, away from his body, on the ground. I put him in a reverse wrist lock,

581 straightened his arm, put some pressure down and on that arm to try to--to secure

582 him for handcuffing. Uh, Officer HUMPHREYS was attempting to secure his

583 right arm. Um, Mr. CHASSE was thrashing, pulling away from us, screaming,

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584 uh, kicking. Deputy BURTON was attempting to secure his legs. Uh, as I
585 secured the arm and waited for them to produce his right arm, uh, I felt a sharp
586 pain in my--inside of my right calf. I looked down, and I could see that, um,
587 somehow Mr. CHASSE had rolled up slightly and was able to get his head
588 around to bite me in the right calf.

589 **BARKLEY:** Okay. Let me have you refer to page 7 of your transcribed statement to
590 detectives - your first statement there on page 7 - and I'll read it into the record.
591 You're quoted as saying "Yes, he, when he was tackled--he put his arms out to
592 catch himself. Um, both arms were almost straight. Officer HUMPHREYS was
593 on his back. I picked up his left arm, raised it up behind him in a straight
594 manner to pin his shoulder to the ground." Now, are you referring to Officer
595 HUMPHREYS as being on Mr. CHASSE's back, after they hit the ground, and
596 now Officer HUMPHREYS has rolled onto his back, or can you explain that
597 statement?

598 **NICE:** That's where he was when I went to grab his arm. I don't know if he had moved
599 to there, or that's where he landed. I--when they hit the ground, I saw the--the
600 arm go up straight. I looked at the arm, I went and grabbed it, looking down at
601 the ground, and when I came back to bring that arm around, Officer
602 HUMPHREYS is directly to my right, on Mr. CHASSE, trying to get his arm
603 out.

604 **BARKLEY:** Okay, now when you say that, describe how Mr. HUMPHREYS - according to
605 your statement here, it says Officer HUMPHREYS was on his back - can you
606 describe that? Is he laying on his back, is he kneeling on his back?

607 **NICE:** Officer HUMPHREYS is--is up right. He's--I think he's got a knee somewhere
608 near, or on top of him, trying to pin him down, and he's trying to get Mr.
609 CHASSE's arm out from under him. I believe he had pulled his arm back in, uh,
610 after he hit the ground.

611 **BARKLEY:** Can you explain how, while Mr. CHASSE was lying on his stomach - you got
612 his left arm in an arm-bar - how was Mr. CHASSE able to contort his head
613 around far enough to his left, in order to bit your right calf?

614 **NICE:** Due to the proximity of all 3 officers trying to get control of Mr. CHASSE, I was
615 not able to kneel down and pin his left shoulder, like you usually would taking
616 somebody into custody. I was standing, holding his arm in a--in an arm-bar, and
617 what I think happened is as he was thrashing around, he was able to roll up on
618 his side, and then his--he kinda--his body had moved away from me a little bit;
619 he'd rotated away from me during the struggle, and he's able to come around
620 and get, uh, me right--get his head right around my leg. 'Cause my leg was,
621 pretty much, underneath his--his armpit, ribcage area here, and I think as he
622 turned away; as his body turned away from me, he was able to get his head
623 underneath--underneath his arm.

624 **BARKLEY:** How would you describe Mr. CHASSE's flexibility?

625 **NICE:** Extreme. He was very flexible. I was very surprised when I looked down and I
626 could see--when - I was surprised - when I--when I had his shoulder, and I'm
627 looking down, and he's biting me, I-I kind of--I didn't immediately pull my leg
628 away, 'cause I was, like, how--how was he doing that. And I don't know if he

629 dislocated his shoulder, or something, but I was shocked that he was even able to
630 get around to bite in that fashion.

631 **BARKLEY:** When Mr. CHASSE bit you in the right calf, did he break the skin?

632 **NICE:** No, he did not.

633 **BARKLEY:** And what was your reaction to Mr. CHASSE biting you?

634 **NICE:** I, uh, yanked my right foot back, and yelled at him to, um, "don't bite me", or
635 something like that.

636 **BARKLEY:** And then what did you do?

637 **NICE:** I tried to reposition myself to get better control of his, uh, arm, and to put more
638 pressure on him to pin him to the ground. And then I could, uh--I-I told Officer
639 HUMPHREYS that he's biting.

640 **BARKLEY:** Okay. At--at this point, or any point after this, but specifically at this point in
641 time, did you strike Mr. CHASSE with your fist?

642 **NICE:** No, I did not. When he bit me, and I pulled back, I made a fist with my right
643 hand. I pulled back, and I looked down at him, and I could see that his mouth
644 was full of rotting teeth, and I thought to myself if I hit this guy, I'm going to get
645 infected. You know, I knew that this was not a--a good striking tactic for me -
646 his mouth is open, I'm going to cut my hand on his teeth, and I re-placed my
647 hand back on his elbow to continue the--the arm-bar.

648 **BARKLEY:** Okay, I'm going to read to you a transcribed statement by Officer
649 HUMPHREYS, and I'd like you to tell me if this is an accurate statement, and
650 an accurate observation. When Officer HUMPHREYS was interviewed by
651 detectives. On page 15, Officer HUMPREYS stated, quote "And, um, Sgt.
652 NICE is kinda up above and, um, I don't see Mr. CHASSE's head, but I see Sgt.
653 NICE, uh, strike one time, one time with a closed fist. Um, I didn't actually see
654 where it landed, but it was up in the shoulder/head area, and he's yelling, you
655 know, 'stop bite--biting'." Would that be an accurate quote and observation by
656 Officer HUMPHREYS?

657 **NICE:** I don't think that's accurate. What I - if I can say what I think Officer
658 HUMPHREYS saw and heard...

659 **BARKLEY:** Well...

660 **NICE:** I mean, no, it's not accurate. I did not punch--I, at no time, struck him with my
661 fist.

662 **BARKLEY:** Okay. So--so, this would be inaccurate; it's not a true reflection of...

663 **NICE:** Yes.

664 **BARKLEY:** what you, physically...

665 **NICE:** I cocked my fist back, and I was gonna punch him, but when I saw his open
666 mouth, and I thought for a second about how dirty this guy was, I didn't have
667 any gloves on. I didn't have leather gloves on. I didn't have rubber gloves on,
668 and I thought no, I'm gonna get cut if I punch this guy. So, I went back to the--
669 to the arm-bar. I never released that punch.

670 **BARKLEY:** Okay. Please describe any additional biting by Mr. CHASSE. He initially bites
671 you in the right calf, does he bite you, or anyone else, again?

672 **NICE:** He attempts to bite Officer HUMPHREYS. Uh, he--as I'm looking to see
673 what's going on with the struggle--struggle, I feel, uh, pressure on my pant leg,

674 and he has--Mr. CHASSE has my pant leg in his teeth. And I pulled my right
675 foot back, uh, from his mouth to get my pant leg out of it, and I, uh, tapped him
676 on the chest with the instep of my boot, and said "stop biting."
677 **BARKLEY:** Okay. Let me have you refer to page 8 of your transcription. Okay, if you'll
678 look at your third statement of page 8 of your transcribed statement to detectives.
679 I'll read it into the record. You say, quote "As this continued, um, I felt a
680 tugging at my left - excuse me - my right pant leg, or excuse me, my right pant
681 leg again. I looked down, and he had rolled up on his side again, and had gotten
682 a hold of the cuff of my right pant leg with his teeth again. I pulled my right foot
683 back, and kicked him in the upper chest. I told him 'don't bite me'." Do you
684 recall making that statement?
685 **NICE:** Yes.
686 **BARKLEY:** Okay. Did you kick him?
687 **NICE:** Yes. It was not a full power kick. If you can imagine, um, standing, but bending
688 over holding onto somebody's arm, this wasn't a full power kick; this was a kick
689 to get his attention, um, and to dissuade him from biting me. This wasn't like I
690 let go of him, stepped back and did a full soccer kick into his chest. This was
691 the instep of my boot; it was not with the toe; it was a flat, uh, low-powered kick
692 to get his attention.
693 **BARKLEY:** Okay. And so, you're--so, the part of your foot that you used was the instep of
694 your right foot?
695 **NICE:** Yes.
696 **BARKLEY:** And you used that, and made contact with Mr. CHASSE's upper chest?
697 **NICE:** Correct.
698 **BARKLEY:** Now, with--when you say upper chest, are you referring to the front of the chest?
699 **NICE:** Yes.
700 **BARKLEY:** The sternum area, or off to the side?
701 **NICE:** No, it was probably the top part of the sternum. 'Cause he'd rolled up--he was
702 able to get a hold of my cuff, 'cause he rolled up on his side again.
703 **BARKLEY:** Okay. Was the kick hard enough, in your opinion, to fracture Mr. CHASSE's
704 upper chest area?
705 **NICE:** Absolutely not.
706 **BARKLEY:** What type of shoes were you wearing?
707 **NICE:** Uh, a pair of 511 tactical boots. They're, uh, a light-weight, uh, boot; they're
708 more like a tennis shoe. They're not a hard-sole boot, like a Danner.
709 **BARKLEY:** At some point, you were kneeling on Mr. CHASSE's back, is that correct?
710 **NICE:** Yes.
711 **BARKLEY:** Okay. And where was that in all of this commotion?
712 **NICE:** Um, I don't remember--I think after this, I was--I felt the only way I could
713 control him, was to try to pin his--his back down, 'cause he was able to bite at
714 us, 'cause he was able to roll up on his side. So, at some point, I put my, uh--put
715 my knee on him. But there wasn't enough room, really, for me to do that, 'cause
716 Officer HUMPHREYS was there, and Officer--or Deputy BURTON was there,
717 trying to free up his other arm, and so I-I wasn't able to stay there. I think I,

718 actually, either bumped into Officer HUMPHREYS, or he bumped into me, and
719 I had--I think I had to stand back up.

720 **BARKLEY:** Okay, so--so Mr. CHASSE is, for the most part, during this struggle, lying on his
721 chest, front chest, and is contorting and moving to both sides, as he rolls?

722 **NICE:** No, he--he's either on his chest, or he's rolling up on his right side, because they
723 don't have control of his right arm yet.

724 **BARKLEY:** Okay.

725 **NICE:** I don't--I don't--he--he didn't roll to his left, 'cause I've got that shoulder
726 controlled.

727 **BARKLEY:** Prior to, or after, actually kneeling on Mr. CHASSE's back, did you ever knee-
728 drop Mr. CHASSE?

729 **NICE:** Knee-drop, as meaning drop all my weight on him?

730 **BARKLEY:** Using your knee to do a knee-drop to his backside, front...

731 **NICE:** Never. I've never done that to anyone.

732 **BARKLEY:** Okay. So, while you're struggling with Mr. CHASSE, and you got his left arm,
733 and he's bit you once, and attempting to bite you and Officer HUMPHREYS,
734 what was Officer HUMPHREYS doing at this time?

735 **NICE:** He's trying to get Mr. CHASSE's right arm under control. It had - I believe he
736 pulled it--Mr. CHASSE had pulled his arm underneath his body, and I
737 remembered, uh, early on in the struggle, um, Officer HUMPHREYS, I believe,
738 had both arms, trying to pull that arm out. But he's, you know, I'm--I have
739 somewhat control of the left arm; I'm waiting for them to get the other arm out,
740 so we can control him. Deputy BURTON is back trying to contain control of
741 Mr. CHASSE's body and legs, so that Officer HUMPHREYS can get that arm
742 under control.

743 **BARKLEY:** Who handcuffed Mr. CHASSE?

744 **NICE:** Uh, at this time, I don't remember. I know that we called for assistance, and
745 other officers arrived. It was probably either Officer WELDON or Officer
746 PAHLKE - I don't - I don't remember.

747 **BARKLEY:** It wasn't you?

748 **NICE:** No.

749 **BARKLEY:** Do you recall who placed the hobble on Mr. CHASSE?

750 **NICE:** No.

751 **BARKLEY:** Do you know how the hobble was applied?

752 **NICE:** Uh, I remember, uh, it was applied first by, uh, putting the hobble around his
753 legs, and clipping it to the, uh--I believe they clipped it--clipped it to his
754 handcuffs.

755 **BARKLEY:** And when you say around his legs, are you talking about his ankles, or his
756 thighs?

757 **NICE:** I'm sorry, his--his ankles.

758 **BARKLEY:** So they wrapped the hobble around his ankles?

759 **NICE:** Yeah, the...

760 **BARKLEY:** And then they cinched it up?

761 **NICE:** Yes.

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762 **BARKLEY:** And then they took the other part and clipped it around the handcuffs - the chain
763 part?
764 **NICE:** Yeah, and I don't believe that's the correct way of doing it, and I had them
765 readjust it, so they could loop it through the handcuffs, and back to the--to clip it
766 on the buckle. Because if you just clip it on the handcuffs, it's not tight enough
767 to prevent somebody from kicking. At least it wasn't, in this position.
768 **BARKLEY:** So--so now, after you direct the officers to readjust it, it's actually a more
769 tighter...
770 **NICE:** Yeah, it brings...
771 **BARKLEY:** restriction?
772 **NICE:** the legs from, you know, a slight bend to not quite a 90 degree bend.
773 **BARKLEY:** Who searched Mr. CHASSE?
774 **NICE:** I don't recall.
775 **BARKLEY:** Did you?
776 **NICE:** I, uh, I did not. I want to say it was Deputy BURTON, but I don't remember.
777 **BARKLEY:** Okay. What I'd like you to do is to go ahead and describe any and all physical
778 force that was used by yourself, first, and then I'm going to ask you to describe
779 any and all physical force that was used by Officer HUMPHREYS, and any and
780 all physical force that was used by Deputy BURTON, and whatever other
781 officers, or paramedics, or fire personnel that responded. So, if you'd start--start
782 with yourself. What...
783 **NICE:** Okay...
784 **BARKLEY:** the first use of force did you use.
785 **NICE:** What I did was, the, uh, wrist-lock and arm-bar. Um, I, at some point, put
786 pressure on his shoulder with my right knee to--to try and pin him to the ground.
787 I gave the--the--I mean, I guess, it's a kick to his chest, and at one point, as I was
788 standing there, and he continued to bite, I put the sole of my boot on his jawline
789 just to try to keep his head pinned, so he couldn't bite any more.
790 **BARKLEY:** Okay. And...
791 **NICE:** That's it for me.
792 **BARKLEY:** And regarding Officer HUMPHREYS?
793 **NICE:** Uh, the initial push or tackle, or whatever it was, to the ground. Uh, I believe,
794 um, he put some pressure on him by kneeling on him. Uh, I want to say that--I
795 think Officer HUMPHREYS struck him with his closed fist after an attempted
796 bite. Um, I don't, um--I'm ass--I think there was, um, wrist-lock control. And I
797 can't tell you what; I think it was just a reverse wrist-lock on it, but I don't
798 remember. Um, and I think that's it for Officer HUMPHREYS.
799 **BARKLEY:** Okay, regarding Officer HUMPHREYS, refer to, uh, your transcribed statement
800 to detectives, on page 11. And go to your fourth statement on that page, where
801 I'll read into the record. Quote, "I believe I saw Officer HUMPHREYS use a
802 closed fist strike; a punch once, or I think once to the face; might have been
803 twice to the face, when he attempted--when the subject attempted to bite Officer
804 HUMPHREYS." Does that refresh your memory?
805 **NICE:** Yes.

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806 **BARKLEY:** Okay.

807 **NICE:** I--at this time, I remember one strike. I don't--I can't say about a second. But I

808 know he hit him once, I'm pretty sure.

809 **BARKLEY:** Okay. Can you describe the--any and all physical force that was used by Officer

810 **BURTON**, directed at Mr. **CHASSE**?

811 **NICE:** Uh, the only thing I remember is that once we were--at one point, we were--

812 Deputy **BURTON** pulled his Taser out at one point, and he took the cartridge out

813 to deliver a dry stun. Um, I didn't think that this would be effective, based on

814 Mr. **CHASSE**'s demeanor, and I told him to not use the Taser. Um, and we

815 continued the struggle, uh, with Mr. **CHASSE**. At some point later, Deputy

816 **BURTON** delivered a dry stun to the upper - I think it's the upper right leg,

817 buttocks area of Mr. **CHASSE**.

818 **BARKLEY:** Okay, anything else? Did he give Mr. **CHASSE** verbal warnings, do you recall -

819 regarding the Taser?

820 **NICE:** I don't remember.

821 **BARKLEY:** Any other physical force used by Officer **BURTON**, directed at Mr. **CHASSE**,

822 that you can recall?

823 **NICE:** No. I wasn't in a real good position to see what Officer--Deputy **BURTON** was

824 doing, through most of the struggle.

825 **RODRIGUES:** This is Sgt. **RODRIGUES**. Sgt. **NICE**, let's go back again to when you were

826 trying to control Mr. **CHASSE**'s left arm in an arm-bar, and at some point he bit

827 you. And you mention that you were going to punch him in the face area or the

828 head, or where was - were you going to punch him?

829 **NICE:** In the head.

830 **RODRIGUES:** But because of the condition of his teeth, and the potential for you to have an

831 infection, you decide not to do that - is that correct?

832 **NICE:** Yes.

833 **RODRIGUES:** Had that not been the case, would you have struck him in the head?

834 **NICE:** I think I might have. Um, yeah. 'Cause it was the only target available at that

835 time. There was no other place to hit him.

836 **RODRIGUES:** And do you feel that would've been justified use of force, considering the level

837 of resistance that you were faced with at the time?

838 **NICE:** Yes, based on Mr. **CHASSE**'s assault on me by biting me, yes, it would've been

839 appropriate use of force.

840 **RODRIGUES:** Okay. And what level resistance was he engaged in? I mean...

841 **NICE:** Active, physical resistance, and assaultive behavior.

842 **RODRIGUES:** Okay. Thank you.

843 **BARKLEY:** Okay, it's 1716 hours. We're going to go off the recorder for a few moments

844 while I locate the--an issue that I want to discuss.

845 **BARKLEY:** Okay, we're back on the record. It's 1722 hours. I'm going to ask you, as a--as

846 it regards Officer - or excuse me - Deputy **BURTON**, now, Portland Police

847 Officer **BURTON**, but Deputy **BURTON** at the time - did you ever observe

848 Deputy **BURTON** punch Mr. **CHASSE**?

849 **NICE:** No.

850 **BARKLEY:** Did you ever observe Deputy BURTON use a right index finger knuckle for pain
851 compliance, in Mr. CHASSE's ribs?
852 **NICE:** No.
853 **BARKLEY:** Did you observe Deputy BURTON use any sort of--any type of pain compliance,
854 using his fist or knuckles?
855 **NICE:** I did not. Like I said, I was up towards the left shoulder area, facing towards Mr.
856 CHASSE's--and I was not in a position to see much of what Deputy BURTON
857 did.
858 **BARKLEY:** Okay. From the time of the foot pursuit of Mr. CHASSE, to and including, the
859 time that Mr. CHASSE is transported from the location, in the police vehicle,
860 did you observe or hear any officer who caused, quote "a broad-based blunt
861 force trauma", end of quote, to Mr. CHASSE? Which would be, i.e., falling
862 with force on Mr. CHASSE; dropping him to the ground; doing a knee drop to
863 his body; dropping him, or placing him in the backseat of the police vehicle - did
864 you see any type of force used by anyone, not just yourself - Officer
865 HUMPHREYS, Deputy BURTON, members of the paramedics, both AMR and
866 the Portland Fire Bureau?
867 **NICE:** No. Nothing that I saw would--was that strong, or that forceful.
868 **BARKLEY:** I'm going to ask you a series of questions, based on your observations, to
869 describe certain individuals' behavior, demeanor, and what was said. So, I'm
870 going to go through the significant players here. Please describe Mr. CHASSE's
871 behavior, demeanor, from the time he was forced to the ground, and he was
872 transported to the Multnomah County Detention Center - how would you
873 describe his behavior and demeanor?
874 **NICE:** Um, kind of manic. From the time he started running, he was, uh, wide-eyed,
875 uh, panicked. Um, when he was on the ground, he was screaming, but it wasn't
876 anything audible; it was just like an open-mouthed scream. It wasn't like he was
877 trying to form words at all; he just screamed the whole time. Um, very--very
878 excited; very, uh, agitated.
879 **BARKLEY:** What did Mr. CHASSE say, from the time he was forced to the ground, until he
880 was transported to the Multnomah County Detention Center? You say that he
881 was screaming - were there words that you could understand? Did he ever
882 complain of any injuries?
883 **NICE:** No, the only intelligible word that I ever heard among all of his screaming was
884 the word "no." And he said that several times throughout. But, like I said,
885 mostly it was just an open-mouthed kinda "aah" scream, most of the time.
886 **BARKLEY:** And what was the screaming of "no" in reference to; response to?
887 **NICE:** Uh, I don't know. It was from the initial point of us trying to arrest him, he
888 screamed no. Uh, he screamed no to medical personnel. Um, it was just
889 interspersed among the rest of his unintelligible screaming.
890 **BARKLEY:** Please describe your behavior; demeanor, from the time Mr. CHASSE was
891 forced to the ground and he was transported to the Multnomah County Detention
892 Center. Were you angry, were you outraged...
893 **NICE:** No, I was...
894 **BARKLEY:** Tell us how--how you--how you were feeling; what your reaction was.

895 NICE: Initially, it just seemed like a routine arrest. Uh, foot pursuits are really very
896 common downtown. Uh, people run all the time, for whatever reason - they're
897 wanted; they're selling drugs; whatever. Um, I, initially, thought this was just
898 going to be a routine arrest; I was going to help 'em take this guy into custody,
899 and I was going to go on my way - I was trying to get to coffee that day. Um,
900 you know, I think when it was over, I had some--some anger about getting bit,
901 but this is, with the exception of the length of the struggle, it wasn't anything
902 that got me agitated.

903 BARKLEY: Okay, would you describe your--your reaction to this confrontation with Mr.
904 CHASSE. Were you out of control; were you outraged?

905 NICE: No, no. I've been doing this long enough, and I've done this enough times that,
906 you know, this isn't anything particularly out of the ordinary.

907 BARKLEY: Have you been bit before?

908 NICE: Um, not by a human.

909 BARKLEY: Okay, and once again, when you were bit, did it break the skin?

910 NICE: No.

911 BARKLEY: Okay. What did you say to Mr. CHASSE, from the time he was forced to the
912 ground and he was then transported to the Multnomah County Detention Center?

913 NICE: Uh, I gave him some commands to--to stop moving; to--to not bite me - I think I
914 said that a couple of times. Um...

915 BARKLEY: Were--were your directions, and what you said to Mr. CHASSE--were you
916 attempting to de-escalate the situation; trying to calm him down - what?

917 NICE: Uh, basically, just give him directions, so we could get him into custody and end
918 the struggle.

919 BARKLEY: Okay. Please describe Officer HUMPHREYS' behavior, demeanor toward Mr.
920 CHASSE, from the time he was forced to the ground until he was transported to
921 the Multnomah County Detention Center.

922 NICE: I'd say it was very similar to mine. He didn't--he didn't get agitated or angry
923 about anything. Uh, you know, we were all a little frustrated because it took a
924 long time to get him into custody, and, uh, there's nothing out of the ordinary. I
925 didn't see him get angry, or swear, or anything like that.

926 BARKLEY: Okay. And what did Officer HUMPHREYS say to Mr. CHASSE, from the time
927 he was forced to the ground until he was transported to the Multnomah County
928 Detention Center? Do you recall?

929 NICE: No, not really. I-I know that there was commands given to him regarding, uh,
930 putting his arm behind his back, and some things like that. But I don't
931 remember anything in particular.

932 BARKLEY: Did you ever hear Mr.--Officer HUMPHREYS say anything to Mr. CHASSE,
933 that you would consider to be threatening; menacing verbally?

934 NICE: No.

935 BARKLEY: Please describe Deputy BURTON's behavior and demeanor, from the time Mr.
936 CHASSE was forced to the ground and then transported to the Multnomah
937 County Detention Center.

938 NICE: Um, Deputy BURTON was fairly calm. Um, I don't remember him saying
939 much of anything. And like I said, I'd never met this Deputy BURTON before,

940 and I don't know what's he like, generally, so - but he did not, uh, he never
941 screamed at anybody; didn't yell at anybody. I don't--I'm not sure he said very
942 much during the struggle.

943 **BARKLEY:** When you look at all of the different police officers, including Deputy
944 BURTON, the paramedics from AMR, and also the paramedics from the
945 Portland Fire Bureau - did you observe any behavior or demeanor, or verbiage
946 from any of those people present that you found to be offensive, threatening, as
947 to Mr. CHASSE?

948 **NICE:** No, none.

949 **BARKLEY:** When you were interviewed by detectives, you stated that you believed Mr.
950 CHASSE was under the influence of drugs, rather than alcohol. Why did you
951 feel that Mr. CHASSE's behavior was related to illegal drugs, as opposed to
952 mental illness?

953 **NICE:** Um, in, basically, how excited he was. Um, the majority of the people that I've
954 dealt with, who are mentally ill, do get agitated to some level - uh, whether
955 they're fighting with us, or resisting. But this--this gentleman was even above
956 that farther. He was wide-eyed and screaming, and it seemed even out of the
957 normal range for someone that had mental illness. Uh, working Central
958 Precinct, we deal with the mentally ill all the time. There's a great majority of
959 people down there that are mentally ill. And this, the characteristics or the
960 behaviors that Mr. CHASSE displayed, to me, seemed even outside of that range
961 of--of emotion and anxiety and energy level. And, uh, it reminded me of, um,
962 someone using cocaine. 'Cause cocaine, when you get somebody who's--who's
963 overdosing or in a cocaine psychosis, they're very animated; very loud; uh, very
964 active, um, when you--when you have a struggle with them. And that's what it
965 reminded me of. Basically, based on past experience, um, fighting with people
966 under the influence of cocaine, is what this reminded me of.

967 **BARKLEY:** Okay, but let's take the totality into consideration here. I know this unfolded
968 very, very quickly; you have a lot happening; you have 3 officers who are trying
969 to get a fairly thin man under control, and not having much success at that. But
970 when you were out there - not sitting here today, but at the time, when you said
971 that you thought that he was under the influence of drugs, rather than alcohol, or
972 not even considering mental illness - would the usage of drugs opposed to
973 mental illness, not be consistent with what you observed, which based on what
974 you've already indicated was that he was dirty, filthy, homeless, rotted teeth,
975 basically, unkempt...

976 **NICE:** Mm-hmm.

977 **BARKLEY:** Does that typically go with someone who's going to be exhibiting signs of
978 cocaine psychosis or drug use, opposed to being mentally ill?

979 **NICE:** Um, when you - yes and no. When you--when you look at the whole picture, the
980 past history of someone fighting--if you--if you have a struggle with, say, a
981 transient; someone who looks like Mr. CHASSE did, um, it's usually alcohol or
982 mental illness. And--and the short--the fights are short; they're not prolonged.
983 There--there isn't the resistance to pain that was displayed by Mr. CHASSE.
984 There wasn't this--the high level of energy. Uh, you know, a transient that might

985 have some mental health issues might struggle with you for a few--a few
986 seconds, but I've never had a prolonged fight with a transient or a homeless
987 person like this before. It just--this was out of the ordinary, that made me think
988 that it wasn't just, uh, I don't want to say run-of-the-mill mental health problem,
989 but it--it was something unusual, which made me think that this was, uh,
990 something that had to do with, uh, illegal drugs. 'Cause if it was alcohol, uh,
991 that's a central nervous system depressant; they're not going to be all animated
992 like this. Uh, we had, prior to this, several, at least two cases I believe, of, uh,
993 cocaine psychosis, and there's at least one death, uh, in--early in the year. Um,
994 based on all of that, is what made me think that there was, um, some illegal
995 drugs involved in this behavior.

996 **BARKLEY:** Okay, what specific symptoms were exhibited by Mr. CHASSE that caused you
997 to request Code 3 Medical to respond?

998 **NICE:** At about the time that we got him cuffed - I think it was just after we were
999 successful in getting him handcuffed - I look at him, and he was on his right side
1000 in the--in the position we put people in to prevent positional asphyxia, but his
1001 head was relaxed, and he was--he appeared to be unconscious. He was not
1002 screaming; his eyes were closed; he was not making any noise. This was totally
1003 180 degree turn from he'd been doing for the last several minutes. Um, based on
1004 training, uh, regarding position asphyxia and cocaine psychosis, and in-custody
1005 deaths, and the previous incident that we'd had earlier in the year, I thought that
1006 we were having an in-custody death, or some kind of cocaine psychosis issues,
1007 so I immediately called for a Code 3 Medical.

1008 **BARKLEY:** Okay, do you recall that, according to your transcript to detectives, on page 12,
1009 you made reference to that it appeared to Mr. CHASSE had stopped breathing -
1010 do you recall that?

1011 **NICE:** Yes.

1012 **BARKLEY:** Okay. So that was another additional reason why you...

1013 **NICE:** Yes.

1014 **BARKLEY:** called for medical?

1015 **NICE:** He--he was just immediately calm; wasn't moving...

1016 **BARKLEY:** And appeared not to be breathing?

1017 **NICE:** Appeared not to be breathing.

1018 **BARKLEY:** How soon after you requested medical, did you observe Mr. CHASSE breathing
1019 again?

1020 **NICE:** Almost immediately after I finished my transition. Uh, I know that I called for
1021 medical, and I think I gave our location, uh, so that probably took 3 to 5 seconds.
1022 And once I looked down, uh, back at Mr. CHASSE, I could tell that he was
1023 breathing again.

1024 **BARKLEY:** Did any officers provide any type of medical assistance to Mr. CHASSE, from
1025 the time he was handcuffed and under control, until the time that medical arrived
1026 at the scene?

1027 **NICE:** No, not that I remember.

1028 **BARKLEY:** How long would you estimate it was from the time you requested medical, until
1029 either AMR and/or Portland Fire Bureau paramedics arrived?

1030 NICE: Boy, I honestly don't remember.
1031 BARKLEY: A short period of time?
1032 NICE: Yeah, it was relatively short. It wasn't, um, you know, more than 10 minutes, I
1033 would think. Probably around, maybe 5 to 10 minutes, but I--I'm just guessing
1034 here. It wasn't an extended period - I don't remember having to wait very long
1035 for them.
1036 BARKLEY: Was Mr. CHASSE's medical condition continuously monitored by officers at
1037 the scene?
1038 NICE: Yes, I remember, um, I believe it was Officer HUMPHREYS was kneeling on
1039 the ground with Mr. CHASSE the entire time. I'm not sure if Deputy BURTON
1040 was there also. But I remember - I want to say it was Officer HUMPHREYS
1041 was on the ground holding onto him, and was watching him the entire time.
1042 BARKLEY: Okay, was Mr. CHASSE ever left alone?
1043 NICE: No.
1044 BARKLEY: Did AMR, or Portland Fire Bureau arrive first?
1045 NICE: I believe it was AMR. They came eastbound on, uh, Everett, and stopped just
1046 past my patrol car.
1047 BARKLEY: So, they were parked down at--right at 13th?
1048 NICE: Correct.
1049 BARKLEY: Okay. Are you aware, or did you advise medical responders, AMR paramedics
1050 or the Portland Fire Bureau paramedics - were the medical responders ever
1051 advised of the force that had been used, and the circumstances involving Mr.
1052 CHASSE, from being chased a half a block, to being forced, tackled, pushed to
1053 the ground, possibly Officer HUMPHREYS landing either on him, or partially
1054 on him, and the ensuing physical confrontation that took place, until he was
1055 handcuffed?
1056 NICE: I did not relay the--the specifics, as you just outlined in there. I did tell the
1057 driver of the ambulance that, um, he had fought with police, and had gone
1058 unconscious.
1059 BARKLEY: So, did you hear anyone else advise the paramedics of what I had just described
1060 to you?
1061 NICE: No, I did not hear anybody talk about that.
1062 BARKLEY: Did you, or any of the other officers at the scene, advise the medical responders
1063 that Mr. CHASSE may have suffered possible head injury, chest injury -
1064 anything of that nature?
1065 NICE: No, we had no indication of--of any of his injuries besides the little bit of blood
1066 coming out of his mouth, so no.
1067 BARKLEY: So, physically, outside, you're saying all you observed was some, a small
1068 amount of blood coming from Mr. CHASSE's mouth?
1069 NICE: Yeah, the only injuries I ever saw on him was a scrape on his elbow, presumably
1070 from the initial contact with the ground, and he was bleeding from the mouth.
1071 And that's the only injuries that were visible to me during this entire altercation.
1072 BARKLEY: Based on your past experience, do you not believe that it's an important
1073 component when you're requesting medical to respond - 'cause you obviously
1074 have a reason, here in this case, Mr. CHASSE, I believe, momentarily appeared

1075 to have stopped breathing, and there was some other symptoms that caused you
1076 some concern - did you feel that there was no need to advise the medical
1077 responders of the entire circumstances?
1078 **NICE:** Well, I advised 'em that--that he had fought with the police - I didn't go into the
1079 details. But, yeah, it was important for me to relay the fact that he did--he went
1080 unconscious; he had been fighting with us, and I believe that I even told the
1081 AMR ambulance that there might be cocaine involved, based on Deputy
1082 BURTON finding the wrapped-up package, piece of whatever it was. So I gave
1083 them all of the information I had. I did not go into details of how long the foot
1084 pursuit was, or anything like that. That's not something I would usually do.
1085 The--the--to me, the telling the ambulance driver that he fought with us, to me,
1086 was sufficient, for them to go and do their checks. I had not, uh, information--
1087 no--nothing telling me that he was injured. I did not know why he went
1088 unconscious. You know, from what I saw, I couldn't tell what was wrong with
1089 him. I mean, I'm not medically trained, but that's why we call them. You know,
1090 I told them he went unconscious during a fight with the police. Um, to me, that
1091 was sufficient.
1092 **BARKLEY:** And it's not meant to be a loaded question, but, I mean, medical responders are
1093 requested. They get to the scene, and, you know, they're asked to, in this case,
1094 determine whether or not Mr. CHASSE is medically stationary to be transported
1095 to MCDC, or he may have to go to the emergency room. But would you not
1096 agree that this particular struggle seemed to be significant enough with the
1097 number of--of punches, kick, or kicks, falling onto the sidewalk, that--that would
1098 have been important information for paramedics to--to know...
1099 **NICE:** No, I-I don't think so. I mean, we've--we--we take people to the ground all the
1100 time. Uh, there's not--there is rarely, if any, injuries that require ambulance
1101 treatment. I know the force that I used with the kick, I knew that was minimal.
1102 And one punch to the face from Officer HUMPHREYS, to me, doesn't send any
1103 flags up that this guy needs to go to the emergency room. So when I--when I
1104 look at the force we used, to me, it didn't seem anything out of the ordinary, and
1105 nothing that would send him to the emergency room.
1106 **BARKLEY:** Do you recall anyone advising the medical responders that Mr. CHASSE had
1107 been--that the dry stun from the Taser had been used?
1108 **NICE:** Uh, I don't remember that. And, again, that's not something that would require
1109 medical treatment either.
1110 **BARKLEY:** Did any on-scene medical personnel advise you, or any officers, that Mr.
1111 CHASSE should be transported to the hospital?
1112 **NICE:** No. I had discussions with the ambulance driver. I asked if--uh, what his
1113 condition was, and he said--and she said "he is fine"...
1114 **BARKLEY:** Now, this is...
1115 **NICE:** This is the...
1116 **BARKLEY:** The Portland Fire Bureau?
1117 **NICE:** No, this is the AMR driver. She is - I don't know her name; it's a female that
1118 drove the ambulance. I had--uh, I double-checked with her that he was okay to
1119 transport. Um, she said "Well, we can take him if you want." And I said "Well,

1120 unless you have a reason to transport him, we have charges on him, we'll take
1121 him to jail." And she said "No, he's fine. He may have some cocaine on--in his
1122 system, but he's fine." I-I double-checked with her. I-I knew that this was an
1123 unusual circumstance, and I wasn't going to have the officers transport him if
1124 there was something wrong with him. And she reassured me, and said it twice,
1125 that he was fine.

1126 **BARKLEY:** So--so, no one indicated to you, in the way of either AMR paramedics or the
1127 Portland Fire Bureau paramedics, that Mr. CHASSE should be transported to the
1128 hospital?

1129 **NICE:** No, they--they took his vitals; they tried to talk to him; they drew some blood
1130 from him; they did all the things that they usually did, and no one said he needs
1131 to go to the hospital. I-I asked her twice, and she said he's fine.

1132 **BARKLEY:** If they had told you, or advised you, that he should go to the hospital, would you
1133 have allowed them to transport him to the hospital?

1134 **NICE:** Absolutely. We do it all the time.

1135 **BARKLEY:** What charges did you have on Mr. CHASSE at that time?

1136 **NICE:** We had an assault on me and a resist arrest, at a minimum. I don't know what
1137 the charges that Officer HUMPHREYS and Deputy BURTON had from the
1138 initial contact, but I know we had those charges.

1139 **BARKLEY:** So at that time, the only charges that you're aware of, were the resist arrest, and
1140 assault by him biting you on the right calf?

1141 **NICE:** Yes.

1142 **BARKLEY:** Okay. Were you ever advised, before Mr. CHASSE was transported from the
1143 1300 block of NW Everett to the Multnomah County Detention Center, of any
1144 other specific charges?

1145 **NICE:** I think there was some discussion regarding a possession of controlled substance
1146 charge related to the--the bundle that Deputy BURTON found, and I don't know
1147 if Deputy BURTON had decided on that charge or not. But I know there was
1148 some discussion about that.

1149 **BARKLEY:** Had you ever seen this potential, possible cocaine bundle at the location?

1150 **NICE:** No, I saw it after Deputy BURTON walked back up the sidewalk towards where
1151 they initially saw Mr. CHASSE, pick something up off the ground, and brought
1152 it back.

1153 **BARKLEY:** And did you observe it at that point?

1154 **NICE:** Yes.

1155 **BARKLEY:** And what did it look like to you?

1156 **NICE:** It was what is typically described as a cocaine bundle. It's how drug dealers put
1157 small rocks of cocaine in plastic bags. They twist it; they tear it off, and that's
1158 how they package it for sale. That's what it looked like to me.

1159 **BARKLEY:** And did Officer--or Deputy BURTON advise you that he observed Mr.
1160 CHASSE throw this...

1161 **NICE:** Yes.

1162 **BARKLEY:** packaging to the ground?

1163 NICE: I-I remember Deputy BURTON saying something to the effect of, I think he--I
1164 think he tossed something back there, which is a typical police vernacular for
1165 someone throwing evidence: tossing it.

1166 BARKLEY: But did he ever tell you, either before going back to the area where this was
1167 retrieved, or once he brought it back, that he observed Mr. CHASSE throw this
1168 package?

1169 NICE: He--he said that before he walked back, and picked up the bundle.

1170 BARKLEY: And then came back and showed you the bundle?

1171 NICE: Correct.

1172 BARKLEY: Okay. What medical opinions were communicated to you or other officers,
1173 regarding Mr. CHASSE's vital signs, and/or potential medical mental health
1174 conditions?

1175 NICE: Uh, I remember that his--his vitals were - I don't know if they said normal or - I
1176 think they said normal. Um, there was no mention of any--no one said anything
1177 to me about any mental health issues _____.

1178 BARKLEY: Well, did--did--did the paramedics ever, besides telling you that his vital signs
1179 were normal, did they ever mention to you, or to any of the officers at the
1180 location, any concern regarding Mr. CHASSE's mental health condition?

1181 NICE: No.

1182 BARKLEY: No other concerns regarding Mr. CHASSE's medical condition?

1183 NICE: No.

1184 BARKLEY: Okay. Did AMR and the Portland Fire Bureau personnel clear the location prior
1185 to--or prior or following, Mr. CHASSE being carried to the police vehicle?

1186 NICE: I don't think they had cleared at the time that we picked him up and carried him
1187 to the patrol car. I think they were all still there.

1188 BARKLEY: Okay, can you please describe the manner in which Mr. CHASSE was carried to
1189 the police vehicle?

1190 NICE: Uh, there were four of us that carried him. I had, uh--I was holding, I think, his
1191 right leg. Um, I know Officer PAHLKE and Officer HUMPHREYS, and
1192 Deputy BURTON were there, and I'm not sure what position they were on his
1193 body, but we, four of us, carried him to the patrol car.

1194 BARKLEY: Okay.

1195 NICE: It was back where they initially - and I don't know if anybody pulled that car up
1196 or not; I don't know if it was in its initial position or not. But four of us carried
1197 him back to, uh, HUMPHREYS' and BURTON patrol car.

1198 BARKLEY: Okay, so what, not specifically, necessarily, who had what arm and leg, but in
1199 what manner was he carried? Was he carried with an officer grabbing...

1200 NICE: Each...

1201 BARKLEY: each leg, and then each arm?

1202 NICE: Yes.

1203 BARKLEY: And was he carried with his--facing the sidewalk, or was he carried facing the
1204 sky?

1205 NICE: Carried face-down.

1206 **BARKLEY:** Okay, so the next question is, how far was he carried by four officers while in
1207 maximum restraints?
1208 **NICE:** Well, I know we had to go back past my car, so it was, uh, I think they--I think
1209 somebody pulled Deputy BURTON and HUMPHREYS' car up behind mine, so
1210 it was 7 to 10 yards.
1211 **BARKLEY:** So, his--so, their police vehicle had been moved from mid-block?
1212 **NICE:** I think so. 'Cause it wasn't--I mean, I-I would've--it would've been a lot longer
1213 to carry him back to where they initially stopped. So I think somebody pulled
1214 their car forward, right behind where my car was stopped, and it was probably 7
1215 to 10 yards from where he was handcuffed initially.
1216 **BARKLEY:** How was Mr. CHASSE placed in the rear of the police vehicle?
1217 **NICE:** He was turned sideways, so that his right side was up. Uh, he was put head-in
1218 from the passenger side. Uh, I don't know if it was Deputy BURTON or Officer
1219 PAHLKE that went around to the driver's side door, opened it and helped lift
1220 him into the car, and onto the backseat.
1221 **BARKLEY:** Did you ever observe Mr. CHASSE be dropped onto the backseat or the floor?
1222 **NICE:** No.
1223 **BARKLEY:** Did you see him roll off the backseat onto the floor?
1224 **NICE:** I think his, uh, I want to say--I want to say his right shoulder slid off the seat
1225 down into the footwell, and I think we had to pick him back up and put him on
1226 his feet, but we did not drop him at any time.
1227 **BARKLEY:** Okay, did you observe Mr. CHASSE slide off, fall off the backseat with enough
1228 force to fracture any ribs?
1229 **NICE:** No, no.
1230 **BARKLEY:** When Officer HUMPHREYS and Deputy BURTON left the location, was Mr.
1231 CHASSE seatbelted in the backseat of the police vehicle?
1232 **NICE:** I don't recall. Um, once we got him inside the car, there wasn't really enough
1233 room for me to do anything else, holding his legs, so I kinda stepped away from
1234 that, and turned and I didn't see them actually finish closing the doors on the car,
1235 and I don't know if he was seatbelted or not. And I actually left the scene before
1236 them.
1237 **BARKLEY:** Ok that's, that's my next question. So, you left the location prior to Mr.
1238 CHASSE being transported from the...
1239 **NICE:** I believe so, yes.
1240 **BARKLEY:** 1300 block? Okay. So, you don't really know if anything occurred after you left
1241 the location, between that time and when Mr. CHASSE was transported from the
1242 1300 block of NW Everett to the Multnomah County Detention Center?
1243 **NICE:** Correct.
1244 **BARKLEY:** Did you observe, or have you--did you hear of any actions by officers or
1245 paramedic personnel, including deputies assigned to the Multnomah County
1246 Detention Center - did you observe or hear of any actions by any of those people
1247 that would cause you concerns, as to violating either Oregon Criminal Statutes,
1248 Portland Police Bureau Policy and Procedure, including training guidelines?
1249 **NICE:** No.

1250 **RODRIGUES:** I-I've got...

1251 **BARKLEY:** Do you have anything else?

1252 **RODRIGUES:** This is Sgt. RODRIGUES. What was Mr. CHASSE's demeanor and actions
1253 like, as he was being carried to the patrol car, after he was cleared by medical?
1254 **NICE:** He had resumed his somewhat manic and screaming behavior.

1255 **RODRIGUES:** Would you like to expound on that? I mean, what was he saying; what was he
1256 doing, physically?

1257 **NICE:** Uh, he was moving his head around. I know that we still had to be careful not to
1258 get bit by him again. And he was screaming unintelligibly again, and he was
1259 attempting to resist. You could tell that he was kinda bouncing his body; pulling
1260 against the restraints of the hobble cord.

1261 **RODRIGUES:** That being said, was there any physical force, of any kind, used by any officer,
1262 any of the officers, including yourself - who was carrying him to the patrol car?

1263 **NICE:** No, it was--it was a struggle to hold onto him as we carried him, because he was,
1264 you know, still moving around. But I don't--I don't remember any - no, and
1265 nobody even let go of him, I don't think, as--as we walked to the car, so no.

1266 **RODRIGUES:** So, nobody kicked him, shoved him?

1267 **NICE:** Not that I remember, no.

1268 **RODRIGUES:** And we can go back to the struggle, how long have you been a police officer?

1269 **NICE:** Uh, at that time?

1270 **RODRIGUES:** Yes.

1271 **NICE:** Um, 14 ½ years.

1272 **RODRIGUES:** Okay. And how tall are you?

1273 **NICE:** I'm 6'1".

1274 **RODRIGUES:** How much do you weigh?

1275 **NICE:** About 220.

1276 **RODRIGUES:** And what would you estimate Officer HUMPHREYS' height and weight?

1277 **NICE:** He's a couple inches taller than me, so he's probably 6'3". Um, he's probably
1278 235.

1279 **RODRIGUES:** Okay. And Officer - or Deputy, then-Deputy BURTON - height and weight?

1280 **NICE:** Um, he's about--he's about my height, so he's about 6 foot, I think. He might be
1281 just a hair shorter than me. Um, he's young and thin still, so I think he's 185.

1282 **RODRIGUES:** Okay. And do you remember what Mr. CHASSE's height and weight was; size?

1283 **NICE:** Uh, he's 5'8", 5'9". He's pretty thin, so 150.

1284 **RODRIGUES:** Okay, so three pretty good-sized, probably better than average officers. In your
1285 training and experience in your career with the police, as a police officer, how
1286 many struggles would you say - and just estimate - up until that point, how many
1287 struggles would you say you got in with subjects who were physically
1288 aggressive, that you attempted to take into custody?

1289 **NICE:** Me, personally, in...

1290 **RODRIGUES:** Yes.

1291 **NICE:** my career?

1292 **RODRIGUES:** Yes, up until that point.

1293 **NICE:** Oh, christ...

1294 **RODRIGUES:** Over 10?
1295 **NICE:** Oh yeah, um, gotta be 100.
1296 **RODRIGUES:** Okay. That being said, and taking into consideration your height and weights,
1297 relative to Mr. CHASSE, how would you characterize the struggle that three
1298 grown, good-sized men had - how would you characterize the struggle; the
1299 amount of time that you guys had to take him into custody? I mean, could you
1300 describe for me, did that stand out in your mind? I mean, at any point during the
1301 struggle, was you--did--what were you thinking - that three guys are having a
1302 difficult time taking this--this relatively frail individual into custody?
1303 **NICE:** It was--it was very surprising and very frustrating. Um, he was very flexible; he
1304 was very resistant to pain. Um, he had a lot of energy. He did not seem to tire.
1305 Um, yeah, it was--it was very surprising.
1306 **RODRIGUES:** Did--were you winded? Did you have any - besides being bit - did you, at any
1307 point, become concerned either for your safety, or someone else, that, hey, this
1308 ain't working? I mean, did you get--was there a concern at any time about the
1309 length that it was taking for you guys to control Mr. CHASSE?
1310 **NICE:** About--about midway through the struggle, when I called for additional units,
1311 there was, I was concerned that we weren't going to get this guy into custody.
1312 Um, we'd been struggling with him for several moments. Uh, we weren't
1313 successful; he was still putting up a very good fight. Um, so, yeah, I was
1314 concerned. I wasn't really concerned, as far as the officers getting hurt, because
1315 we kind of fought him to a--a standstill - a tie, not a standstill, but a tie. 'Cause
1316 he couldn't get away from us, but we couldn't get him into custody. And it
1317 became frustrating at that point, that's why I called for additional units. But I
1318 didn't think we were--anybody was going to get hurt, you know. Um, I-I've had
1319 this several times before, especially when it's a one-on-one situation, where you
1320 can kinda control someone, but they--they're not--you can't get 'em into
1321 handcuffs. That's fairly common among struggles. Um, and I thought that
1322 that's where we were at with this person. That's why I called for a couple more
1323 pairs of hands to get him under--in the cuffs.
1324 **RODRIGUES:** So that being said, did this struggle; this scenario differ from any other struggles
1325 that you've had, or...
1326 **NICE:** It differed, basically, due to the length of time. Um, I've been in some good
1327 fights, and some good struggles before, but not to this degree. I--you know, I
1328 once fought a--a subject that was high on cocaine for 5 minutes, by myself,
1329 because I just couldn't get the second handcuff on him, and it kinda reminded
1330 me of that. But, um, I mean, I've had--had similar struggles like this before, but
1331 not with the energy level that this person had.
1332 **RODRIGUES:** Okay, and my final question - I'm not going to order you to answer this question,
1333 you can answer it if you want - okay - how has this whole ordeal affected you, or
1334 has it affected you in any way?
1335 **NICE:** Well, I think it's affected me, to some degree, negatively as I work. I-I think I'm
1336 a little more hesitant sometimes to put hands on people and get involved in--in
1337 things, and I'm trying to work through that, but...
1338 **RODRIGUES:** Why?

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1339 **NICE:** Um, because this didn't seem, initially, like it was going to be a--a what we call
1340 a big deal. You know, it was a simple case of a transient running from
1341 somebody for whatever reason. And it turned into a death, which has never
1342 happened to me before. I mean, I was in a shooting years ago, but that person
1343 survived. And having someone die on you was a little disturbing.

1344 **RODRIGUES:** That's all I have. Thank you.

1345 **NICE:** All right.

1346 **BARKLEY:** I have just two other things. Is there anything you wish to add, clarify, and/or
1347 produce regarding the in-custody death of Mr. James CHASSE?

1348 **NICE:** No.

1349 **BARKLEY:** Is there anything that the Portland Police Association would care to address?

1350 **KING:** No, not at this time.

1351 **BARKLEY:** Okay, that will conclude our interview with Sgt. NICE. And the time is 1802
1352 hours.

1353

1354

1355 2006-B-0016trs-NICE

1356 Transcribed 11/19/07; 9:30 AM Marilyn Cavallero



CITY OF PORTLAND, OREGON



Bureau of Police

Tom Potter, Mayor

Rosanne M. Sizer, Chief of Police

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November 30, 2007

POLICE OFFICERS' PHOTOGRAPHS

SHOWN: CONSTANCE DOOLAN, witness

OAKLAND, CALIFORNIA

SATURDAY, DECEMBER 1, 2007

IN-CUSTODY DEATH

James Chasse

I.A.D. Case #2006-B-0016

Eleven (11) photographs of all *known* police officers present on **Sunday, September 17, 2006** in the 1300 block on N.W. Everett Street involving Mr. James Chasse were assembled to show Ms. Constance Doolan. Each photograph was 8 ½" x 11" and colored pictures of the officers. Each photograph was to be shown to Ms. Doolan individually and then placed face down in order to avoid possible identification based upon comparison rather than from independent memory (*14½ months following the incident*).

PHOTOGRAPHS:

1. Portland Police Officer Jason Lile #38941
2. Portland Police Officer Carl Weldon #32413
3. Portland Police Officer Jeffrey Niiya #30666
4. Portland Police Officer Christopher Humphreys #32784
5. Portland Police Officer Michael Bledsoe #41701
6. Portland Police Officer Edward Johnson #40420
7. Portland Police Officer Troy Pahlke #34490
8. Portland Police Officer Curtis Pak #38995
9. Multnomah County Deputy Bret Burton #43860
10. Portland Police Sergeant Kyle Nice #26853
11. Portland Police Officer Sterling Farrar #45895

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PORTLAND POLICE BUREAU
INTERNAL AFFAIRS DIVISION
Confidential Taped Statement
Sgt. Michael Barkley #8570|Sgt. Derrick Rodrigues #37149

Interview Date: December 1, 2007
IAD #: 2006-B-0016
Complainant: Portland Police Bureau
Interviewed: Constance Doolan

BARKLEY: This is Sgt. Michael BARKLEY #8570 with Sgt. Derrick RODRIGUES #37149, assigned to the Portland Police Bureau Internal Affairs Division. The date and time are Saturday, December 1st, 2007, at 1212 hours. We are interviewing Miss Constance - that is C-O-N-S-T-A-N-C-E DOOLAN, D-O-O-L-A-N - at her residence located at 1016 59th Street, Oakland, California 94608. Home telephone number: Area Code 510-655-5317. Cell phone number: Area Code 510-390-3369. Also present is a friend of Miss DOOLAN's, Jennifer ARCHBOLD. Last name A-R-C-H-B-O-L-D. Miss Constance DOOLAN is a witness regarding IAD Case No. 2006-B-0016, regarding the in-custody death of Mr. James CHASSE, which occurred on Sunday, September 17th, 2006, at approximately 1718 hours, at the 1300 block of NW Everett Street. Prior to the interview beginning, Miss Constance DOOLAN reviewed a copy of two documents. One document being a three page special report prepared by Detective Lynn COURTNEY on October 3rd, 2006, regarding an interview with Miss Constance DOOLAN on Friday, September 22nd, 2006. Also, a one page e-mail from Miss DOOLAN dated September 19th, 2006. Miss DOOLAN, is there anything that you would like to provide us in the way of this particular incidents in the way of any documents - you have some pictures of police cars, aside from that, is there anything else that you have that you'd like to provide us?

DOOLAN: I don't think so.

BARKLEY: Okay. Please describe what you observed and heard on Sunday, September 17th, 2006, at approximately 5:18 p.m. in the 1300 block on NW Everett Street in Portland, Oregon, involving Mr. James CHASSE. So, if you can explain to us where you were at, what you observed, what you heard from start to finish.

DOOLAN: Okay. I was on the, uh, corner, the opposite corner; the northeast corner, and observed, heard first, some, um, yelling, and looked up and saw the three police officers, um, hit the ground on top of Mr. CHASSE - on the opposite corner; kitty-corner across the street.

BARKLEY: So, you were on the northeast corner of NW Everett Street, at 13th?

DOOLAN: Yes. And they were on the opposite corner, on the southwest corner, I believe.

BARKLEY: Okay, so they would've been on the south sidewalk area - correct?

DOOLAN: Yeah.

BARKLEY: Okay. And so, initially, when your attention was drawn toward Mr. CHASSE and the three police officers, did you actually observe the officers chasing Mr. CHASSE? At what point did you initially observe Mr. CHASSE and the three officers?

DOOLAN: I believe that I looked up as they were hitting the ground.

BARKLEY: Okay, so you didn't...

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50 DOOLAN: So I saw, maybe, a little bit of the pursuit, but saw them mostly hit the ground.
51 BARKLEY: Okay, so you didn't see the initial beginning of the foot pursuit?
52 DOOLAN: I did not.
53 BARKLEY: Okay. So, tell us what you observed and heard from that point on.
54 DOOLAN: I saw them hit the ground, um, hard - slight downhill grade of the concrete. Um,
55 some of their weight was on top of Mr. CHASSE. And then there was a struggle
56 with, um, a lot of, uh, yelling: the officers trying to get Mr. CHASSE to face-
57 down; him yelling that he didn't want to. He was twisting and turning. They
58 were having trouble controlling his movements. He was resisting arrest; he was
59 clearly very frightened. And, um, at some point, cried out for help, and said
60 "No, I don't want to." And struggling to be made to face, uh, face down on the
61 pavement.
62 BARKLEY: Okay. What were the weather conditions that particular--at that particular time?
63 DOOLAN: Uh, it was nice out. It was, um...
64 BARKLEY: It was daylight.
65 DOOLAN: It was daylight. It was, um, I believe sunny and pleasant temperature out.
66 BARKLEY: Okay.
67 DOOLAN: Not wet.
68 BARKLEY: Initially, you were standing on the northeast corner of NW Everett Street at 13th
69 Avenue. Was your vision at all obstructed by any instance? For instance, traffic
70 or parked vehicles; pedestrians, in order to see what was taking place?
71 DOOLAN: I don't think so. And I crossed--I didn't wait at that corner very long, I crossed
72 to the south, um, it would be the southeast corner, so that I was--I was a little
73 closer, and that's where I remained to observe the rest of the arrest.
74 BARKLEY: Okay. While you were on the northeast corner, before you crossed Everett
75 Street, how well were you able to hear anything said by the police officers and
76 Mr. CHASSE?
77 DOOLAN: I think I could hear it pretty well. There was--I don't know that I remember a lot
78 of details about that, at this point. Um, and it was chaotic, so there was quite a
79 bit of sound on all their parts.
80 BARKLEY: Okay. What drew your attention to the police officers and Mr. CHASSE, who
81 were on the south side of NW Everett Street? I mean, initially, what drew your
82 attention?
83 DOOLAN: I think it was the combination of a movement and the sound.
84 BARKLEY: So, both the movement of the three officers, Mr. CHASSE, and then also the
85 sound of what was ensuing?
86 DOOLAN: Mm-hmm.
87 BARKLEY: Okay. I need you to say yes or no. Mm-hmm.
88 DOOLAN: Yes. [Chuckles] yes.
89 BARKLEY: Okay, so when you--when you initially looked at the three officers and Mr.
90 CHASSE, specifically, what did you see taking place involving the three officers
91 and Mr. CHASSE, if you can remember in detail?

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92 DOOLAN: Them hitting the ground. I think I'm about to repeat what I have just said.
93 Them hitting the ground, struggling to get Mr. CHASSE face-down. Lots of
94 twisting of arms; they were trying to get his arms behind his back to handcuff
95 him. Um, you know, just a chaotic struggle, is what I witnessed.
96 BARKLEY: Okay.
97 DOOLAN: And then along with the--the yelling, on all their parts, really.
98 BARKLEY: Okay. And what point did you move from the northeast corner to the southeast
99 corner of NW Everett and 13th? At what point in the--the interaction between
100 the officers and Mr. CHASSE?
101 DOOLAN: I think it was pretty early on. I saw them hit the pavement. I think we waited
102 there just, um, a--a matter of seconds til, you know, the light changed, and then
103 we crossed the street. Or I-I can't remember if there was a light or if we were
104 waiting for traffic to clear. We weren't on the--the north corner for very long.
105 We spent most of our time on the south corner.
106 BARKLEY: Okay, you say--you say "we". Who is "we"?
107 DOOLAN: Randall STUART and I.
108 BARKLEY: Okay, and so this is someone who you know?
109 DOOLAN: Yes.
110 BARKLEY: And he was with you the entire time?
111 DOOLAN: He was.
112 BARKLEY: Okay. And Mr. STUART now resides in Portland, Oregon?
113 DOOLAN: Mm-hmm.
114 BARKLEY: Yes?
115 DOOLAN: Yes.
116 BARKLEY: While you were on the southeast corner were you able to better observe what
117 was occurring between the officers and Mr. CHASSE?
118 DOOLAN: Uh, yes.
119 BARKLEY: Was your vision at all obstructed by, for instance, traffic, parked cars or
120 pedestrians when you were on the southeast corner?
121 DOOLAN: Not that I remember.
122 BARKLEY: Okay. While you were on the southeast corner, were you able to better hear
123 what was being said by the officers and/or Mr. CHASSE, including paramedics?
124 DOOLAN: Yes.
125 BARKLEY: Referring to the special report prepared by Detective COURTNEY, regarding his
126 interview of you on Friday, September 22nd, 2006, does the report accurately
127 note what you stated to Detective COURTNEY? And if not, can you explain
128 what details may not be as accurate, or what details were not included in that
129 report?
130 DOOLAN: Okay. This first point, um, in his report said that the Taser was administered
131 against CHASSE's side. And I believe, in the interview, I said it was his back or
132 mid-body. The second one...
133 BARKLEY: What page are you on?
134 DOOLAN: I'm on the...
135 BARKLEY: Page 2 of 3...

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136 DOOLAN: Page 2.
137 BARKLEY: And you're at the last paragraph?
138 DOOLAN: Yes.
139 BARKLEY: And what part are you...
140 DOOLAN: It says the Taser was administered against CHASSE's side, and in the interview
141 I said the back or mid-body.
142 BARKLEY: Okay.
143 DOOLAN: Um...
144 BARKLEY: Now, we're on page 3 of 3.
145 DOOLAN: Yes. This part seems, uh, mostly accurate. What I'm--the piece that I'm
146 remembering is that the officers--the kicking and hitting seemed to be in
147 response to, uh, Mr. CHASSE trying to bit, um, one of the officers. But, at the
148 same time that the kicking and hitting was happening, the Taser was being used.
149 So I was, um--and the Taser did take effect, if I'm remembering correctly, pretty
150 quickly, in, um, subduing him and making--and causing his unconsciousness,
151 I'm assuming. And so I--at the moment I remember thinking that the hitting and
152 kicking seemed unnecessary because they were using the Taser to calm him
153 down.
154 BARKLEY: Okay, so this is the first paragraph of page 3?
155 DOOLAN: Yes.
156 BARKLEY: Correct? Okay.
157 DOOLAN: Mm-hmm. And in the second paragraph, um, it says in--in regards to the
158 medics, it says "She didn't think" - meaning me; I didn't think - "he was treated
159 very well by the paramedics." And, uh, more specifically, what I meant is that I
160 didn't feel he was accurately--he was completely checked for injuries. In
161 watching the whole struggle - the fall, the twisting and turning, the weight of the
162 officers on Mr. CHASSE - I felt--it seemed clear to me he was likely to be
163 injured, and when the medics arrived, I did not feel he was checked for injuries.
164 And I was, um, surprised that that wasn't happening. There were a number of
165 tests being done, but I didn't feel like he was really checked, just, for basic
166 bodily injury. And, um, in this paragraph that said "She didn't think he was
167 treated very well by the paramedics", so that's what I meant by not being treated
168 very well.
169 BARKLEY: Okay.
170 DOOLAN: And in the same sentence it says "As one female paramedic walked away, he
171 was crying for her to come back, saying 'don't go'." He did seem to--he--that
172 did happen. Those are just two separate things, and they're connected here in
173 one sentence.
174 BARKLEY: Okay.
175 DOOLAN: Which doesn't make it make very much sense.
176 BARKLEY: Well, let me ask you before you go further beyond that particular paragraph on
177 page 3 - do you have any training or background in health-related, medical care
178 type...
179 DOOLAN: No, I don't.
180 BARKLEY: Okay. So...

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181 DOOLAN: I've take--apart from, um, basic, um, sorry, I'm spacing out the word, um...

182 BARKLEY: CPR?

183 DOOLAN: I have had training in that.

184 BARKLEY: Okay.

185 DOOLAN: I have training in that every year, because I'm a teacher.

186 BARKLEY: Okay. And so, let me ask you - since our focus really is not about the

187 paramedics, either from AMR, or from the Portland Fire Bureau, because being

188 with the Portland Police Bureau Internal Affairs Division, uh, we're concerned

189 with all the facts, but primarily dealing with Portland Police Officers -from what

190 you observed that transpired between the police officers and Mr. CHASSE,

191 paramedics then arrive, and based on what you observed in the way of a struggle,

192 and that sort of thing, are you saying that you believe that the paramedics should

193 have been more thorough in checking for possible injuries to different body parts

194 of Mr. CHASSE?

195 DOOLAN: Yes.

196 BARKLEY: Okay. And can you explain why?

197 DOOLAN: Because the--because of the fall and because of the struggle, I assumed, in

198 watching, that he was injured. He's also of slighter build than the three officers.

199 He had their weight on him at some points. So, um, I just expected them to

200 immediately be really thoroughly checking to see if he was okay, and they didn't

201 do that. And I don't know if that's because of what information the police

202 officers gave them, or didn't give them. When he was unconscious, there was--

203 they were standing around talking, and seemed to be waiting for him to wake up.

204 But I never--it just didn't look to me like they were really checking for injuries.

205 BARKLEY: Now, from your vantage point, being on the--the southeast corner, which is fairly

206 close...

207 DOOLAN: Mm-hmm.

208 BARKLEY: to where this occurred, and based on what you observed, what would you have

209 expected the paramedics to have checked? Would they have checked for

210 possible head injuries, back injuries, what? Leg injuries?

211 DOOLAN: Yeah, broken arm, ribs, any--any of that, just 'cause it was a very physical

212 struggle.

213 BARKLEY: Anything else regarding the--the medical attention given to Mr. CHASSE?

214 DOOLAN: No, except that, um, when he was being--after he had been carried down the

215 street, or maybe even while he was being carried down the street, one of the

216 medics, um, uh, very disrespectfully imitated the way he was crying.

217 BARKLEY: Okay, and who was that, the male or the female?

218 DOOLAN: It was a male medic.

219 BARKLEY: Was it a Portland Fire Bureau paramedic, or was it from AMR?

220 DOOLAN: I don't know.

221 BARKLEY: And what do you mean he mimicked Mr. CHASSE?

222 DOOLAN: He mimicked--he mimicked it. He--he made sounds, you know, he was making

223 crying sounds in an insulting way.

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224 **BARKLEY:** Okay. On the issue regarding medical attention either provided, or not provided
225 to Mr. CHASSE, at any time did you see any Portland Police Officer provide any
226 type of medical attention, or to check for possible injuries of Mr. CHASSE,
227 either prior to the paramedics arriving, or during, or after?
228 **DOOLAN:** I don't think so. I'd need--I could look back through my original testimony to
229 see if anything is in there that indicates that that happened. I'm not
230 remembering that at this time.
231 **BARKLEY:** Okay. Regarding the special report, apparently you stated three police officers
232 tackled Mr. CHASSE - is that notation accurate?
233 **DOOLAN:** Yes.
234 **BARKLEY:** Please describe the manner in which Mr. CHASSE was tackled by the three
235 police officers. And--and what I'm meaning is, we need clarification as to -- are
236 you meaning that all three police officers tackled Mr. CHASSE at the same time,
237 or was it one or two? Does that make sense to you?
238 **DOOLAN:** Yes. I think when I looked up, they were all hitting the ground; they all hit the
239 ground. So they were--all three were involved in the tackle, I would say. I don't
240 know that they all had equal, you know, weight, but they all hit the ground; all
241 three of 'em.
242 **BARKLEY:** So, when--when you looked over from the northeast corner of NW Everett and
243 13th Street, you saw all three police officers and Mr. CHASSE actually lying on
244 the pavement?
245 **DOOLAN:** I saw them going down. I saw them hit. I heard the sound of them hitting.
246 **BARKLEY:** And that sound, describe that sound to us.
247 **DOOLAN:** I don't...
248 **BARKLEY:** Was it a sound of, like--you know how like you--have you ever heard, like,
249 someone skull hit concrete?
250 **DOOLAN:** No...
251 **BARKLEY:** The thump? Or was it more just a rushing of bodies falling?
252 **DOOLAN:** I don't--I'm not remembering right now a real distinct sound like a head hitting
253 pavement. But I, um, I'm remembering, at this point, more the impression of--of
254 being worried about the fall; that it was a hard fall; a hard hit, and--and hearing
255 it. But not more specifics than that, at this point.
256 **BARKLEY:** Okay. And in, we're all focusing on that, because you're ss - correct me if I'm
257 incorrect - but you're saying that Mr. CHASSE, he is on the pavement, and then
258 there are also three officers on the pavement.
259 **DOOLAN:** Mm-hmm.
260 **BARKLEY:** Now, would all four of these people be, like, when you tackle someone,
261 typically, you can either all go flat on the ground, or some can be on their knees.
262 So, did it appear to you that they all four were laying on the--on the pavement?
263 **DOOLAN:** Not just laying down. I think they were all on different--it seems like one rolled
264 out a bit. I think they were all--I think CHASSE was pretty flat. Um, they may
265 have landed on their knees. It was a jumble of bodies that hit the ground. I
266 don't remember more specifics than that, I don't think.
267 **BARKLEY:** Did you observe any officer that was actually on top of Mr. CHASSE?

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268 DOOLAN: I can't tell you a specific officer who was on top of him. I think either they hit
269 the ground in a--kind of en mass, and I think that--I know he had the weight of
270 some officers on him, maybe part of all three, or part of more than one.
271 BARKLEY: Okay, at this point I would like to--we have 11 pictures of police officers. We
272 will show you each picture, and the police officers may or may not be the three
273 officers.
274 DOOLAN: Uh-huh.
275 BARKLEY: If you are able, please identify the three police officers who tackled Mr...
276 CHASSE.
277 DOOLAN: Okay.
278 BARKLEY: And I'll keep them in order, and show you them separately, one at a time. This
279 is photograph number 1.
280 DOOLAN: He looks a little familiar. I-I don't--I'm not certain if he's one of the three or
281 not.
282 BARKLEY: This is photograph number 2.
283 DOOLAN: And I'm not sure.
284 BARKLEY: Photograph number 3.
285 DOOLAN: I'm not sure.
286 BARKLEY: Photograph number 4.
287 DOOLAN: I'm not sure.
288 BARKLEY: Photograph number 5.
289 DOOLAN: Don't know.
290 BARKLEY: Photograph number 6.
291 DOOLAN: No, I don't think so.
292 BARKLEY: Photograph number 7.
293 DOOLAN: I don't know.
294 BARKLEY: Photograph number 8.
295 DOOLAN: I don't think so.
296 BARKLEY: Photograph number 9.
297 DOOLAN: I'm not sure.
298 BARKLEY: Photograph number 10.
299 DOOLAN: I think not.
300 BARKLEY: And photograph number 11.
301 DOOLAN: I'm not sure.
302 BARKLEY: Okay, for the record, we realize this has been in excess of one year since this
303 occurred, and you know, later in the interview when I show these same 11
304 pictures of police officers, if you can't be sure then you can say so, and we
305 understand.
306 DOOLAN: Okay. So did that group of photographs include the--that included the person
307 who was in the car?
308 BARKLEY: Correct.
309 DOOLAN: Uh-huh.
310 BARKLEY: That's another question later.
311 DOOLAN: Mm-hmm.

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312 **BARKLEY:** Please describe the manner in which Mr. CHASSE fell to the pavement, in the
313 sense when Mr. CHASSE went down, did he go down on his front, on his right
314 side; his left side; his back? And did he place his arms and hands out in front of
315 him to try to catch himself?

316 **DOOLAN:** I don't remember.

317 **BARKLEY:** Please describe the manner in which the police officers fell to the pavement,
318 and/or on top of Mr. CHASSE.

319 **DOOLAN:** I've described all I can describe about that already.

320 **BARKLEY:** Do you recall observing any of the police officers break their fall by placing their
321 arms and hands out in front of them?

322 **DOOLAN:** I don't remember.

323 **BARKLEY:** Please describe how long you observed the police officers being on top of Mr.
324 CHASSE.

325 **DOOLAN:** They didn't stay--it was a moving thing. They were struggling to get him in
326 position, so they didn't just stay on top of him. They, you know, I think they fell
327 on top of him; they were all moving; they were trying to get his arms behind his
328 back. I don't think they stayed on top of him, but maybe when they hit the
329 pavement. They were all moving...

330 **BARKLEY:** Okay.

331 **DOOLAN:** They--they didn't just lay on top of him.

332 **BARKLEY:** Do you recall what you heard, if anything... Go ahead.

333 **RODRIGUES:** If I - this is Sgt. RODRIGUES. Miss DOOLAN, and I don't want to be
334 redundant, but when the officers were chasing Mr. CHASSE, and you said
335 earlier that you basically saw when they were going down - is that correct?

336 **DOOLAN:** Yes.

337 **RODRIGUES:** Do you remember if one, two or all three officers actually fell on him?

338 **DOOLAN:** My recollection is they all--all four people hit the ground, and that he had weight
339 of, you know, possibly all three, or two of them on top him.

340 **RODRIGUES:** So, from what--so--so, when you saw them, were they--were--were they kinda
341 like in a straight line with Mr. CHASSE in front, the three officers in back? I
342 guess what I'm trying--what we're trying to determine is that when Mr.
343 CHASSE hit the ground - and do you--and you know what I'm saying? I know
344 that this has been a long time, but we're just trying to find out if how--if he
345 actually had contact by one officer, two officers; a combination of two or three
346 officers, and on any part of his body upon the impact.

347 **DOOLAN:** I guess--my best guess is that he had two or three--the weight of two or three on
348 him.

349 **RODRIGUES:** Okay, when you say "guessing" - guessing, or is that your recollection?

350 **DOOLAN:** That's my--it seemed to me, at the time, that he had the weight of two or three
351 people on him.

352 **RODRIGUES:** Okay. Thank you.

353 **BARKLEY:** Can you describe any and all conversations, or anything being said by any of the
354 police officers, as it relates to Mr. CHASSE?

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355 DOOLAN: They were telling him to lay down; lay face-down. Um, he was screaming "I
356 don't want to." He was also crying for help. There was a, um, clearly
357 observable kind of, uh, rush of, kind of energy rush on their part. A little
358 adrenalin, I think because he was resisting arrest, and he had a lot of energy,
359 because he was--I think because he was frightened. So there was, um--it was
360 chaotic, and they were yelling at him to lay down, and he's saying "I don't--I
361 don't want to." At some point, um, he cried for help. At some point, he also, I
362 believe, he said "fuck you" during the struggle, at some point.
363 BARKLEY: Now, is that Mr. CHASSE who said "fuck you", or is that a police officer?
364 DOOLAN: CHASSE.
365 BARKLEY: Okay.
366 DOOLAN: Yeah. It was not a quick and easy, you know, get him down; get his arms behind
367 his back. They--he--they were twisting around and it took 'em quite a while.
368 And it wasn't til after--they didn't--I don't think they actually achieved that til
369 after the kicking, the hitting, and the Taser.
370 BARKLEY: Now, when you were watching Mr. CHASSE, who is of a slighter build than the
371 three officers, what was your impression seeing Mr. CHASSE - and the physical
372 description of being slender and smaller than the other three officers - what was
373 your impression of this struggle that took place? Did you find it to be unusual
374 that someone who is smaller in stature; three police officers who are obviously
375 larger than Mr. CHASSE were having a difficult time getting him into custody?
376 DOOLAN: That--I did find that surprised me.
377 BARKLEY: Why?
378 DOOLAN: Um, because they were bigger and stronger, and he's--and, uh, I would expect
379 them to have a lot of experience with that kind of thing. And he--he was clearly
380 frightened, and he was struggling, and he had a lot of energy. He was, I think,
381 trying to protect himself.
382 BARKLEY: Did you--did you observe Mr. CHASSE's ability to contort his body while he
383 struggled in kind of an unusual manner?
384 DOOLAN: Um, I don't know that I would say that was unusual, the way he contorted. But
385 he was--he was twisting and turning, and he had people holding his limbs, and
386 so he was definitely placed in--in odd positions. And that's part of why I
387 worried about whether he was physically injured. Arms twisted--you know,
388 someone holding his arm, trying to get it behind his back; he's twisting the other
389 way. It just--watching it, it--it was--I was worried for his physical condition.
390 BARKLEY: What else did you hear Mr. CHASSE yell or scream throughout this entire
391 episode, from the time he hit the ground, until he left in the back of the police
392 vehicle?
393 DOOLAN: Well, I didn't see him get in--him get--be put into the police vehicle. It didn't
394 go--I was--I stayed around that corner, so it didn't go that far. But mostly
395 crying--crying for help, saying "I don't want to." Um, asking the--the female
396 medic not to go - "Please don't go." Um, that's what I can remember right now.
397 Then--there--I did say some specific things in my initial report about those
398 things.
399 BARKLEY: Did you ever hear Mr. CHASSE screaming out in incoherent-type sounds?

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400 DOOLAN: Um, I-I don't remember.
401 BARKLEY: Did Mr. CHASSE continue to scream, yell throughout the entire interaction and
402 contact with the police officers?
403 DOOLAN: Until he was unconscious.
404 BARKLEY: And then when he came back, did he continue?
405 DOOLAN: Um, he called to the medic... My--my memory right now is--my impression is
406 that he, um, he--he was verbal again, but not as much verbal - not as verbal as he
407 was initially. Through the--through the whole initial part, until he was
408 unconscious, he was very verbal.
409 BARKLEY: Once he went to an unconscious state, after that he was not as vocal?
410 DOOLAN: Not as vocal, but he still did--I do remember that he still spoke to the medics.
411 BARKLEY: Okay.
412 DOOLAN: To that--to the female medic, asking her not to go.
413 BARKLEY: Apparently you stated Mr. CHASSE attempted to bite one police officer, and as
414 a result, the same police officer kicked Mr. CHASSE two or three times in the
415 back or mid-body area.
416 DOOLAN: Mm-hmm.
417 BARKLEY: And then the same officer slapped Mr. CHASSE once on the head.
418 DOOLAN: Yes.
419 BARKLEY: Did you...
420 DOOLAN: And I didn't actually see a bite, but I saw some movement, and the officer's
421 response. And I heard--it seems like I heard somebody say bite. So I didn't
422 actually see a bite. But it looked like--it looked like he was trying to bite, and
423 the officer--it looked like he was hitting in response. But at the same time, the--
424 another officer was using the Taser.
425 BARKLEY: But, so--so you didn't actually see Mr. CHASSE attempting to bite an officer,
426 but you heard someone say something in reference to biting, or did it appear as if
427 Mr. CHASSE was biting?
428 DOOLAN: It appeared like he was trying to bite, but I didn't actually see a bite.
429 BARKLEY: And did you hear any officers instruct Mr. CHASSE not to bite them, or stop
430 biting them?
431 DOOLAN: I don't remember right now.
432 BARKLEY: Okay.
433 DOOLAN: I-I, um, I think that I did hear somebody say that word though. And I don't
434 know if it was another witness, or one of the officers. Just seems like I
435 remember hearing the word.
436 BARKLEY: How--do you recall how many times it appeared that Mr. CHASSE attempted to
437 bite any of the officers?
438 DOOLAN: Definitely once. I-I'm not sure if it was twice. I'm not sure partly because it
439 seemed--I'm remembering from the report, there was some--some information
440 I've gotten that seems like maybe there were two attempts. But I'm not sure if I
441 actually remember seeing more than one. I just remember seeing one.
442 BARKLEY: Okay. Now, you say--you just made reference to some information that you've
443 received. What information have you received other than your...

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444 DOOLAN: Oh, articles I've read in the paper were...
445 BARKLEY: While you were in Portland?
446 DOOLAN: Well, and here.
447 BARKLEY: Okay.
448 DOOLAN: Yeah.
449 BARKLEY: And have you been contacted by anybody besides Detective Lynn COURTNEY?
450 DOOLAN: Yes, I was contacted by numerous, uh, news agencies, and also by, um, the
451 lawyer for the CHASSE family.
452 BARKLEY: And that would be Mr. STEENSON?
453 DOOLAN: Yes.
454 BARKLEY: And did you talk with Mr. STEENSON?
455 DOOLAN: Yes.
456 BARKLEY: And was that an interview?
457 DOOLAN: Um, I talked--uh, initially, let's see, I spoke... I-I think I spoke with someone,
458 not with, uh, with Mr. STEENSON; with someone else in his office. I don't
459 remember the name right now, but I think I have that written down somewhere.
460 BARKLEY: And so--so did you ever talk to Mr. STEENSON himself?
461 DOOLAN: Yes.
462 BARKLEY: Okay. And was that more or less an interview, or was that to clarify specific
463 points?
464 DOOLAN: Um, I talked to Mr. STEENSON recently about being interviewed.
465 BARKLEY: By us?
466 DOOLAN: Yes.
467 BARKLEY: Okay. And do you care to share what...
468 DOOLAN: I think that's all I need to say about that.
469 BARKLEY: Okay. How sure are you, the police officer kicked Mr. CHASSE two or three
470 times in the back or mid-body areas?
471 DOOLAN: That's what I remember happening.
472 BARKLEY: Okay. Can you describe - and this is important - can you describe exactly, to the
473 best of your memory, how did you see the officer - and, here, shortly I'm going
474 to show you the same 11 pictures to determine if you can recall who specifically
475 kicked Mr. CHASSE - but could you describe the kicks, and how he was
476 kicked?
477 DOOLAN: Um, I just remember kicks that seemed like they were to his mid or, you know,
478 middle of his body; the back of his body, and then, you know, his hand hitting
479 him upside the head. I believe that the officer was, um--he was standing on--on
480 Mr. CHASSE's, um, on the, as I viewed them, on the right side, I think.
481 BARKLEY: So that would be Mr. CHASSE's left side?
482 DOOLAN: No, his head was--well, it depends on what position he was in. His head was,
483 um--I don't know how to say this, 'cause I, you know, without--I can, uh,
484 describe it to you physically in space, but Mr. CHASSE was lying, basically, at
485 kind of at this angle a bit...
486 BARKLEY: Correct.

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487 DOOLAN: At that time, and there was an officer here, an officer here, and an officer here.
488 And this one used the Taser. And I believe it was this one who kicked and hit
489 him.
490 BARKLEY: Okay, now, since we're looking at a picture, let me try to verbalize this...
491 DOOLAN: Yeah.
492 BARKLEY: for the record. Okay. No matter whether Mr. CHASSE's laying on his stomach
493 or his back, he still has the same left side - okay?
494 DOOLAN: [Chuckles]
495 BARKLEY: Well, I mean, left arm, okay, and we're trying to determine...
496 DOOLAN: Well, if he's on his stomach on the--as I'm looking at it, the right side's going to
497 be...
498 BARKLEY: Okay, so you're over...
499 DOOLAN: Right side if it's--if he's turned this way, it's going to be his left side, so I'm not
500 sure what--I-I know that his head, um, yeah, how do--how do we describe this.
501 BARKLEY: Okay, so, let's take a look at this picture that you have here, and he's laying...
502 DOOLAN: So, he was more or less going this direction.
503 BARKLEY: Okay.
504 DOOLAN: Okay, there's an officer here, an officer here, an officer here who used the Taser.
505 What I'm remembering is that it was this officer who kicked him and hit him.
506 But I don't--I'm not sure what direction he was facing at this point.
507 BARKLEY: Whether he was...
508 DOOLAN: Whether he was on his - more on his stomach, his side, or his back.
509 BARKLEY: Okay.
510 DOOLAN: Um, so I'm not sure what side of the body got hit. But I--you know, that's--I'm,
511 mostly, I'm remembering orientation rather than which officer was which.
512 BARKLEY: Okay. And so to go into more detail on this - so when you say that the officer
513 off to the side...
514 DOOLAN: Mm-hmm.
515 BARKLEY: kicked Mr. CHASSE two or three times, can you describe the kicks? Would it
516 be a kick, or would it be like a push with the foot? I mean--you follow what I'm
517 saying?
518 DOOLAN: I'd say it's a kick.
519 BARKLEY: Okay. It'd be like if you were to kick a ball?
520 DOOLAN: Um, more or less.
521 BARKLEY: Okay, so there were some - would you describe the--the two to three kicks as
522 being done with some effort on the part of the police officer?
523 DOOLAN: Yes.
524 BARKLEY: Can you tell me, what - to the best of your memory - what part of the foot was
525 being used by the police officer to kick Mr. CHASSE? Was it the front toe
526 area? Was it the side?
527 DOOLAN: I think it was the front toe area.
528 BARKLEY: Okay. Do you have anything you want to ask on that, Sgt. RODRIGUES?
529 RODRIGUES: And, just again to clarify, it was the same officer -- did you see any other officers
530 kicking? We'll probably get to that.

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531 DOOLAN: I don't think so, but I am, um--I don't think so. I think it was one.
532 RODRIGUES: Okay. Well, I wanted to ask one question again. If we can go real quick back to
533 the, uh, the tackle on the ground.
534 DOOLAN: Mm-hmm.
535 RODRIGUES: After they all went on the ground, did--did you see--did Mr. CHASSE try to get
536 up, or did he remain on the ground, and was the officers immediately on him,
537 or...
538 DOOLAN: He didn't get a chance to get--to try to get up really, I don't think. I think they
539 were--he was--he remained on the ground, as they were moving, but he remained
540 on the ground.
541 RODRIGUES: Okay, thank you.
542 BARKLEY: Do you believe the kick was sufficient to cause substantial injury to Mr.
543 CHASSE?
544 DOOLAN: I think it could've.
545 BARKLEY: Did you hear Mr. CHASSE say anything while, or after being kicked?
546 DOOLAN: I don't remember hearing anything in particular at that point.
547 BARKLEY: Did you observe Mr. CHASSE physically react to being kicked. Such as,
548 attempting to protect himself, movement in reaction to the force, something of
549 that nature?
550 DOOLAN: Uh, I don't remember that.
551 BARKLEY: Did you hear the police officer or police officers say anything to Mr. CHASSE
552 when he was being kicked?
553 DOOLAN: As, specifically?
554 BARKLEY: Yes.
555 DOOLAN: Um, not that I can remember right now. It--it's possible there's, um, some detail
556 of that in that original interview.
557 BARKLEY: Okay. Please describe the source and manner in which the police officer slapped
558 Mr. CHASSE on the head. Was it a slap with an open hand, or was it with his
559 fist?
560 DOOLAN: It wasn't a fist; it was more of a slap. It was more of a, you know, hit--hit you
561 hard upside the head with a flat hand, not a fist.
562 BARKLEY: And was it on the--the top of the head, the side of the head, the back of the head
563 - do you recall?
564 DOOLAN: Uh, I think the side.
565 BARKLEY: Did you hear Mr. CHASSE say anything while, or after being slapped by the
566 police officer?
567 DOOLAN: I don't remember a specific response.
568 BARKLEY: Okay. Did you observe Mr. CHASSE physically react to being slapped, such as
569 attempting to protect himself, attempting to move in a certain direction in
570 reaction to the force of being slapped?
571 DOOLAN: I-I think his head in--in response to the slap.
572 BARKLEY: So...

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573 DOOLAN: But he was, you know, the whole--the whole time, until he was unconscious he
574 was move--you know, he was constantly moving, and trying to protect himself,
575 actually, the whole time, so.

576 BARKLEY: Okay, now when you say that during the--the contact with the police, that Mr.
577 CHASSE was attempting to protect himself. How was it that he was trying to
578 protect himself?

579 DOOLAN: Well, he was--he was--he was resisting being put in that position - being put
580 face-down - he was twisting around; he was yelling. He was--he wasn't hit--um,
581 yeah, that's what I remember.

582 BARKLEY: Was he physically aggressive toward the officers, or was he more, uh, attempting
583 to get free?

584 DOOLAN: I think it was more attempting to get free, but he was held onto. He didn't--there
585 wasn't--you know, he had three people, I don't think there was much
586 opportunity for him to really hit or, you know, do much except that attempted
587 bite. He was pretty, um, he was moving, but his--you know, he was also being
588 held.

589 RODRIGUES: This is Sgt. RODRIGUES. Did - and I don't know if you answered this earlier -
590 but did--did you hear the officers give, uh, Mr. CHASSE commands to stop
591 struggling, or...

592 DOOLAN: I think they did, yeah.

593 RODRIGUES: Okay.

594 DOOLAN: They - or I remember the specifics of, you know, lay down, or face down, or
595 something like that.

596 RODRIGUES: Do you remember, recall specific instructions to - such as stop struggling, put
597 your hands in the back, or...

598 DOOLAN: I think they may have said put your hands in the back.

599 RODRIGUES: So, from what you saw--saw that--that day, would you think that Mr. CHASSE
600 was complying with their orders, or instructions?

601 DOOLAN: He was clearly not complying.

602 RODRIGUES: Okay.

603 DOOLAN: He was not complying.

604 RODRIGUES: Thank you.

605 BARKLEY: When the officer slapped Mr. CHASSE on the side of the head, was that slap
606 hard enough to cause Mr. CHASSE's head to move because of being slapped, or
607 was it--did he move his head because he was thrashing around during the
608 struggle?

609 DOOLAN: I'm not sure about that.

610 BARKLEY: From your observation, was it your opinion that the two to three kicks, and then
611 a slap by the same officer, was excessive?

612 DOOLAN: Yes.

613 BARKLEY: And...

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614 DOOLAN: Especially because the Taser was being applied at the same time. I mean, it--it--
615 since the Taser did--did, um, subdue him, and it was readily available, and it was
616 being used right at the same time, and that he was unconscious, it--it seemed,
617 um, like unnecessary force.

618 BARKLEY: So up until this point, what we have is, we have three off--three police officers;
619 Mr. CHASSE; things are unfolding rapidly, in a short period of time, and you
620 have - based on what we've discussed to this point - you have the officers
621 grabbing Mr. CHASSE. Mr. CHASSE, you observe, attempt to bite at least
622 once. You have the same officer who kicked Mr. CHASSE two or three times -
623 same officer slap him in the head, and simultaneously with the kicks or with the
624 slap, does he get Tasered?

625 DOOLAN: The kicks happened first before the slap, I believe. And, um, I just remember
626 starting to seeing the gun, but also hearing the clicks of the Taser right about at
627 the same time. I'm not sure--I don't remember precisely, you know, exactly
628 when I heard the first click, and when the kicks and the hit happened, but my
629 general impression was that was happening at the same time.

630 BARKLEY: Okay. I'm going to show the same 11 photographs...

631 DOOLAN: [Chuckles]

632 BARKLEY: and this time, I want you to focus - and take your time...

633 DOOLAN: Okay.

634 BARKLEY: Okay, and if you want to see another picture a second time or a third time, just
635 let me know, but we want to focus on the police officer who kicked Mr.
636 CHASSE...

637 DOOLAN: Uh-huh.

638 BARKLEY: two or three times, and slapped Mr. CHASSE.

639 DOOLAN: Right, and it's not possible to just show me the three pictures of the people--of
640 the three that you know, just one of those three, instead of all 11? [Chuckles]

641 BARKLEY: No. I've gotta show you all 11.

642 DOOLAN: All right, I need a little break.

643 BARKLEY: Okay. Let's go off the--off the recorder. It is now 1303 hours.

644 BARKLEY: Okay, we're back on the record. It is 1326 hours. We just had--Miss DOOLAN
645 had a break. Okay, I'm going to show you the same 11 pictures of police
646 officers. And what I'd like you to do is identify, if you're able, the officer who
647 kicked Mr. CHASSE two or three times, and slapped Mr. CHASSE, all being
648 the same officer. So, we'll go through the pictures. If you are not sure, say
649 you're not sure. If you recognize him, then tell us who it is. Um, if you want to
650 see a picture twice, you can. So, this is picture number 1.

651 DOOLAN: He looks familiar, but I'm not sure.

652 BARKLEY: This is picture number 2.

653 DOOLAN: Don't know.

654 BARKLEY: This is picture number 3.

655 DOOLAN: He seems familiar, and I wouldn't be surprised if he's one of those three officers.

656 BARKLEY: Picture number 4.

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657 DOOLAN: I'm not sure. I do remember that, um, one of the two officers, um, was similar
658 in, um, possibly in body shape and he had dark hair, as was the former one -
659 picture.
660 BARKLEY: So, with number 4...
661 DOOLAN: That's a possibility.
662 BARKLEY: Number 4's a possibility. Number 5?
663 DOOLAN: Not--not sure.
664 BARKLEY: Number 6?
665 DOOLAN: This is a no.
666 BARKLEY: Number 7?
667 DOOLAN: Uh, he looks familiar, and I think he may've been one of the three officers.
668 BARKLEY: Number 8?
669 DOOLAN: He does not look familiar to me.
670 BARKLEY: Number 9?
671 DOOLAN: He looks familiar.
672 BARKLEY: As one--as the officer who...
673 DOOLAN: As the officer...
674 BARKLEY: kicked and slapped Mr. CHASSE?
675 DOOLAN: I'm not sure about that. But he looks familiar, so the--the three officers who had
676 most looked familiar to me are the three in the original arrest, and also the
677 person who spoke to me in the car. So I'm just saying he looks familiar.
678 BARKLEY: Okay. Number 10?
679 DOOLAN: I think that's a no.
680 BARKLEY: And the last photograph, number 11.
681 DOOLAN: I think this is a possibility.
682 BARKLEY: Okay, for the record, each of the 11 pictures of the police officers are color
683 photographs that are 8 1/2 inches by 11 inches, and the pictures are being shown
684 in sequence separately, beginning with 1 through 11, so they are being shown to
685 Miss DOOLAN separately, not--and individually.
686 DOOLAN: And, um, just for the record, I saw--I only saw one officer close up in the face,
687 and that's the one who spoke to me from the car. The rest of them I all saw from
688 across the street, so I saw more their whole physical form, than just their face.
689 BARKLEY: And is there anyone that you can eliminate as being the one who slapped and
690 kicked, of the three?
691 DOOLAN: So, I'm not sure what your question is.
692 BARKLEY: Well, is there one of the three officers who were present, that you could
693 eliminate as not being the one who kicked and slapped Mr. CHASSE?
694 DOOLAN: Uh, not--I believe the person who used the Taser was not...
695 BARKLEY: Okay. And...
696 DOOLAN: the person who slapped...
697 BARKLEY: we're going to go ahead and ask you about the Taser incident right now. Do you
698 recall what the officer looked like that did the Tasing?
699 DOOLAN: Mmm, um...
700 BARKLEY: Would it help to show these series of pictures again, or no?

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701 DOOLAN: I don't think so. I, um--yeah, I don't--I don't think so.
702 BARKLEY: Okay. Regarding the Taser - apparently you stated that an officer used the Taser
703 on Mr. CHASSE, and you heard three Taser clicking sounds - when, during the
704 struggle, did the officer deploy the Taser? We have the hitting--we have the
705 kicking, we have the slapping, uh, well, you said previously that the Taser was
706 deployed simultaneously with the kicking and the slapping, or thereabouts - is
707 that correct?
708 DOOLAN: Yes.
709 BARKLEY: Could you see how the Taser was deployed? There's two types--there's two
710 methods of using a Taser. One, is where you pull the trigger and there are
711 probes that shoot out from the front of the Taser, pierce the skin. Or you take
712 the cartridge off, and you actually, physically apply the Taser to the person's
713 body.
714 DOOLAN: Well, I believe that this was applied directly to his body.
715 BARKLEY: And do you recall where on Mr. CHASSE's body the Taser was applied?
716 DOOLAN: I know at the time I was interviewed earlier I said back or mid-body.
717 BARKLEY: Do you feel the use of the Taser was excessive when it was deployed --
718 considering everything else that was going on?
719 DOOLAN: Well, uh, I'm not sure how to answer that. I-I felt that the use of the Taser and
720 the--at the sa--I wondered since if they were using the Taser why were they also
721 kicking and hitting, since the Taser had the effect of rendering him unconscious.
722 BARKLEY: Did you observe Mr. CHASSE physically react to being Tasered?
723 DOOLAN: I don't remember that, except that--uh, a reaction, except that within a short
724 period of time he was--he stopped moving and talking, and was unconscious,
725 and his color looked really bad.
726 BARKLEY: Okay.
727 DOOLAN: Looked ashen.
728 BARKLEY: I want to focus on the officer that you have stated apparently advised you that
729 Mr. CHASSE had 14 convictions for crack cocaine, and a vial of crack cocaine
730 was found on Mr. CHASSE that date, at that location. Can you explain how this
731 contact with this particular officer took place? Did--did you go contact him, or
732 did he contact you and--and why was there an explanation given by this police
733 officer?
734 DOOLAN: I was standing and observing, in the same location I had been.
735 BARKLEY: Southeast corner?
736 DOOLAN: The corner, back a bit from the edge of the sidewalk. The policeman was sitting
737 in the car; I was just observing. The policeman initiated the conversation with
738 me, and asked me if I wanted to know what was going on. I did not...
739 BARKLEY: He was...
740 DOOLAN: I did not initiate the conversation with him; I was just watching.
741 BARKLEY: Okay, and you have - how many pictures here do you have?
742 DOOLAN: What I believe -- four pictures.

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743 BARKLEY: Okay, four pictures. And in these four pictures, do you have a picture that
744 clearly shows the license plate of the vehicle that this particular officer was
745 sitting in, prior to contacting you?

746 DOOLAN: Yes.

747 BARKLEY: And can you read the license plate of that vehicle to me?

748 DOOLAN: Yes. It's E236428.

749 BARKLEY: And you are sure that that police officer was seated in that police vehicle before
750 he contacted you?

751 DOOLAN: Yes.

752 BARKLEY: Did he go back after contacting you, and get into that police vehicle?

753 DOOLAN: Oh, he was sitting in the vehicle while he talked to me. He didn't get out--he
754 didn't get out of the car and talk to me, he talked to me from the car. He looked
755 at me - I was standing a little ways away - and said "Do you want to know..." I
756 walked towards the car and, um, he said "Do you want to know what's going
757 on?" I said yes. I walked towards the car, and then he made these statements
758 about, um, that this man has former, you know, 14 former convictions for crack
759 cocaine, and we found him with a vial of crack.

760 BARKLEY: Okay. So, he...

761 DOOLAN: So, he--he made--he chose to give me that information; I didn't ask him
762 anything.

763 BARKLEY: Okay, so you're standing there on the corner, southeast corner of NW Everett
764 and 13th, and was Mr. STUART also with you when this conversation took
765 place?

766 DOOLAN: Yeah, mm-hmm.

767 BARKLEY: So, the officer was seated in the driver's seat of the car, or the passenger seat?

768 DOOLAN: You know, I don't remember now, but it's--it's - yeah I don't remember.

769 BARKLEY: Okay, let me ask you this. Do you recall going and speaking to the police officer
770 you say he was - he remained seated in the police car, correct?

771 DOOLAN: He did.

772 BARKLEY: During this conversation?

773 DOOLAN: He did, and I didn't--I didn't walk around to the other side of the car. I stayed on
774 the sidewalk, so perhaps he was in the passenger side. Or he was speaking to me
775 from the driver's seat, just across the car.

776 BARKLEY: So, you were at--you were at the passenger side of the police vehicle, but you
777 don't recall whether or not the officer was seated behind the police--behind
778 the...

779 DOOLAN: Behind the wheel...

780 BARKLEY: behind the steering wheel, or in the passenger side?

781 DOOLAN: Yeah, I don't recall.

782 BARKLEY: Okay. So, you're standing there, and Mr. STUART's standing there, was there
783 anyone else standing there with you when this was said?

784 DOOLAN: Not that I remember, but there were other witnesses, so there might've been
785 another person there.

786 BARKLEY: Okay.

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787 DOOLAN: Not that I remember.
788 BARKLEY: And so the officer asked you and Mr. STUART, if you wanted to know what had
789 just taken place?
790 DOOLAN: Yeah, he--it seemed to be directed towards me.
791 BARKLEY: Okay.
792 DOOLAN: Mr. STUART did not respond; I did.
793 BARKLEY: Okay, so you then made contact with the officer, and he was very clear that he
794 was referring to Mr. CHASSE had 14 prior crack, crack cocaine convictions, and
795 that a vial of crack cocaine was found on Mr. CHASSE.
796 DOOLAN: That's right.
797 BARKLEY: Was there anything else said?
798 DOOLAN: Um, I said something like, uh, "So what? That was over the top." I let him
799 know that I thought what had happened was excessive, even if the person was,
800 um, you know, had former convictions. And at the time, I believed that what he
801 told me was true.
802 BARKLEY: And do you believe that what the officer told you is untrue?
803 DOOLAN: Yes.
804 BARKLEY: And how is that?
805 DOOLAN: Well, it was, um, from reports I heard in the paper.
806 BARKLEY: Okay, when this officer said what he said, was he saying it in a serious manner?
807 DOOLAN: Yes. It was, um, it was like: he has 14 former convictions, and like, this is a,
808 you know, this is a really nasty criminal we've just taken down. And I definitely
809 felt - even though I believed what he said was true at the time - I felt he was
810 trying to influence what I had seen. And then when I found out that it wasn't
811 true, I-I was convinced of that, so...
812 BARKLEY: But he was reporting it as fact - is that correct?
813 DOOLAN: Yes, he was reporting this fact.
814 BARKLEY: Okay. Sgt. RODRIGUES, do you have a question?
815 RODRIGUES: Yeah, Miss DOOLAN, you were there for the, basically, from the very
816 beginning when this went down, as far as when the officers went down...
817 DOOLAN: Yes.
818 RODRIGUES: Correct? Now was this vehicle there, or did this vehicle drive up at some point
819 in time?
820 DOOLAN: I don't think it was there at the beginning. I'm certain--well, I'm certain it
821 wasn't there at the very beginning, but I'm not sure when it--it appeared.
822 RODRIGUES: Okay. So...
823 DOOLAN: I-I think it was probably at, uh--you know, there were only the three officers
824 throughout the struggle and the Tasing, and then while he was uncon--going
825 unconscious, so maybe just a bit before medics arrived, and a bunch of other
826 people arrived so.
827 RODRIGUES: Okay. So...
828 DOOLAN: I don't remember exactly when that car appeared though.
829 RODRIGUES: But you remember that car wasn't there, from when you initially was at the...
830 DOOLAN: I don't think it was. I'm not positive, but I don't think so.

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831 **RODRIGUES:** Okay. Thank you.
832 **BARKLEY:** Okay, this is the last time I'm going to show these photographs. But we have the
833 same 11 pictures of police officers, we will show you each picture, and the
834 police officer may or may not be the officer. If you're able, please identify the
835 police officer who advised you that Mr. CHASSE had 14 crack cocaine
836 convictions and possessed a vial of crack cocaine when he was arrested that
837 date. And I will show the pictures in the same order as I did previously, starting
838 with picture number 1, and then I will turn picture number 1 over, and show you
839 photograph number 2, and--and proceed from there. This is photograph number
840 1.
841 **DOOLAN:** His face is familiar, and I would say it's a possibility this is the...
842 **BARKLEY:** Photograph number 2.
843 **DOOLAN:** I-I don't know if he is that person.
844 **BARKLEY:** Photograph number 3.
845 **DOOLAN:** Don't know.
846 **BARKLEY:** Photograph number 4.
847 **DOOLAN:** I don't know.
848 **BARKLEY:** Photograph number 5.
849 **DOOLAN:** Um, I feel like this is a possibility, but I'm not sure.
850 **BARKLEY:** That's photograph number 5?
851 **DOOLAN:** That was not the person.
852 **BARKLEY:** Photograph number 6.
853 **DOOLAN:** That's not the person.
854 **BARKLEY:** Photograph number 7.
855 **DOOLAN:** I don't think that was the person in the car.
856 **BARKLEY:** Photograph number 8.
857 **DOOLAN:** I don't think this is the person in the car.
858 **BARKLEY:** Photograph number 9.
859 **DOOLAN:** His face is familiar. Um, it's possible that this is the person.
860 **BARKLEY:** Photograph number 10.
861 **DOOLAN:** I don't think that's the person who was in the car.
862 **BARKLEY:** And the last photograph is photograph number 11.
863 **DOOLAN:** This face is familiar.
864 **BARKLEY:** Okay, to clarify, after Miss DOOLAN was shown each picture individually, they
865 were then turned over so as not to compare the pictures to other pictures out of
866 the 11.
867 **RODRIGUES:** I have a question.
868 **BARKLEY:** Go ahead.
869 **RODRIGUES:** This is Sgt. RODRIGUES. Miss DOOLAN, the time that this officer was here,
870 that we're talking about now about the comments that he made, did you see him
871 - prior to his contact with you, did you see him interact or speak to any other
872 bystanders before your contact? How about after?
873 **DOOLAN:** No.
874 **RODRIGUES:** Okay.

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875 DOOLAN: That's the only time I remember seeing this particular officer.
876 RODRIGUES: Okay. So he didn't interact with anybody after...
877 DOOLAN: Not that I saw.
878 RODRIGUES: Okay, thank you.
879 BARKLEY: Please describe the manner in which Mr. CHASSE was carried to the police
880 vehicle. This would be after the paramedics had checked him, and then he was
881 then transported to...
882 DOOLAN: He was unconscious and then he woke up. His hands were handcuffed behind
883 his back, his feet were tied together, and he was carried, um, horizontally down
884 the street, um, like a dead deer.
885 BARKLEY: Okay, now--okay, so he has the hand--Mr. CHASSE has the handcuffs on...
886 DOOLAN: Behind his back.
887 BARKLEY: and--behind his back, his--were his ankles wrapped with a strap?
888 DOOLAN: They were tied together, yes.
889 BARKLEY: Okay.
890 DOOLAN: And it seems like he was carried from, you know, from the two ends, kind of...
891 BARKLEY: Okay.
892 DOOLAN: somehow.
893 BARKLEY: How many officers carried Mr. CHASSE?
894 DOOLAN: Mmm, I don't--I--my best guess is two, but I-I'm not sure. You know, I don't--I
895 don't remember distinctly.
896 BARKLEY: So, he was carried face-down - is that correct - you said?
897 DOOLAN: I don't know if it was face--face-down, I think he might've been side, uh--it
898 might've been sideways.
899 BARKLEY: With his side facing the--the sidewalk?
900 DOOLAN: Uh-huh.
901 BARKLEY: So, you don't recall if there were...
902 DOOLAN: I'm not sure. I-I mostly remember that he was, you know, horizontal, if that
903 makes sense.
904 RODRIGUES: Parallel with the ground?
905 DOOLAN: Parallel with the ground. He was carried parallel to the ground.
906 RODRIGUES: Uh-huh.
907 BARKLEY: And you don't recall how many police officers carried him?
908 DOOLAN: I don't.
909 BARKLEY: Okay.
910 DOOLAN: My best guess is two or three.
911 BARKLEY: Okay. So Mr. CHASSE's on the corner of 13th and Everett, how far was he
912 carried from that location, where the paramedics were checking him out, and he
913 was tackled, to the police car?
914 DOOLAN: I didn't--I didn't see that. I saw him being carried away from the corner going in
915 the opposite direction; going west.
916 BARKLEY: West up Everett Street?
917 DOOLAN: Um, so, I'm not sure which street is which right now. The--the, um, this street -
918 he--he was taken this way, so he went on up there where I couldn't see.

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919 **BARKLEY:** Okay, that's you're--Miss DOOLAN is pointing toward a photograph that she
920 has, and that is Everett Street.
921 **DOOLAN:** Yeah, so he was carried west on Everett Street, and--and then out of our view.
922 So we didn't see him - uh, you know, we saw him just for a little ways, and then
923 he was out of our view - we didn't see him, um, being put into the car.
924 **BARKLEY:** Okay. You have four pictures here that you're going to retain - correct?
925 **DOOLAN:** Yes.
926 **BARKLEY:** Okay. All four of these pictures, essentially, show what I want to refer to. We
927 have Mr. CHASSE laying here on the ground. We have a police car fairly close
928 by...
929 **DOOLAN:** Mm-hmm.
930 **BARKLEY:** We have an ambulance. We have a fire truck. We don't see any other police
931 cars, at least in the picture, west from this location on Everett. Was he carried to
932 any of these police vehicles that we see in these pictures? There's one, two,
933 three that are pretty much like in a triangle surrounding Mr. CHASSE.
934 **DOOLAN:** No, he was carried on up the street, and I didn't see what vehicle he went in, but
935 he was carried this way. He may--maybe he ended up in one of these cars, but,
936 um, he wasn't placed in a car right at the corner, he was carried up the street in
937 that direction...
938 **BARKLEY:** Okay.
939 **DOOLAN:** out of sight, before he was put in a car.
940 **BARKLEY:** Okay, so you did not see which police vehicle he got into...
941 **DOOLAN:** No.
942 **BARKLEY:** But you saw Mr. CHASSE carried. And what you're most definite is, is that he
943 was not placed into any of these three police cars that almost form a triangle
944 around Mr. CHASSE, who's shown in this picture as laying on the sidewalk -
945 correct?
946 **DOOLAN:** Not--he wasn't put in those cars while they were in that position.
947 **BARKLEY:** Okay. And so what you observed was Mr. CHASSE being carried westbound,
948 along the south sidewalk of Everett...
949 **DOOLAN:** Mm-hmm.
950 **BARKLEY:** and past the ambulance...
951 **DOOLAN:** Yes.
952 **BARKLEY:** past the fire truck, which you can see?
953 **DOOLAN:** Right.
954 **BARKLEY:** Okay, so, once he got past the fire truck, you don't know where he went?
955 **DOOLAN:** Right.
956 **BARKLEY:** So, that's quite some distance, is it not?
957 **DOOLAN:** Yeah.
958 **BARKLEY:** And he was handcuffed and--by the...
959 **DOOLAN:** _____
960 **BARKLEY:** He was--he was handcuffed at the ank--at the wrist - and we refer to it as a
961 hobble; it's a strap around his ankles - as he's being carried away.
962 **DOOLAN:** Yeah.

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963 BARKLEY: Okay.
964 RODRIGUES: This is Sgt. RODRIGUES. Though you said you saw him carried away til out of
965 your view, what would you estimate the distance that you saw him carried? I
966 mean, just...
967 DOOLAN: Mmm, half a block, or something.
968 RODRIGUES: So, it was more than 20 feet?
969 DOOLAN: Yeah.
970 RODRIGUES: So, half a block?
971 DOOLAN: I--and then he was out of view...
972 RODRIGUES: Okay.
973 DOOLAN: so I didn't--and we were, actually, closer to the corner, so we would've seen a
974 little bit more than in this picture. But I didn't see him being placed into a car,
975 so.
976 BARKLEY: This is Sgt. BARKLEY once again. So the pictures that we're looking at, that
977 you have, that are numbered 1, 2, 3, 4, it appears as if it shows the fire engine
978 parked approximately at mid-block - is that correct?
979 DOOLAN: It's probably a little closer than mid-block. This is only a few car lengths, you
980 know... It's on how long the block is, but...
981 BARKLEY: But it was pa--he was carried past that fire engine...
982 DOOLAN: Yes.
983 BARKLEY: that's in the picture?
984 DOOLAN: I think so.
985 BARKLEY: Okay, and did you hear any comments being made by either police officers,
986 paramedics, as Mr. CHASSE was carried from that location?
987 DOOLAN: The only thing I heard was the medic who made--who imitated the cries that Mr.
988 CHASSE had made.
989 BARKLEY: Was that the ma--a male...
990 DOOLAN: Yes.
991 BARKLEY: medic, or a female?
992 DOOLAN: I believe it was the male medic.
993 BARKLEY: Now, according to your pictures here, you can clearly see that there are
994 paramedics in the picture, as you see this female, and then you see clearly that
995 there are paramedics that say Portland Fire. Do you know if the male who
996 made--mimicked Mr. CHASSE, whether he was a Portland Fire Bureau medic,
997 paramedic, or AMR paramedic?
998 DOOLAN: So, what's the identifying physical thing for the AMR?
999 BARKLEY: Well...
1000 DOOLAN: What about this person right here?
1001 BARKLEY: I don't know who that is.
1002 DOOLAN: Yeah.
1003 BARKLEY: Portland Fire Bureau have--they have the...
1004 DOOLAN: They have...
1005 BARKLEY: the shirts say Portland Fire...
1006 DOOLAN: Yeah.

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1007 **BARKLEY:** as you can see in your pictures.
1008 **DOOLAN:** Fire. And this would be Fire, this person?
1009 **RODRIGUES:** Yes. 'Cause of--whatever type of pants that he's wearing...
1010 **DOOLAN:** Uh-huh.
1011 **BARKLEY:** See the fire boots and the fire pants?
1012 **DOOLAN:** My--my--I'm not--I'm not positive what they were wearing, but when I look at
1013 this picture, this is what--this, if I was to guess, it would be this person right
1014 here, with the hat on.
1015 **BARKLEY:** And we can't tell, really, if he's wearing...
1016 **DOOLAN:** With longer hair. I remember, um, thinking that the person was pretty young.
1017 **RODRIGUES:** That's Fire Bureau pants.
1018 **DOOLAN:** But that's...
1019 **RODRIGUES:** The pants that they wear...
1020 **DOOLAN:** Yeah, that's my--my guess.
1021 **RODRIGUES:** You think _____...
1022 **DOOLAN:** That's what my best recollection would be, that it would be one of them, rather
1023 than the ones in the darker uniforms. I'm--he remembers me probably as a--I
1024 just--I remember very clearly, um, you know, the imitation and the voice, but not
1025 distinctly who it was.
1026 **BARKLEY:** Okay, we're almost done. Can you please describe Mr. CHASSE's overall
1027 behavior, demeanor, from the time he was chased, tackled, until he was
1028 transported from the location? How would you summarize his behavior and his
1029 demeanor?
1030 **DOOLAN:** That he was really frightened, and, um, and struggling, and asking for help. Um,
1031 and trying as best he could to kinda protect himself from what was happening.
1032 He seemed--he seemed frightened. He did not seem--he--and even though he
1033 was struggling with the police officers, and he was resisting arrest, he did not, at
1034 all, seem like a threatening person; he seemed like a frightened person.
1035 **BARKLEY:** Okay, and--and...
1036 **DOOLAN:** And he seemed, um, you know, at the time I thought he seemed what I would
1037 say a bit altered. And I didn't know if that was, um, what he was, you know, in
1038 a bit altered state, you know, it turns out he's--he was mentally ill, but he didn't--
1039 he seemed, um, frightened and agitated, and frightened _____.
1040 **BARKLEY:** I'm going to ask you - I-I don't know what your life experiences are - but you
1041 were able to observe Mr. CHASSE, when the officer told you that Mr. CHASSE
1042 had been convicted 14 times for crack cocaine, and that they found a vial of
1043 crack cocaine on him, at that location, did he seem like - just appearance-wise -
1044 the type of person associated with crack cocaine?
1045 **DOOLAN:** Um...
1046 **BARKLEY:** And I know that's a general--generality.

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1047 DOOLAN: Right. Well, my, um, and I've said that I--I assumed that that was true, being
1048 given that information, and still felt that the police, um, used excessive force.
1049 So I didn't--I didn't have a sense about him that he was a threatening person; a
1050 frightening person; a criminal - I didn't have that feeling. I did feel that he was
1051 not your average--he's--there was something about him that seemed a little, um,
1052 different. I thought he could've been a street person. When I...

1053 BARKLEY: And when you say street person, are you talking about homeless?
1054 DOOLAN: Yeah. Yeah, just he seemed--he looked a little disheveled. He--he was thin.
1055 You know, he--um, I mean that was just an impression. But I also, um, my
1056 observation of people that I think have been on crack has been a different--a
1057 different kind of energy than that - a real, um, really wired, uh, kinda bouncy
1058 energy - and he didn't have that kind of energy. He seemed--but he was, um--
1059 but he was--he was scared, and he was, um--I mean, at the--at the--thinking
1060 about it now, I can say it doesn't really seem like he was on crack. But at the
1061 time, like I said, I just assumed that what the officer told me was true, and it
1062 didn't affect my view of what had happened; I still felt that what was happened--
1063 had happened, was inappropriate.

1064 BARKLEY: So, when you were watching this struggle that was taking place between the
1065 police officers and Mr. CHASSE, was it your opinion then that even though Mr.
1066 CHASSE was struggling and resisting, that he was also frightened?
1067 DOOLAN: Yes.

1068 BARKLEY: As opposed to being aggressively acting out toward the police?
1069 DOOLAN: I did not think he was aggressively acting out, I thought he was frightened, and
1070 he was resisting, very clearly.

1071 RODRIGUES: This is Sgt. RODRIGUES again. During that, you felt that he was frightened,
1072 however, he also was resisting the officers' attempts to take him into custody -
1073 and I understand you're not a police officer - how would you have preferred
1074 them taking someone in this scenario into custody? Given all that--that we
1075 know, as far as what you said about him struggling, however, he was afraid, how
1076 would you - and again, as--as not being trained - how would...

1077 DOOLAN: Well, um, first of all it, I was surprised--it was--it seemed, on--on one level, it
1078 seemed like, uh, it should've been a little easier for them than it was to get him
1079 in the position they wanted him in. I guess my preference would've been, um, I
1080 don't know [chuckles]. It's, uh, the--the use of force seemed excessive, not
1081 gratuitous, but excessive. Um, of course, I also now know that he--his particular
1082 paranoia was being touched, so I know that he--he was frightened, and he--and,
1083 uh, it makes sense--his response to having three officers on top of him makes
1084 sense.

1085 RODRIGUES: So, is it your knowing that he didn't like the--being touched, the reason why now
1086 you're saying that he was frightened, or...

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1087 DOOLAN: No. No, because I didn't know that at the time. I-I assumed it was true he was
1088 on crack. Um, and it--and the minute that officer said that to me, I said I--"So
1089 what? That was over the top. That was still excessive use of force." And--and
1090 also I was so disturbed by the fact that he wasn't really--if--if that force was
1091 necessary, then why wasn't he very thoroughly checked for injuries. Because the
1092 whole end result might've been, you know, avoided if he had been treated
1093 immediately. Um, he just didn't seem like--he didn't--I didn't get any feeling
1094 that he was a dangerous person at all.

1095 RODRIGUES: So, I guess back to my original question, is how--how would you have wanted
1096 them, or have liked to have seen officers deal with an individual, or--or deal with
1097 Mr. CHASSE?

1098 DOOLAN: Possibly, um, see if there's another - you know, he didn't want to be laid face-
1099 down - um, see if they could talk to him and see what--you know, if they just get
1100 things calmed down enough to speak to him, to even see what was happening.
1101 It's--no....

1102 RODRIGUES: You mean, after they chased him and after they fell...

1103 DOOLAN: I don't know.

1104 RODRIGUES: And--and I'm just trying...

1105 DOOLAN: Yeah.

1106 RODRIGUES: to get, you know--I'm not trying to--I'm just trying to see where your frame of
1107 mind is, and what, you know, what you would have liked to see, had it been
1108 possible.

1109 DOOLAN: Well, less force; not both the use of Taser and kicking and hitting at the same
1110 time. Um, and--and having him checked for injuries.

1111 RODRIGUES: Okay. And--and my last question is, you mentioned earlier about the Taser, that
1112 the Taser - I believe--I believe you said rendered him unconscious?

1113 DOOLAN: Yes.

1114 RODRIGUES: How--can you tell me--how--how did you know that?

1115 DOOLAN: Well, 'cause he stopped moving; he stopped talking.

1116 RODRIGUES: Right after you heard the - was it right after the...

1117 DOOLAN: Not immediately, but within a minute, I'd say.

1118 RODRIGUES: So, but a minute is a kinda a long time. So it's like, can you attribute--your
1119 perception is you're attributing the sound of the Taser a minute later to cause
1120 what happened in that one minute. In other words, was he continuing to
1121 struggle, from the time you heard the Taser noise, to the time he went
1122 unconscious, or...

1123 DOOLAN: I think it was--it probably was less than a minute, but it seemed like it was
1124 pretty--that--that, um, he calmed down, and--and then was unconscious pretty
1125 quickly after they used the Taser.

1126 RODRIGUES: Okay. That's--anything else? That's all I have.

1127 BARKLEY: Okay, this is Sgt. BARKLEY. Besides what you've already described, is there
1128 anything else that you could...

1129 DOOLAN: You know, I do have, actually, one more thing.

1130 RODRIGUES: Yes ma'am.

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1131 DOOLAN: The--one of the things I observed about the police, is that, which in some ways
1132 seems like a natural response, but, uh, something to watch out for, is that
1133 because he was resisting, and he was not following their direction, I felt like I
1134 saw that kind of adrenalin rush, and it--and, you know, um, their being reactive
1135 to that in a way that--that seems dangerous to me.

1136 RODRIGUES: So, what you're saying that once it was apparent to the officers that he wasn't
1137 immediately...

1138 DOOLAN: Yeah.

1139 RODRIGUES: complying...

1140 DOOLAN: kind of a rev-up of energetically--uh, kind of adrenalin rush, and, you know, um,
1141 which I think could've contributed to what happened.

1142 RODRIGUES: Okay. Thank you.

1143 BARKLEY: Besides what you've alre - this is Sgt. BARKLEY - besides what you described
1144 already, is there any other description that you can think of to describe the police
1145 officers, and specifically, the three police officers who were there from the very
1146 beginning that Mr. CHASSE was tackled, until he was transported from the
1147 location, regarding their behavior and their demeanor? Anything that jumps out
1148 at you?

1149 DOOLAN: I don't think there's anything else that I haven't said. Um, the kind of reactive
1150 quality; the adrenalin rush of his not following their direction. And then also
1151 the, um, with it, what looked like an attempted bite, the hitting and kicking
1152 immediately. Those two things, um, just seemed reactive, and not, uh, more
1153 containing, but reactive against him.

1154 BARKLEY: In addition to the physical force previously described and discussed here today,
1155 can you describe any and all other physical force that was used by any police
1156 officers, AMR paramedics, or Portland Fire Bureau paramedics, directed at Mr.
1157 CHASSE?

1158 DOOLAN: I didn't see any--anything else, um, besides what I've described with the three
1159 officers.

1160 BARKLEY: Did you observe any officer strike Mr. CHASSE with a closed fist?

1161 DOOLAN: No.

1162 BARKLEY: Okay. Now, that's all I have. Is there anything you wish to add, clarify, and/or
1163 produce regarding the in-custody death of Mr. CHASSE?

1164 DOOLAN: I don't think so.

1165 BARKLEY: Okay...

1166 RODRIGUES: This is Sgt. RODRIGUES. I have to have one more question.

1167 DOOLAN: Okay.

1168 RODRIGUES: After Mr. CHASSE was treated by medical personnel, and before you - and
1169 when he was being--when he was being carried by the officers out of your
1170 sight...

1171 DOOLAN: Mm-hmm.

1172 RODRIGUES: what was Mr. CHASSE's demeanor and/or actions like?

1173 DOOLAN: I think he was, uh, fairly--fairly subdued at that point.

1174 RODRIGUES: Did you see...

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1175 DOOLAN: I remember after he became--uh, woke up and became conscious, he was calling
1176 for the medic...
1177 RODRIGUES: Mm-hmm.
1178 DOOLAN: to return. Um...
1179 RODRIGUES: Anything of note: struggling, kicking...
1180 DOOLAN: No, I don't remember anything else...
1181 RODRIGUES: Yelling? How about the officers - any--did they use any physical force on him
1182 as they were carrying him that you recall?
1183 DOOLAN: No, just, uh, I wouldn't say physical force. I mean he was picked up, and...
1184 RODRIGUES: Except the force used to pick him up.
1185 DOOLAN: No.
1186 RODRIGUES: Okay. Thank you.
1187 BARKLEY: Okay. The interview is concluded at 1407 hours. And thank you very much for
1188 agreeing to this interview.
1189 DOOLAN: You're welcome. I hope it's helpful.
1190 RODRIGUES: Thank you.
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1192
1193 2006-B-0016trs-DOOLAN
1194 Transcribed 12/6/07; 8:30 AM Marilyn Cavallero

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PORTLAND POLICE BUREAU
INTERNAL AFFAIRS DIVISION
Confidential Taped Statement
Sgt. Michael Barkley #8570|Sgt. Derek Rodrigues #37149

Interview Date: December 11, 2007
IAD #: 2006-B-0016
Complainant: Portland Police Bureau
Interviewed: Officer Christopher Humphreys #32784

RODRIGUES: This is Sgt. Derek RODRIGUES #37149. And also present, as the lead investigator, is Sgt. Michael BARKLEY #8570. Today is December 11th, 2007. The time now is 1430 hours. We're at the Internal Affairs Division Interview Room No. 2. Present is Officer Christopher HUMPHREYS #32784, and Portland Police Association President, Detective Robert KING #2107...

KING:

RODRIGUES: 5 - thank you. This interview is in regards to Internal Affairs Division Case No. 2006-B-0016, and associated Portland Police Report No. 06-84962. Officer HUMPHREYS has been advised that his conduct, and/or the conduct of any other bureau member present on Sunday, September 16th, 2006, at the 1300 block of NW Everett Street, at about 1718 hours, is the subject of this investigation. Officer HUMPHREYS has reviewed information necessary to be reasonably apprised of the nature of the allegations of the complaint. Officer HUMPHREYS has been informed that he is a suspect in the case, and that Internal Affairs Division Captain John Tellis is in charge of the investigation. I have advised Officer HUMPHREYS that he could have representation present during the interview, and PPA President KING is here in that capacity. Officer HUMPHREYS has been provided a copy of the Advance Notice and Waiver form, and has signed it. Officer HUMPHREYS: I am ordering you to answer all questions fully and truthfully. If you fail to respond fully and truthfully, you may be disciplined up to and including dismissal. Do you understand?

HUMPHREYS: I do.

RODRIGUES: Is there, do you have any other documents, such as notebook, or any other written documents associated with this?

HUMPHREYS: I have my notebook here.

RODRIGUES: Okay. And we can make a copy of that at the end of our interview. For the record, Officer HUMPHREYS has reviewed the following documents prior to the interview. His detective's interview transcripts, the Internal Affairs Division worksheet listing the allegations and the nature of the complaint, his unit history for September 17, 2006, along with the associated CAD incident history printout. Okay, Officer HUMPHREYS, how long have you been employed as an officer with the Portland Police Bureau?

HUMPHREYS: It's going to be 9 months this February.

RODRIGUES: 9 years?

HUMPHREYS: Yeah, 9 years, I'm sorry.

RODRIGUES: And what is your current assignment?

HUMPHREYS: Uh, I'm an officer with the--detailed to the Transit Division.

RODRIGUES: Okay, and how long have you been assigned there?

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50 **HUMPHREYS:** It's 3 1/2 years with the Transit Division.

51 **RODRIGUES:** And previous to that, in the Bureau, how long have you been assigned to

52 uniform patrol?

53 **HUMPHREYS:** Uh, the whole time I've been a uniform officer. My last position before

54 transferring to Transit was with, was at East Precinct, night shift.

55 **RODRIGUES:** Now, do you have any prior law enforcement experience?

56 **HUMPHREYS:** I do. I was with the Wheeler County Deputy Sheriff's Office in ah, out of Fossil,

57 Oregon for just under three years.

58 **RODRIGUES:** Okay. Now, prior to September 17th, 2006, did you have any special skills or

59 training, and/or certificates, certifications, such as in CIT - were you CIT trained

60 at the time?

61 **HUMPHREYS:** Not formally, well, I'd taken, uh, the in-service block, but not CIT certified, no.

62 **RODRIGUES:** Okay. Did you, at that time, prior to September 17th, 2006, hold any other

63 special certifications, special skills, or any type of training?

64 **HUMPHREYS:** Uh, yeah, um, I was, uh, I'm certified as an AR operator, certified with the

65 Taser, uh, certified with the, um, FM505, less lethal system. I'm a certified

66 instructor, through the Bureau, for the, uh, they're basically called the WMD

67 hazmat instructor. Um, and that's through, uh, the Rapid Response Team, which

68 I'm also a member of. Um, I've taken, uh, when I was, well, prior, um, to

69 actually coming to Portland, I took both the basic and the, uh, intermediate level

70 of, uh, interview/interrogation. Prior to that, I was actually, uh, Deputy Medical

71 Examiner, um, uh, State of Oregon. Uh, and that was through the Wheeler

72 County Sheriff's Office. Um, with Portland, I'm bike certified. Uh, certified for

73 field tests, narcotics. Um, that's about all I can recall at this point.

74 **RODRIGUES:** Okay. Now, since September 17th, 2006, have you been CIT trained?

75 **HUMPHREYS:** No, I'm slated to go this March - this coming March in 08.

76 **RODRIGUES:** Okay. Do you have any specific training in the identifications of individuals

77 under the influence of alcohol and/or drugs?

78 **HUMPHREYS:** I do.

79 **RODRIGUES:** Can you tell me about that briefly?

80 **HUMPHREYS:** Uh, I've been trained, um, in the basic, uh, police, uh, academy, uh, block. I'm

81 actually, uh, one of two people that went through basic police academy twice.

82 Once, uh, with the Wheeler County Sheriff's Office, and then when I got hired

83 with Portland, I was a member of, uh, Operation 80, which was also a combined,

84 um, Portland basic academy, um, where, uh, both times certified, uh, in the

85 detection of drug, uh, and alcohol, specifically related to drivers - DUII training.

86 At that time, I think it was the Intoxilator 5000, now, it's, uh, some other

87 number - um, I was able to run. Uh, and also in narcotics investigations. Um, in

88 the last 3 1/2 years with the Transit Police, I had been detailed numerous times to

89 an undercover unit that purchased a lot of narcotics; deals with a lot of people

90 that are under the influence of narcotics, and/or alcohol.

91 **RODRIGUES:** Okay. Well, prior to, again, I don't want to be redundant...

92 **HUMPHREYS:** Uh-huh.

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93 **RODRIGUES:** but we're going to be referring to this date quite often, prior to September 17th of
94 '06, did you receive any specific training towards into the identification of
95 individuals with mental health illnesses or disorders?

96 **HUMPHREYS:** Yes, I recall, I believe it was the in-service of that year of '07, that we had a, uh -
97 and I'm not sure, the time may be wrong, but I believe it was about a 4 hour
98 block of in-service training on subjects. And at that time it was primarily
99 focusing, I believe, on individuals that suffered from seizure related syndromes..
100 But there was also some mental health instruction from, I believe it was, Paul
101 WARE at that time, Officer Paul WARE, who was in charge of the CIT. He was
102 the CIT coordinator. Prior to that, I would have to say that -- yeah, I'd have to
103 refer to my training record.

104 **RODRIGUES:** Okay. How about any on-the-job experience prior to that, as far as the
105 identification, or observing people under the influence, or with mental health
106 issues?

107 **HUMPHREYS:** Yes. I'm a, I, I couldn't--I couldn't quote hard numbers, but each night shift,
108 Southeast afternoon shift, uh, working Central downtown, a lot of arrests I have
109 made were drug-related, and, and/or, you know, with subjects with some sort of
110 mental health issue, and a lot of times a combination of both.

111 **RODRIGUES:** Okay. Now prior to September 17th, 2006, with all the training and experience
112 you've described for me, as a police officer are you able to differentiate an
113 individual who is intoxicated, and/or under the influence of drugs, from one who
114 has a mental illness, health illness or disorder?

115 **HUMPHREYS:** Well, I think that question actually, that's a difficult question to quantify
116 directly. I mean, if you're talking about watching a subject from 20 yards away,
117 and their actions, uh, it'd be hard to say. They could be very similar to
118 somebody who's under the influence, or somebody who is actually dealing with
119 from a mental health issue. It takes, it takes some interaction; questioning, um,
120 to define. I think then after a certain amount of time, though, I would be able to
121 tell, yes.

122 **RODRIGUES:** So, from just a generalization, as you just stated earlier, from a distance, is there
123 any clear definitive way for you to say that person is under the influence of
124 drugs, or that person potentially is engaging in behavior that indicates a mental
125 disorder?

126 **HUMPHREYS:** No.

127 **RODRIGUES:** What was your assignment on September 17th, 2006?

128 **HUMPHREYS:** At that time, I was assigned to the uniform patrol side of the Transit Division,
129 and we were assigned to the downtown car, myself and a Multnomah County
130 Sheriff's Deputy, a gentleman by the name of Brett BURTON. We were
131 working the afternoon shift, which starts at 2:00 p.m. and goes til midnight.

132 **RODRIGUES:** Did you have a, what was your, did you have a specific district or area...

133 **HUMPHREYS:** We did. Uh, primarily focusing on the downtown core area. Uh, I believe the
134 district is, uh, 1772, is how we label it as a call sign, but it focuses mainly on the
135 downtown core area from, from the river all the way out to, essentially, the, the
136 zoo, the Washington Park Transit Station.

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137 **RODRIGUES:** And overall, just if you could tell me briefly, what is, what would be your
138 primary responsibilities as a uniform transit officer?

139 **HUMPHREYS:** Your primary responsibility as a uniform transit officer, is to answer transit-
140 related radio dispatch calls, is your number one priority. After that, um, you deal
141 with the transit issues; you focus on issues relating to livability, uh, on the transit
142 system, reducing, essentially, the crime that goes along the transit system. Uh,
143 the transit line is kind of a funnel for drugs, uh, robberies, assaults. You focus
144 on that when you're not answering calls, just kind of in those areas where there's
145 a saturation patrol high visibility. Sometimes we'll go in and we'll actually spot
146 those locations. Uh, besides answering Tri-Met calls, which at that time, were
147 kinda few and far between, a lot of what you do is self-initiated subject stops.
148 Uh, constantly checking fares, checking ridership. After that you're still in the
149 same area as East Precinct, you're backing up Central Precinct cars, is a good
150 example of stuff that we'll do.

151 **RODRIGUES:** Now, District 1772, as a general characteristic, or a generally characterize what
152 would be some of the more frequent occurring type of crimes or issues that you
153 would deal with, if you're able to tell me that.

154 **HUMPHREYS:** I can, and it's, it's drugs, it's subject stops and drugs. Uh, it's, uh, 1772
155 encompasses that kinda Old Town area. Obviously, the bus mall area downtown
156 is, used to be the kind of a primary majority area where the drug free zone was,
157 uh, when we had it. But it's, it's a well known area for the purchase and the sale
158 of crack cocaine, specifically, and then a myriad of other drugs. I personally
159 have bought crack cocaine, on an undercover capacity, down at that location a
160 number of times. So, yeah, when you work the 1772 car, that really is, as far as
161 Tri-Met transit goes, there's a lot of focus on the drug problem related to the bus
162 mall area, where it's really bad.

163 **RODRIGUES:** And how many times, was that your permanent district, or...

164 **HUMPHREYS:** No, um, at that time, and you just, you kinda floated around between district
165 assignments. Nobody really had a permanent, there were a couple of people that
166 had a permanent assignment, but I worked downtown a lot, but I also worked
167 the, the east side car, uh, East Portland car also.

168 **RODRIGUES:** Okay. Specific to District 1772, how many times previously, would you
169 estimate, you had worked there?

170 **HUMPHREYS:** Oh, I, I don't know. It would, I, I could probably say, though, that a quarter of
171 my assignments, if not, if not close to half my assignment time has probably
172 been in the 1772 car. Prior to that, I did work downtown a lot. I was one of,
173 maybe, five officers that kinda of rotated through that downtown car. As far as a
174 number; certain number of times, I don't, I couldn't honestly tell you. It's, it
175 would be a lot in the three years that I was there...

176 **RODRIGUES:** So...

177 **HUMPHREYS:** prior to this incident, I'm sorry.

178 **RODRIGUES:** Would it be safe to say that you were pretty well aware of the district and some
179 of the problems and issues that were associated with that...

180 **HUMPHREYS:** Yes.

181 **RODRIGUES:** that area?

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182 **HUMPHREYS:** 'Cause even when you're not assigned to that 1772 car, a lot of times, Tri-Met,
183 as a whole unit, works missions, worked missions downtown in that core area.
184 Um, so, even if you're the 1762 car, which works east side, you work a lot, at
185 that time, we were doing a lot of missions downtown because of the complaints
186 that were coming about the drug dealing that was going on in the bus mall from
187 some of the local businesses.

188 **RODRIGUES:** Okay. And you mentioned earlier that your partner was Deputy BURTON.
189 **HUMPHREYS:** That's correct.
190 **RODRIGUES:** Okay, have you worked with him before?
191 **HUMPHREYS:** I have.
192 **RODRIGUES:** Okay, and you were assigned a two person car with Deputy...
193 **HUMPHREYS:** That's correct.
194 **RODRIGUES:** then-Deputy BURTON. Okay. How many times had you worked with him
195 prior--prior to that September 17th?
196 **HUMPHREYS:** It, it wasn't a lot. Um, I would say that somewhere in the area of maybe 10 to
197 15, but that's a rough estimation.
198 **RODRIGUES:** Okay.
199 **HUMPHREYS:** It might be a little more; it might be a little less.
200 **RODRIGUES:** Okay. Now, we'd like an uninterrupted account, and as brief but as concise as
201 possible, 'cause we're gonna get specific after such time. But I want an
202 uninterrupted account of what happened on September 17th, 2006, as it applies to
203 the totality of events involving one Mr. James Philip CHASSE, Jr.
204 **HUMPHREYS:** Okay. Um, again, it has been 15 months, I'm gonna have to take two seconds to
205 kinda, um, initially, Deputy BURTON and I, it was around 5:00, I believe; a
206 little after 5:00 p.m., and we had, we were rolling, I believe it was west-bound
207 on Burnside, when I overheard Sgt. NICE, it was a sergeant's call sign - a
208 Central sergeant's call sign go out on a subject stop up near the area of, like, 18th
209 and Everett. And we were just a couple of blocks over on Burnside. And I told
210 BURTON, Deputy BURTON, excuse me, he was the driver, I said "Let's go
211 cover the sergeant." And at that point, I think I realized it was Sgt. NICE, just
212 from the tone of voice, or something. I said "Yeah, it's NICE. Let's go cover
213 Sgt. NICE." He's out on a subject stop just around the corner. Pulled up on the
214 subject stop there where Sgt. NICE was. And he was, Sgt. NICE was talking to
215 an intoxicated subject probably 40, 30, 40 feet to the west of the intersection at
216 18th and Everett. At the intersection, we were, we were on the, we were on
217 Everett, we were on the north side of Everett, right in front of, ah, it's called, ah,
218 like, the Northwest Arts Council building. And during the subject stop, I was,
219 wasn't really engaged much in the subject stop. Sgt. NICE was, was talking to
220 this guy, trying to figure out, make sure this guy was going to get home; he was
221 pretty drunk, but. Somewhere in the interchange, I realized, or Sgt. NICE
222 realized that this guy lived really close. And ah, during, during the subject stop,
223 I noticed a, a guy standing down on the uh, northwest corner of the intersection,
224 about what I thought was, I thought it was a bus stop. And by bus stop I mean I
225 thought it was just one of the, not your regular covered kiosk bus stops, but just
226 basically the metal pole with the square, just kind of a quick stop. **And uh, and**

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227 uh, I saw this gentleman standing there, and just from that distance, you could
228 easily already tell that he was disheveled, probably a transient, just from the look
229 about him. And, uh, he had a, a backpack, I believe his backpack he was
230 holding there, or maybe it was at his feet. And I, I didn't pay much attention at
231 first, during the stop, but I kept kinda glancing back. And then, um, then I
232 noticed that he was doing this weird thing, he had his, he had his back to me,
233 essentially, and, uh, I noticed he was doing this weird thing where he was doing
234 like this very rhythmic stepping his feet. And he kinda had his, you could tell he
235 kinda had his head tucked down, and he had really long, extremely black hair
236 that went down his back a little ways down past his collar. And he was doing
237 this, like, rhythmic stepping with his feet, as he was kinda turning. And I
238 thought, well, okay, that's, that's probably a drunk guy, or a high guy going to
239 get on one of the buses. And just the way he was moving very rhythmically,
240 well, he's gonna be, we're probably going to get that call, 'cause he's probably
241 going to pass out on the bus. It happens a lot, somebody intoxicated, uh, a lot of
242 intoxicated transient people downtown will get on a bus, end up passing out, and
243 then we end up getting a call at one of the weigh stations because they're, they
244 won't get out of the bus, it's shut down or something. I didn't pay much
245 attention, I, I realized, um, as I was watching him though, in between paying
246 more attention to the subject stop, that, uh, that actually he was on the wrong
247 side of the street, to actually be caught up by the bus. Um, so then, I realized,
248 well that's not a bus stop, so he's really not going to be a problem, my problem,
249 if, you know, 'cause he's not going to get on a bus. And then that's when
250 shortly, kinda during that time, during his kinda rhythmic stepping, I see him, he
251 kinda, he turns and, and he looks our direction, and then he's, he's gone. He
252 just, he starts this quick, stiff-legged walk across the intersection now, and he's
253 going uh, eastbound. And, uh, Everett, that area at 18 and Everett area, all of
254 Everett, downtown, is a really busy thoroughfare street. And that's when I
255 really, 'cause I, I mean I wasn't, my focus was mostly on the subject stop. I
256 mean, I'm a cover officer, and just kinda paying attention to him, just kinda
257 _____. And then when I noticed he was doing this stepping thing with
258 his feet, I thought well, he's a potential client, as far as he's gonna get on the
259 bus. Then when I realized, well, he's not gonna get on the bus, 'cause he's not
260 near a bus stop sign, then it led into him making this, you know, once it appeared
261 that he saw us, he makes this quick, almost, it's hard to describe, but it wasn't
262 really a run, but it was just like this stiff-legged quick gait across the street. And
263 as he's doing that, 'cause he didn't even loo, I mean, it was once he saw, he saw
264 us, he goes. And I, that's when I really focused on him, I said, oh great, he's
265 gonna get run over. It's a Sunday afternoon, kind of, Sunday evening, this is
266 where he's gonna get run over. And then I realized he actually got the light,
267 crossed on a green, uh, with the eastbound traffic. And I just kinda filed that
268 away. The subject stop had wrapped itself up. I mentioned to BURTON,
269 Deputy BURTON, and I believe it was also Sgt. NICE, that there went our guy
270 with the warrant, um, just from the way that this gentleman, from, from the way
271 Mr. CHASSE, when he'd looked at us, and then just took off, it appeared to me

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272 like a lot of how it occurs when somebody's wanted for a warrant or some minor
273 violation, how they take off. I mean, he wasn't absolutely running, but he was
274 wanting to get away from the, the view or visibility of police. [Sigh] so at that
275 point, I, like I said, I mentioned it to Deputy BURTON. We get back into the
276 car. Uh, I said, yeah, that's probably a guy with a warrant. We start heading
277 eastbound with the flow of traffic down Everett. And as we're going eastbound,
278 I, I, I'm actually looking down the streets, but, I mean, it was one of those things,
279 too, where we wanted to go to dinner; that was kinda our original plans to go
280 find someplace to go eat, uh, 'cause it was dinner time. I looked down a couple
281 of the side streets, like 16th, as we're driving past 'em on Everett, I mean, we're
282 not actually driving _____, and I'm in the passenger car, I'm kinda looking
283 down towards the north side. I actually saw, _____ back up, I actually saw, uh,
284 during the subject stop, after Mr. CHASSE had gone eastbound, I thought I'd
285 seen him cross to the south, um, but I wasn't sure, and it was way down, like,
286 like, 16th or 15th, or something like that. And that was during the subject stop.
287 So when we got back in the car, and we're going eastbound on Everett, I actually
288 kinda mentioned to BURTON, I said "Yeah, I think he crossed southbound."
289 And I think it was when we got to 16th or 15th, I really, I looked down the, uh,
290 the street to the south, and didn't see him. Um, and I wasn't sure who I'd seen
291 cross was actually Mr. CHASSE. 'Cause, I mean, from the time he kinda did
292 his, his take-off, to when I saw this person, uh, crossing to the, uh, to the south,
293 he, he, it woulda meant he had to cover a lot of ground real quick, there wasn't a
294 lot of time in between the two. So, we continued down eastbound, _____,
295 just with the flow of traffic. Uh, and that's when I see Mr. CHASSE, uh, he's
296 standing there just to the, uh, to the west of the intersection of 13 and Everett.
297 And he's standing on the south side of the street, kinda near a tree on the
298 sidewalk. And, uh, he's, he's got his back to us; his back, he's kinda facing, like
299 a, like a southeasterly direction, really, on the sidewalk. So he's facing away
300 from us; his back is to us. Um, but he's also kinda facing to the south. And, uh,
301 he's, he's got his hands towards his waist, and it looked, I mean, the way his legs
302 were standing, I mean, it looked completely like a guy standing in front of a
303 urinal. I mean, exactly like a man was standing in front of a urinal if the man's
304 urinating. And, uh, the first thing I said is "Oh, there he is", and, uh, to
305 BURTON, Deputy BURTON. And we start, he starts to pull over, and I go "Oh,
306 God, he's pissing." I mean, that's exactly what it looked like, was that he was
307 taking a leak. And I don't know if, you know, he wasn't able to get out of his
308 pants, or what, but it looked like that's what he was working on, was something
309 down near his groin, and, um, was going to the bathroom. And, uh, so I get
310 outta the car. We, he, Deputy BURTON stops the car, 15 feet away, I don't
311 know, distance-wise, from the, to the west. Get outta the car; his back's still
312 kinda to us. Um, and it looked like CHAS, Mr. CHASSE got done doing what he
313 was doing, and as I'm walking up behind him, and I'd only taken a couple of
314 steps, Deputy BURTON's walking from kinda the street side; I'm actually on the
315 sidewalk. And Sgt. NICE had pulled up his car short, and had gotten out. And
316 he was a little farther out, onto the street side. And, um, at that point, Mr.

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317 CHASSE picked up his backpack and started walking eastbound, still hadn't
318 seen us. And, I mean, I'm just walking; it's not a big deal, he's, you know, and,
319 uh, that's when Deputy BURTON said like "hey" or whistled. And, uh, I think
320 he had to do it again, I'm not sure if he did it twice. And, uh, Mr. CHASSE
321 turns, and looks over his right shoulder right directly at me. And at that point, I
322 mean there's, five yards, five to seven yards between us, maybe more. And, uh,
323 and he screams and he runs. I'm yelling "stop", just like I said, I, well, he's
324 either urinating or he's, at that point, the way he took off running, he, maybe he
325 was injecting dope in his hand. I mean the way he was all bent over, uh, kinda
326 hunched over, with his hands at his groin. Um, and he ran, at that point, I'm
327 yelling stop, I'm chasing him. We got down to the intersection at 13 and
328 Everett, and there's a little bit of a dip. And at that point, right, right kinda prior
329 to that dip was when I just, I caught up to him, left my feet, had both arms out
330 like this, kinda just in a football shiver, and, uh, right into his back. [Sigh] hit
331 the concrete. I remember thinking man, this is gonna hurt when I, I mean, right
332 onto the concrete, on my hip. And to this day, I'll tell ya, I went right over him.
333 But, anyways, um, I had my fla, well, it's just like I do today in my flashlight
334 _____ back pocket. And, uh, I remember landing on that as I rolled up in kinda
335 my left side. And that's, I mean now, he, he's just screaming, he'd been
336 screaming the moment he saw me, as he was running. And, uh, by the time I
337 rolled up, Sgt. NICE was already there, like, grabbing an arm, kinda down in a,
338 like a crouch. Um, I mean, the fight is, is completely on. Um, Mr. CHASSE's
339 kicking; he's screaming, just screaming bloody murder. Uh, I am, I'm, I'm, I
340 mean, I'm not mean, I'm not even on my feet when I realize, you know, I'm still
341 kinda on my butt, kinda with my back and my left side to CHASSE, and I
342 realized that this is, this is, this is a fight. I crab over, I grab onto him, I'm trying
343 to get his right arm, 'cause I believe he's on his side. I think it was his right arm
344 I had. I can't remember, I'd have to refer to the report. It's been a long time
345 since I've thought about this, this thoroughly, so.

346 **RODRIGUES:** Okay, why don't we stop there, and I'll ask you questions - and again, we don't
347 mean to be redundant, but we'll go ahead and I'll start from the beginning again
348 when you first started, and we'll pick up where you just left off. Now, how far
349 were you when you initially saw Mr. CHASSE when you were out there at the
350 18 and Everett - when you first laid eyes on him, he was moving, I guess, in that
351 funny way back and forth?

352 **HUMPHREYS:** I don't know, I'd say probably like 30 feet maybe.

353 **RODRIGUES:** Okay.

354 **HUMPHREYS:** Um, once again, I, yeah, 30 feet.

355 **RODRIGUES:** And your immediate thought, what was your immediate thought about what you
356 were observing, as far as what might have been wrong with him, or...

357 **HUMPHREYS:** I thought he was drunk or high...

358 **RODRIGUES:** Okay.

359 **HUMPHREYS:** was my immediate thought. I mean, up in that area, 18 and Everett, lot of
360 prostitution, lot of drug use that goes on there. Um, guys go get high and kinda
361 pass out in the corners of the churches; that kinda area. I thought, I thought, well

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362 this guy's drunk, was my first thought, or, and/or high, and, you know, he's
363 gonna be somebody's going to get on a bus, and we're gonna get paged, because
364 the bus routes, I believe, I'm not incorrect, but the bus routes that run through
365 there, they, what happens, they'll run their route, and then they go, they kinda go
366 out of service near kinda the, the Greyhound bus station just short of there, about
367 6th and Everett area. And, um, I thought, well, we'll end up getting a call about
368 him being passed out in the back of a bus at 6th and Everett. That was my
369 thought: he's drunk or he's high. He's on heroin, or, you know, somebody who
370 shoots heroin, a lot of times that's what they'll do, is a rhythmic movement, like
371 a rubbing of an arm, or something to that effect. And I, that's what I thought.
372 **RODRIGUES:** Did he appear, other than that, did he, did he appear to you, did he, to be
373 injured?
374 **HUMPHREYS:** No. I mean, he was, he was very dirty. I mean, even from that distance, I could
375 tell that he, he was very dirty.
376 **RODRIGUES:** Did you feel, at that point, that there was a need to contact him for any reason, at
377 that point, while you were covering Sgt. NICE?
378 **HUMPHREYS:** Um, at, at, initially, at, are you saying, oh, while I was covering Officer...
379 **RODRIGUES:** Yes.
380 **HUMPHREYS:** No, no, no, no, no. My priority at that point was, was, definitely covering,
381 covering Sgt. NICE. Uh, no, I didn't feel any need to walk over there.
382 **RODRIGUES:** Okay. And you mentioned earlier that, at, at some point, he immediately stops,
383 and this is from page 6 and 7 in your detectives interview...
384 **HUMPHREYS:** Mm-hmm.
385 **RODRIGUES:** And I quote you: "He immediately" - referring to Mr. CHASSE - "He
386 immediately stops, and does a rapid walk across the street." Now, at what point
387 during the call did this occur, and what was your thoughts at the time, when he
388 made that immediate stop and does his rapid walk across the street? How far
389 were you into covering Sgt. NICE at that point?
390 **HUMPHREYS:** Mmm, that's a, that's a, I, maybe a couple of minutes, maybe, into the cover.
391 And we were probably at the, at the halfway or the three-quarter point of the
392 cover. Um, there was, I, I, I don't know. But we were, we were enough in the
393 cover that, uh, I, I, I think I'd already looked at Mr. CHASSE like twice. And,
394 you know, we're long enough into the contact that I kind have done a, most
395 officers, you know, if your contact cover kinda do that surveying, you know,
396 checking your 6 for the other officer, you know, a couple of times a minute,
397 maybe, if they're good, you know. Um, but this one, it's a Sunday afternoon, so,
398 you know, and this guy was, this, the guy in the contact, I don't know, probably,
399 yeah, probably a couple of minutes. 'Cause I'd watched him, before he took off,
400 I, I'd actually kinda panned over him twice already, I think. And, and the second
401 time was a little longer, uh, when I had sensed, you know, hey, wait, he's
402 actually not, he's not at a bus stop, hey, wait, he's kinda doing, you know, this...
403 **RODRIGUES:** Right.
404 **HUMPHREYS:** And then it was, like, kinda the third time when I went back and really looked at
405 him, that he, he's doing this thing where he comes back and... I believe it was

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406 like the third time, it may have been, in totality, the second. I don't know, that's
407 a, that's a hard one for me to say exactly how long into the subject stop.
408 **RODRIGUES:** Okay. And at some point, you say he turns and looks at you?
409 **HUMPHREYS:** Yeah, he like...
410 **RODRIGUES:** Was it your way, or...
411 **HUMPHREYS:** Well, no, he looks our way, I don't know if he was exactly looking directly at
412 me, but he looks at us, where we were at.
413 **RODRIGUES:** And then he turns and continues at a hurried pace, or...
414 **HUMPHREYS:** Yeah, it, yeah, he, he stops, I mean, it was, it was jarring, I mean, he's doing this
415 very rhythmic step, and then he's kinda turning; starts to turn, and he's doing,
416 and then he sees us, and it just stops. And then he turns, and he does this, it's
417 like if somebody, you know, the best way to describe it, and I, it's, it's maybe a
418 pop culture reference, but the movie, ah, well, the best way to describe it, Forrest
419 Gump, the early scenes where he's got the leg braces on, and he's trying to run,
420 very similar, just straight-legged gait. Real rapid, like he's not trying to run, but
421 like he's trying to cover ground, but like his knees won't, won't properly move.
422 **RODRIGUES:** Okay.
423 **HUMPHREYS:** Very straight-legged gait. That's, you know, like "I don't want to be noticed, but
424 I gotta get outta here." But maybe not all the body's working right, or something
425 to that effect. I don't know, it's just a very straight-legged gait and rapid walk,
426 you know.
427 **RODRIGUES:** Now, when he turned around, did he turn around for any reason, like did
428 somebody call out to him, or was it just like...
429 **HUMPHREYS:** I don't know why he turned. I mean, none of us called out to him - we were
430 dealing with the gentlemen that was sitting on the stairs at that time.
431 **RODRIGUES:** And at that point when he turned back around and started his, that, that straight-
432 legged gait or walk, you said you thought that he had a warrant at that point?
433 **HUMPHREYS:** Yeah, I mean, it can mean, like I said, that here's somebody that sees the police,
434 either has a, and sees the police and reacts like that, where, where they cross a
435 pretty busy intersection at that time of day, Sunday afternoon, Sunday evening,
436 without any real disregard to looking for traffic. Um, the movements that he's
437 making, like I said, the recognition where we're at, and then he takes off in such
438 a manner, I thought either, well, one, the person has, you know, drugs or some
439 kind of paraphernalia on their person, and two, probably has a warrant and does
440 not want to be contacted by the police. Just, you know, that's what that
441 indicated to me.
442 **RODRIGUES:** Now, did you share that with someone, or that was what you were thinking to
443 yourself at the time at least?
444 **HUMPHREYS:** That's what I immediately thought; that's what I was thinking to myself. It
445 wasn't like I saw that, and I immediately said oh, that guys' got a warrant. I just
446 thought about it, and then I referenced it to, to, uh, Deputy BURTON. And I
447 believe I also - Sgt. NICE was standing there when I said it. Um, and that was
448 actually after the subject stop was done.
449 **RODRIGUES:** Which brings me to this question: so, at some point while you were still
450 covering Sgt. NICE on his call, you mentioned, now, did you mention it directly

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451 to Deputy BURTON, and Sgt. NICE was there, or do you remember? Who did
452 you tell?
453 **HUMPHREYS:** I, I know, I was actually referencing it to BURTON, 'cause I'm like, 'cause I
454 asked him like "Did you see that guy down there; the one that's probably got the
455 warrant?" And I think Sgt. NICE was just kind standing there. And, uh, I, I
456 even believe I said, and I'd have to refer, but I think I'm even sure I said to
457 Deputy BURTON "If we get a chance, and if we can get a reason, we need to
458 stop that guy, 'cause he's probably got a warrant" kind of thing.
459 **RODRIGUES:** Do you remember what Deputy BURTON's response to you was?
460 **HUMPHREYS:** I, I don't. I, I, to be honest, I'm, um...
461 **KING:** Not on page 7.
462 **HUMPHREYS:** Oh yeah, that's, okay, I completely forgot about that. I'm sorry, like I said, it's
463 been a long time. Yeah, we had that, I did have that discussion, it was Sgt.
464 NICE and Deputy BURTON, and, um, here's where I was talking to them, and it
465 was during this time that I was talking to them about the unentered drinking in
466 public warrants that we'd been getting. That's right. And, um, and, uh, and
467 BURTON, in fact, I don't think BURTON even saw him, that was the thing. I, I
468 told him, yeah, kinda what happened "Yeah, the guy saw us, and he took off."
469 In, in answer to your question, I'm sorry.
470 **BARKLEY:** This is Sgt. BARKLEY. So, you're referring to the bottom of page 7, and the
471 top of page 8, that's correct?
472 **HUMPHREYS:** Correct.
473 **BARKLEY:** And that's of your transcribed statement?
474 **HUMPHREYS:** That's correct.
475 **BARKLEY:** Okay.
476 **RODRIGUES:** So...
477 **KING:** Can I ask a clarifying question?
478 **RODRIGUES:** Yes.
479 **KING:** You say that on page 7: "So I mentioned it to Deputy BURTON and Sgt. NICE,
480 'yeah, if we get a chance, stop and talk to that guy', and NICE said it's, that he's
481 probably going to have our drinking in public, or our unentered drinking in
482 public warrant." Can you say what those, what that is, an "unentered drinking in
483 public warrant"?
484 **BARKLEY:** That was Detective KING.
485 **KING:** Detective KING, yes.
486 **BARKLEY:** We need to identify ourselves for the...
487 **KING:** Okay, for the record, yeah.
488 **HUMPHREYS:** What an unentered drinking in public warrant is?
489 **KING:** Yeah.
490 **HUMPHREYS:** Well, it was just a reference, at that time, to the fact that the Multnomah County
491 Court had a backup, backlog of, of warrants that were coming out to the system,
492 and we'd been notified as such. And we were notified that, that you needed to
493 check the, the Multnomah County warrants for all those unentered warrants.
494 And it was a reference to the fact that a lot of officers lately had been getting a

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495 lot of these unentered warrants, and they were drinking in public warrants.
496 Because I don't know if they were, at that time, the judges had such a backlog of
497 guys that were getting cited for it, and just finally started to issue these warrants,
498 but we were finding a lot of these drinking, unentered drinking in public
499 warrants. Basically what that means is, you got a stop on a subject, you run 'em
500 on a regular CAD or the MDT terminal, and it comes up that they're clear. If
501 you flip over, and actually on the radio or make a call to Multnomah County
502 Warrants, they'll actually tell you no, they're not clear, they have a warrant, we
503 just haven't put it into the system yet because we're backlogged. And that's the
504 reference to the unentered drinking in public warrant. It was just kind of a, an
505 aside, you know, discussion on the circumstances of the time. It wasn't
506 necessarily that I was sure he had an unentered drinking warrant.
507 **KING:** Okay.
508 **RODRIGUES:** Now on page 8 of the detectives interview, just after you cleared Sgt. NICE's
509 call, you made reference, or you state, basically, that you stood there for 30
510 seconds had elapsed, and quote "we were in no hurry." Is this the time that you
511 were kinda discussing, after Sgt. NICE cleared his call and you stood for 30
512 seconds or whatever, to a minute, what, what were, do you remember what you
513 guys are discussing at that point, was it Mr. CHASSE?
514 **HUMPHREYS:** No, it actually wasn't what we were talking about. And, um, we were actually
515 having a discussion about the entertainment district, uh, detail. Which was, uh,
516 a thing that Central Precinct was running at the time, because of all the fights,
517 and some of the shootings that were happening downtown - uh, in the downtown
518 core area. Um, and then I can't, I can't remember what else Sgt. NICE and I
519 talked about. Uh, by the time we were climbing in our cars though, we were, I
520 mean, we covered a couple other topics. I think another one was about
521 somebody who'd gotten transferred somewhere; kinda the bureau scuttlebutt.
522 And I cannot, don't remember who that was. But, no, we weren't talking about,
523 to answer your question, we were not talking about Mr. CHASSE for probably
524 the last minute to minute and a half of us standing there, yeah.
525 **RODRIGUES:** So during that time, did you, did you lose sight of Mr. CHASSE, or was, did
526 you see him, what was going on as far as Mr. CHASSE was concerned?
527 **HUMPHREYS:** Um, no, I think it was during that time I actually, I think that that's when I saw
528 him cross, or who I believed was, yeah, somewhere in there, I'm referring once
529 again to the investigation on the top of page 8. It was, it was either before that,
530 right before we talked, um, and I think actually as I was walking towards my car,
531 when the subject stop was done, that I think I caught sight of, of who I thought,
532 and I, I can't be 100% positive, because it was quite the distance, and like I said,
533 it seemed to me like he had covered a lot of ground, uh, from the time when he
534 took off. Because, like I said, he wasn't, it wasn't like he was running. It was
535 just this real stiff legged, but it was a quick gait. Uh, and I think it was at 15th or
536 16th where it looked like somebody had crossed southbound across Everett,
537 down at that distance. And it looked like, from the movements, that it probably
538 was Mr. CHASSE. And I think that was right at towards the end of kinda the

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539 subject stop that Sgt. NICE was all done, and we were kinda walking back to the
540 car, uh, and we started having this discussion.

541 **RODRIGUES:** Up until that point in time, okay?

542 **HUMPHREYS:** Mm-hmm.

543 **RODRIGUES:** On a scale of one to five, with five being the utmost urgency or priority, what
544 would you rate your urgency or priority level in contacting Mr. CHASSE, during
545 that time? From one to five, with five the utmost, one being, you know...

546 **HUMPHREYS:** A two. I mean, two. It, uh, that kind of behavior is very typical of somebody
547 who's under the influence of drugs, which at that time, and still you could make
548 the argument today, occurs in downtown Portland a lot. Biggest concern was
549 just that he was kinda going into an area that is into that revitalization, and that
550 there's a lot of traffic. My, my concern, primary concern at the time, uh, was
551 that he was gonna get run over by a car. That was my primary concern. You
552 know, the way he crossed the street, that was it. And once again, talking with
553 Sgt. NICE, I would say, I would say a two, at that point, up until that time.

554 **RODRIGUES:** Okay, what, what occurred after you cleared the call?

555 **HUMPHREYS:** As I said, we get into the car, uh, we started going eastbound, and, I mean, it
556 wasn't even a topic of really discussion, I don't think, in the car, until we got in
557 the area where I'd thought I'd seen him cross southbound. And I even said
558 "Deputy BURTON, yeah, I think that guy crossed south here." I believe it was
559 16th or 15th, one of those actually shoot through. Um, it's been a while since I've
560 been back up there. So I looked to the south, didn't see anybody, and we just
561 continued eastbound. And once again, up until that point, like I said, not seeing
562 him cross, probably my priority dropped to a one, because I figured, hey, we can
563 go get some good, he's gone. You know, he's not been run over on Everett
564 Street. And then that's when I see him standing on the side of the cor, or side of
565 the street.

566 **RODRIGUES:** Okay. Now, so when you were in the car with Deputy BURTON, you just
567 cleared Sgt. NICE's call, what was your intent at that moment? I mean, you
568 mentioned you wanted to go eat lunch, but, the initial, as your initially driving,
569 were you looking for Mr. CHASSE, or was you, I mean...

570 **HUMPHREYS:** Yeah, I was, I was, I mean, in the car, I was, obviously wasn't driving, and I
571 wasn't, and I had not directed Deputy BURTON, hey, let's go down here real
572 quick. But as we made it, once he, with the, essentially with the flow of traffic,
573 we're not going any faster or any slower, uh, as we made it down to where I
574 thought that he had crossed, I actively was looking, scanning the area to see
575 where he was at. Um, but as far as saying to Deputy BURTON, hey, circle back;
576 let's go back and see if... that, that wasn't the case. It was more just me just
577 saying, you know "is that who I saw cross over; where did he go?"

578 **RODRIGUES:** Okay. Was there any discussion or conversation going on about Mr. CHASSE
579 at some point, right after you cleared the call, and you're kinda looking for him,
580 Deputy BURTON's driving, at what point did you, or did you bring up Mr.
581 CHASSE, as far as, you thought you saw him earlier, or...

582 **HUMPHREYS:** I, I think it wasn't until really we got to 15th or 16th, and I said to Deputy
583 BURTON "Hey, I think this is where he crossed." I, I, up until, I mean, you

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584 talking up until we saw him on the side of the sidewalk, from the time we got in
585 the car and drove?
586 **RODRIGUES:** Yeah, you were in the car driving...
587 **HUMPHREYS:** Yeah, that was it, I mean there wasn't any, I, I don't even, it's been a long time
588 since I thought about that. But I don't think, I don't think anything other than
589 me just saying "yeah, I think he crossed down over here" as we were kinda
590 coming up. It's, you actually cross over the bridge, which I believe is like 405.
591 And, uh, it was kinda as we're crossing over, that I said "yeah", oh, and that's, I
592 think actually what I said was "I'm not sure if he crossed over in front of the
593 bridge, or past the bridge", because of the distance we're at I couldn't tell if it
594 was, and he moved across so quick, that I wasn't sure if it was before the
595 overpass or after.
596 **RODRIGUES:** Right.
597 **HUMPHREYS:** And I think that's actually what I was saying to BURTON was "yeah, I'm not
598 sure if the guy went, if he crossed over before or after", and, um...
599 **KING:** Go ahead and take a look at the transcript, bottom of page 8, your statement,
600 read from the bottom of, Detective KING - through the top of page 9.
601 **HUMPHREYS:** From page 8 to page 9. Yeah. Okay. And in reference to, to any discussion?
602 **RODRIGUES:** Yes.
603 **HUMPHREYS:** Yeah, that's the one. I don't see anything that's...
604 **RODRIGUES:** So, now you see him...
605 **HUMPHREYS:** Mm-hmm.
606 **RODRIGUES:** and do you direct Deputy BURTON to, what was the route taken at that point?
607 Were you see him, before you guys actually stopped, and actually confirmed that
608 you saw him on mid-block between 13 and 14 on NW Everett, when you first
609 saw him take a, you wasn't sure if he went on 405...
610 **HUMPHREYS:** Mm-hmm.
611 **RODRIGUES:** if he went before or after the, the bridge...
612 **HUMPHREYS:** Mm-hmm.
613 **RODRIGUES:** of the 405 overpass. At what point after that did you, did you direct Deputy
614 BURTON to take a left or a right, or to follow this guy somewhere, or...
615 **HUMPHREYS:** No.
616 **RODRIGUES:** how did that, how did that go?
617 **HUMPHREYS:** I, I didn't direct, um, and maybe I wasn't clear, I, I didn't direct BURTON to
618 make any turns, um, prior to us seeing him...
619 **RODRIGUES:** Mm-hmm.
620 **HUMPHREYS:** at mid-block, between 13th and 14th. BURTON was just driving eastbound on
621 Everett. Like I said, I, I told BURTON "hey, I think that guy either crossed here,
622 I'm not sure if he crossed here, or back there." As we go through, I was just
623 kinda looking at the street signs; looking down to the south, didn't see him. Uh,
624 and it was just as we crossed, kinda crossed 14th, when I see him standing about
625 mid-block. And if you're talking about telling BURTON to stop or anything like
626 that, I didn't tell, I don't think I told him to stop, but it was like "oh, there he is."
627 You know, "oh, there he is", and uh, and BURTON just, BURTON just
628 stopped. Um, but it was like "Oh, God, he's pissing." I mean, that's...

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629 **RODRIGUES:** Now, did you verbalize that to Deputy BURTON?
630 **HUMPHREYS:** That he was urinating?
631 **RODRIGUES:** Yes.
632 **HUMPHREYS:** That I thought he was urinating? Yeah.
633 **RODRIGUES:** And was that, were you still in the car?
634 **HUMPHREYS:** Yeah, yeah.
635 **RODRIGUES:** Okay.
636 **HUMPHREYS:** Yeah. I mean it was a, it was a real low-key kinda "oh, geez, he's pissing"; you
637 know "now he's pissing", I mean, he's...
638 **RODRIGUES:** So, prior to that, there was no, is what you're saying there was no discussion as
639 far as Mr. CHASSE?
640 **HUMPHREYS:** As far as like a tactical come up and...
641 **RODRIGUES:** Right.
642 **HUMPHREYS:** pull up, no.
643 **RODRIGUES:** Right.
644 **HUMPHREYS:** No, no, no.
645 **RODRIGUES:** Okay. Which leads me to my next couple of questions. Was there, so you see
646 him, who gets out of the car first?
647 **HUMPHREYS:** I don't know, probably me, the passenger side. But I, probably me; I'm
648 assuming probably me.
649 **RODRIGUES:** And you were, I believe you said you were about, how far away did you say you
650 were when you first made observations of him standing kinda with the, where
651 the southwest direction, how far, from where the car was parked?
652 **HUMPHREYS:** 15, 20 feet...
653 **RODRIGUES:** Okay.
654 **HUMPHREYS:** 5 yards, maybe a little over.
655 **RODRIGUES:** Okay. And you said he has his, he had his hands in his waistband area, and you
656 characterize it as looking as if he was urinating?
657 **HUMPHREYS:** Yeah, like he was standing right in front a urinal, yeah.
658 **RODRIGUES:** Okay. Now, at that point, was there ever any discussion about what you or
659 Deputy BURTON intended to do once you guys contacted Mr. CHASSE?
660 **HUMPHREYS:** No.
661 **RODRIGUES:** So, there was never a plan of approach, or anything discussed about what you
662 guys intended to, intended to do with him, at that point?
663 **HUMPHREYS:** No; it was your, I mean, your traditional subject stop. In fact, in fact, the set-up,
664 tactically, as far as subject stops go, was perfect. I mean, especially when, you
665 know, looking back now at how, you know, Sgt. NICE, when he pulled up. I
666 mean, uh, we were all kinda, in a kind of a triangulation, uh, and had good
667 contact; good cover, as far as, uh, where they were standing. The reality of it is,
668 they actually were more in his view than I was. I was directly, once he started
669 walking, I was directly behind him, and they were off more onto his north, or his
670 left shoulder as he was walking away, they were more towards that angle. And,
671 uh, you know, but as far as any kind of a tactical discussion, no. But it's just
672 something you do hundreds of times a month, if not more, so.

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673 **RODRIGUES:** Okay, so, so, you were about 15 to 20 feet away from Mr. CHASSE - parked on
674 the street?
675 **HUMPHREYS:** Yeah, mm-hmm.
676 **RODRIGUES:** 'Kay, and your lights are on, or...
677 **HUMPHREYS:** I don't, no, I don't think our lights were on.
678 **RODRIGUES:** Where was...
679 **HUMPHREYS:** I don't remember.
680 **RODRIGUES:** Where was Sgt. NICE's vehicle?
681 **HUMPHREYS:** Um, his vehicle was just a little, yeah, a little to our left, and maybe just a little
682 bit past us, or in front of us. In fact, he was, he was a little, yeah, his car was a
683 little ahead of us when he stops, and to our north, just to our left.
684 **RODRIGUES:** Now, do you, do you know if he's following you down, or was there any contact
685 between you and Sgt. NICE? Did he, did he know what you guys were doing,
686 or...
687 **HUMPHREYS:** I don't think, I don't know. I don't, you know, and I, I have no idea if he
688 thought we were actively looking for this gentleman, or not. Um, he was just,
689 his vehicle was behind us when we left, and he was just kinda behind us.
690 **RODRIGUES:** So, so, so, I guess would it be safe to say that you didn't send him any MDC
691 messages, or get him on TAC 2 on the radio?
692 **HUMPHREYS:** No.
693 **RODRIGUES:** He just showed up?
694 **HUMPHREYS:** Yeah, he was just, we'd all left the same starting point together, and we were all
695 going with the flow of traffic. And one of the last real clear things in my mind
696 about this was actually seeing him in the passenger side rear-view mirror; or the
697 passenger side mirror was seeing his patrol car, prior to actually seeing Mr.
698 CHASSE. So I don't know if he was going back down to Central, or what area
699 he was going to.
700 **RODRIGUES:** Did you make any other observations of Mr. CHASSE, besides what we already
701 mentioned about, you said he looked like he was, he just urinated, did you see
702 any urination drop down from his pants? Did you see, what other observations,
703 if any, did you make?
704 **HUMPHREYS:** His rear end almost in a perfect like, like a saddle, like if a person rides a saddle
705 for a long time, they get these sweat marks in their jeans; they almost get soaked
706 wet, and he had that ring around his rear, down to his thigh on the back of his
707 pants, like he had just absolutely urinated in his pants. And I realized that, and I
708 don't know if that's in here or not, but...
709 **RODRIGUES:** And you mentioned earlier...
710 **HUMPHREYS:** Yeah, right here.
711 **RODRIGUES:** made a reference to...
712 **HUMPHREYS:** Sorry, go ahead.
713 **RODRIGUES:** No, go ahead, go ahead.
714 **HUMPHREYS:** Oh, on just, uh, page 11 on my tape...
715 **RODRIGUES:** You made a reference to that he, he was also maybe possibly using drugs.
716 Now...

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717 **HUMPHREYS:** Well, that was the way he ran. Uh, I, uh, the way he ran when he, when Deputy
718 BURTON says hey or whistles, and he turns and looks over his shoulder, and
719 it's, and the way he ran; the, the look in his face, I thought just, and from his
720 actions earlier; everything combined into this moment when he took off was 12
721 years of police experience saying there's something more than this guy just
722 urinating on the street, okay? And at that point, I'm like, yeah, he, he's, he may,
723 you know, there's a good possibility, he probably was firing into his hand, uh,
724 which is something I've seen, and that was why when I caught up with him, I did
725 not wrap around his waist and tackle. Because a lot of these guys will stuff their
726 syringes into their waistband or crotch area, and I didn't want to get stuck.

727 **BARKLEY:** This is Sgt. BARKLEY. I have two questions for you.

728 **HUMPHREYS:** Mm-hmm.

729 **BARKLEY:** Between the time you saw him when you were up at 18th and Everett, until you
730 forced him to the ground, you keep referencing that you thought that he was
731 either high or intoxicated with alcohol. At any point, did you think that he was
732 suffering from any type of mental illness?

733 **HUMPHREYS:** No. I mean, not consciously thinking that this person, that that's the only thing.
734 Like I said, the, the bulk of the downtown drug use has some sort of mental
735 health issue, arguably so, um, whether it's brought on by the use of drugs, or
736 prior to, but no.

737 **BARKLEY:** So you describe the way in which he was unkept in his clothing. Would you say
738 that his clothing and his physical appearance was consistent with somebody who
739 was shooting up drugs, or was intoxicated?

740 **HUMPHREYS:** Yes.

741 **BARKLEY:** Okay. And also, the last question I have for you right now is where specifically
742 did you, did Officer BURTON, or Deputy BURTON park your police vehicle on
743 Everett?

744 **HUMPHREYS:** Uh, it was, the best relation would be if you just said completely mid, almost
745 exactly mid-block between 13, uh, 14 and 13, uh, up near the north, or excuse
746 me, the south, sorry, the south sidewalk. Um, we were facing, we were facing
747 east; we're going eastbound. And I believe, and it's hard without a map to
748 reference it, but probably about exactly mid-block, between 13 and 14th. And
749 there's actually like a tree, and I think a, um, at the time there was a, a parking
750 meter; a little, little stand there. And I think we were just a little bit to the west
751 of that when I got out of the car.

752 **BARKLEY:** Okay, so was the front of the police car parked facing the sidewalk, like at an
753 angle? Were you blocking a lane of traffic, or were you in a parking place?

754 **HUMPHREYS:** No, we were, we were, essentially, blocking, blocking partial, that partial
755 eastbound traffic on the, on the right lane. It's the south side, and on the south
756 side, that's correct. And we were, our nose, as far as I recall, I don't think our
757 nose was canted to the south, or anything like that. Um, there was, there were a
758 few cars parked there, and I don't think we could've, could've had it. Um, I'm
759 not entirely positive of that. But, no, we, we were blocking, actively blocking at
760 least half that lane of traffic.

761 **BARKLEY:** Thank you.

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762 **HUMPHREYS:** Mm-hmm.
763 **RODRIGUES:** This is Sgt. RODRIGUES again.
764 **HUMPHREYS:** Mm-hmm.
765 **RODRIGUES:** So, you get out of your car, you're not sure if you get out first, or Deputy
766 BURTON, how did you approach Mr. CHASSE? What was your pace like;
767 what...
768 **HUMPHREYS:** Oh, just walking. I mean, when he picked up his, his backpack, and, and started
769 walking, I mean, it was just, I was just walking at a even pace. I mean, not going
770 fast really, um, until, uh, I mean, it's just, I'm trying to walk to catch up with
771 him, but kind of an even pace, I guess. I don't, it's hard to describe.
772 **RODRIGUES:** Do you know where Sgt. NICE was at this, about this time?
773 **HUMPHREYS:** Um, yeah, Sgt. NICE was, uh, 'cause that's about kinda when it all, all started
774 was, uh, I saw him get out of his car, and that's how I, 'cause I'd only taken a
775 few steps down onto the sidewalk and kinda towards him, um, when he started
776 walking, and then Deputy BURTON kinda whistled at him, or, or yelled at him
777 and said hey. And Sgt. NICE was more east of us than north of us, and actually
778 he was, and this is why I'm positive we were taking up that half lane of traffic,
779 because I actually think Sgt. NICE had kinda pulled into, kinda the middle of the
780 two, more into that south side lane and ahead of us, his car was ahead of us.
781 He'd gotten outta the car and I think he was towards the front, front of his car, or
782 actually just by the front of his car. I can't, I know he was out of his car, and I
783 know he was, he was to the north, and actually east of me. I think he was
784 actually ahead of me. But I don't know exactly what position, in relation to his
785 car he was.
786 **RODRIGUES:** So you say as you're approaching, you make your observations about thinking
787 that he was urinating, and you described the outline of like a saddle of his rear,
788 rear area?
789 **HUMPHREYS:** Yes, mm-hmm.
790 **RODRIGUES:** It looked wet?
791 **HUMPHREYS:** Yeah, it was like dark, he like, I think he had brown pants on, kinda darker
792 colored pants, and it just looked like they were just soaking wet from the kinda
793 the rear, lower rear area all the way right down to mid-thigh. And, and I thought
794 well, I mean, that's what I thought was that he was so high he couldn't get his
795 penis outta his pants or something; he just urinated on himself right there. And,
796 you know, or he had been, I mean, that's when I kinda was thinking well, maybe
797 he was firing, you know, uh, fire, sorry, that's when he was injecting dope,
798 because sometimes when they inject dope, I've been told, that they'll urinate
799 their pants too, or something to that effect. And you know, but it was really
800 right when the whole running started. You know, it was just right before that. It
801 was real quick when I noticed that.
802 **KING:** Can we take a break?
803 **RODRIGUES:** Yeah.
804 **HUMPHREYS:** Please, I need some water and go to the bathroom.
805 **KING:** Yes, yeah.
806 **RODRIGUES:** The time now is, we're at 14...

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807 **HUMPHREYS:** 1533.
808 **RODRIGUES:** 1533.
809 **RODRIGUES:** Okay, we're back on the record. It's now 1555 hours.
810 **BARKLEY:** Okay, this is Sgt. BARKLEY. I have two clarifying questions for you. The first
811 one: do you recall where Sgt. NICE parked his police vehicle? You, you stated
812 that you had park, or Deputy BURTON had parked the police vehicle that you
813 were riding in, at mid-block between NW 13th and 14th on Everett. Do you recall
814 where Sgt. NICE had parked his police vehicle?
815 **HUMPHREYS:** As I said, I believe he parked just a little bit north, on our, on our left side, and
816 past side; a little bit ahead of us.
817 **BARKLEY:** How close would his police vehicle had been parked in relationship to 13th
818 Avenue?
819 **HUMPHREYS:** He was still generally in the mid-block area, and I mean, half a car length closer
820 to 13th than us. I, maybe, I don't know, distance-wise, 15, 20 yards.
821 **BARKLEY:** Okay.
822 **HUMPHREYS:** That's a guess. I don't know.
823 **BARKLEY:** And regarding Mr. CHASSE...
824 **HUMPHREYS:** Mm-hmm.
825 **BARKLEY:** You had stated earlier that it was not uncommon for you to observe subjects
826 acting similar to Mr. CHASSE, and the behavior that he was exhibiting. With
827 that in mind, what was it about Mr. CHASSE that not only drew your attention
828 to him but prompted you to actively seek him out to contact him, if this behavior
829 was not an aberration?
830 **HUMPHREYS:** Can you, can you, can you ask that one more time? I'm sorry.
831 **BARKLEY:** Okay, earlier you had stated that, in the area of 18th and Everett...
832 **HUMPHREYS:** Mm-hmm.
833 **BARKLEY:** it's, it's an area that's common for prostitution, drug usage, drug possession, and
834 the type of behavior that Mr. CHASSE was exhibiting was consistent with the
835 area.
836 **HUMPHREYS:** Mm-hmm.
837 **BARKLEY:** So what was it that was, that prompted you to key in on Mr. CHASSE, to cause
838 you to, after you'd cleared 18th and Everett, to actively seek him out and want to
839 contact him, with his behavior being consistent with similar behavior for that
840 area?
841 **HUMPHREYS:** Okay, and thank you, going back and, I think I might've referred to this earlier,
842 initially, especially how he crossed the street, concern for himself is, for Mr.
843 CHASSE. Um, like I said, I mean, not want him to get run over. Second of all,
844 I mean, even though drug crimes, prostitution crimes, intoxicated people, uh,
845 might, I mean, your use of the term "aberration", well, it's still, there's still
846 livability issues; uh, people do live in that area. Um, somebody's who's under
847 the influence of alcohol or drugs, uh, a lot of times will commit crimes in order
848 to further the purchase of those alcohol and drugs. Um, concern that, you know,
849 somebody might get assaulted. Uh, you know, contact him to assess and see if,
850 maybe, he needs to go to detox; take him in for his own protection on a, on, what
851 is essentially a civil hold, uh, so he can get cleaned up, and maybe sobered up so

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852 he can eat some soup and off the street. You know, he was, he was heading
853 right directly, kinda in towards that direction of the, the new Pearl area where
854 there are some, a lot of high dollar lofts, restaurants, stuff like that. That would,
855 you know, those are some of the reasons. Like I said, one of the other reasons I
856 initially keyed on him, um, because I thought he was going to be probably
857 utilizing a bus. Then I realized he wasn't, um, like I said. Then the way he
858 crossed the street; everything else above. I mean, that would be...

859 **BARKLEY:** Okay.

860 **RODRIGUES:** So as you're approaching Mr. CHASSE, if you can pick up again from there, and
861 we don't want to be redundant but, you get outta the car, you're approaching Mr.
862 CHASSE, you see, pick up from you see that it appears that he's, as if, you think
863 that he's, might have, urinated, the back side of his rear pants area is, is, is
864 soaked, is that correct?

865 **HUMPHREYS:** That's correct.

866 **RODRIGUES:** Okay, what happens next? How far are you, and what occurs from that point?

867 **HUMPHREYS:** Uh, from that point, kinda right when I noticed that was when he was picking up
868 his, his backpack and starting to walk eastbound. And I'm still directly, at that
869 point I'm more so directly behind him. Uh, he begins to walk eastbound. Uh,
870 Deputy BURTON, I think whistles and says hey. And at this point Mr.
871 CHASSE turns, and I believe it was over his right shoulder, no, and then turns
872 over his right shoulder, uh, and we make direct, for the first time since I saw
873 him, direct face-to-face, eye-to-eye contact. Uh, we're, distance still maybe, 10
874 to 12 feet. And then at that point he, uh, I, I just, I knew. I mean, the minute he
875 looks at me, his guys go big and wide. He lets out this, uh, this yell, this scream.
876 And um, I said, I said "he's gonna run", uh, to, Deputy BURTON, and I don't if
877 know if Sgt. NICE heard it or not, but I said "he's gonna run." 'Cause I just
878 knew the look on his face, and immediately he ran, at that point, eastbound,
879 away from me.

880 **RODRIGUES:** Okay. Now just prior to that point, as you're approaching him, okay, did you
881 have any legal basis, or any legal grounds, i.e., probable cause, reasonable
882 suspicion to stop or detain him?

883 **HUMPHREYS:** Yes.

884 **RODRIGUES:** Can you tell me, expound on that.

885 **HUMPHREYS:** Well, uh, talking a little bit earlier, uh, just a few moments ago, I mean, the
886 public safety side of it, as far as any kind of a civil assessment, whether the
887 person is intoxicated, uh, so much so that they can't care for themselves.
888 You've got a reasonable suspicion that he was urinating, public urination, um,
889 from the way he was standing, everything indicated to me that he was doing that.
890 And, uh, like I said, add that on to the fact that his actions prior to the contact,
891 and, uh, immediately upon him seeing us, not on just one occasion, but on two
892 occasions, making eye contact with us, and then taking off running. First time,
893 not so much running as a quick attempt to get away, and the second time actively
894 running.

895 **RODRIGUES:** So prior to him running, that's what we're talking about.

896 **HUMPHREYS:** Mmm, uh-huh.

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897 **RODRIGUES:** Okay. Did you communicate this to Deputy BURTON or Sgt. NICE, or was this
898 something that you was developing in your mind, as far as...
899 **HUMPHREYS:** Well, it happened so quick, relatively. I mean, um, once, once we saw him at
900 13th and Everett, um, but, I, I think just the whole thing about "oh, he's
901 urinating" probably indicated that we were gonna stop this guy.
902 **RODRIGUES:** Was that your intent?
903 **HUMPHREYS:** That was my intent, yeah.
904 **RODRIGUES:** Okay, if you can pick up now from the point in which you say, and he had his
905 backpack on, is that correct?
906 **HUMPHREYS:** Yeah.
907 **RODRIGUES:** So you say you were about 10 to 12 feet away, and does he stop before he turns
908 and looks over his right shoulder? Because Deputy BURTON, correct me if I'm
909 wrong, you said whistled to him, or...
910 **HUMPHREYS:** Mm-hmm.
911 **RODRIGUES:** Did he say, stop, Deputy BURTON?
912 **HUMPHREYS:** He whistled, and I think he said hey.
913 **RODRIGUES:** And Mr. CHASSE, does he slow down; does he stop before he looks at you, you
914 say?
915 **HUMPHREYS:** I don't, I don't believe he even stopped. Excuse me. I don't think he stopped. I,
916 a lot of that, yeah, I, I don't know if he stopped or not. I don't think he did. I
917 remember, and still thinking back how strange it is that he looked over his right
918 shoulder, Deputy BURTON's off to his left, but he looked over his right
919 shoulder towards me.
920 **RODRIGUES:** So he looked right at you?
921 **HUMPHREYS:** Right at me.
922 **RODRIGUES:** Was he continuing to move?
923 **HUMPHREYS:** Yeah, he was continuing to go eastbound, even though he looked at me. Now
924 whether he stopped momentarily or not, I don't know.
925 **RODRIGUES:** Okay, now at that point, where was Deputy BURTON in relation to you?
926 **HUMPHREYS:** Off to my left, just to my north, and...
927 **RODRIGUES:** How far away?
928 **HUMPHREYS:** Uh, I don't know distance-wise, maybe 10 feet, somewhere, give or take a few,
929 plus or minus. He was to my north, um, and yeah, I don't know if he was
930 actually in front of me or behind me, in relation to where Mr. CHASSE was
931 standing, right when that happened.
932 **RODRIGUES:** Okay, do you know where Sgt. NICE was at that point?
933 **HUMPHREYS:** I have no idea.
934 **RODRIGUES:** Okay.
935 **HUMPHREYS:** I, I know, I mean, he must've been off to my left, but other than that I don't
936 know distance-wise.
937 **RODRIGUES:** Okay. Now at this point in time, did you, or anyone, notify Dispatch of what
938 was going on?
939 **HUMPHREYS:** No.
940 **RODRIGUES:** Okay. Why not?

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941 **HUMPHREYS:** I didn't. Um, at that point, I just exited the car, I'm assuming I'm closet. I
942 assumed that, I assumed that, uh, that, uh, Deputy BURTON was going to be on
943 the radio.

944 **RODRIGUES:** How soon after Deputy BURTON yells or whistles that Mr. CHASSE turned,
945 turned over, turned, I guess you said he, you described it as he turned to the
946 right; looked over his shoulder?

947 **HUMPHREYS:** He looked over his right shoulder.

948 **RODRIGUES:** Was it immediately after Deputy BURTON whistled or yelled at him to stop, if
949 you can recall?

950 **HUMPHREYS:** Yeah, it was, it was, it happened real fast. I mean, it was right when he, when
951 he, like, whistled and yelled at him.

952 **RODRIGUES:** Okay, on page 11 of your detectives interview, you mentioned you made contact,
953 eye contact was made, and he had a look of quote "sheer terror". Is that correct?

954 **HUMPHREYS:** That's correct.

955 **RODRIGUES:** Can you expound on that for me please? What you meant by sheer terror; can
956 you describe exactly what you saw, or what was going through your mind at the
957 time that made you say that?

958 **HUMPHREYS:** Well, it's going to be a pretty subjective explanation.

959 **RODRIGUES:** Right.

960 **HUMPHREYS:** But, uh, I mean I've had a lot of guys run from me, criminals who have
961 committed crimes, everything ranging from very minor, minor stuff, to major
962 felonies. Um, I've never had anybody look at me with that look of fear in their
963 face, through, you know, I mean, guys with guns; gals with guns, you know,
964 people who had done very serious crimes.

965 **RODRIGUES:** So, what's...

966 **HUMPHREYS:** I mean, you know, and that's, that's why, you know, I used the adjective, I guess,
967 "sheer terror", I mean, he, he, sheer, extreme terror, eyes wide in face, and like I
968 said, he's screaming.

969 **RODRIGUES:** So tell me, if you can remember, what were your thoughts at that moment?

970 **HUMPHREYS:** My thought at this, at that moment, was he's going to run. And that's what I
971 instantly said, "he's gonna run". I mighta even said like "stop" or "don't run" or
972 something, but _____ whatever this guy's done, you know, or whatever
973 he's got on him, you know, must be drugs, or warrants or something, I mean...

974 **RODRIGUES:** So how, how, I know this happened at long time ago, but how, how, how quick,
975 or how long was this look that he looked at you? And you said he looked at
976 you?

977 **HUMPHREYS:** Yeah. It was, I mean, he, he screams; he gets a couple of steps, maybe, I don't
978 know, a couple of steps, I think at that point, he's also screaming "no", and then
979 by that point he's turned around, so, two steps, at the most.

980 **RODRIGUES:** So he looks at you, he screams "no"?

981 **HUMPHREYS:** I think he was like screaming "no" or an "ah", it's, a lot, he screamed a lot; he
982 yelled a lot. And I was about, that was much pretty much when it started, was
983 the minute he saw me, and looked over his shoulder, that's when he began
984 yelling and screaming.

985 **RODRIGUES:** And he took a couple of steps, you said, before he ran?

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986 **HUMPHREYS:** No, he was, he was, he was, the minute he, I mean, those couple of steps were,
987 yeah, were his active, I guess, getting up to speed, I guess, would be the term.
988 **RODRIGUES:** So he yells; he says "no", is that correct?
989 **HUMPHREYS:** I, you know, I, 15 months later, Sergeant, I couldn't tell you. I can't be, maybe if
990 I can, maybe have a second to refer?
991 **RODRIGUES:** Absolutely.
992 **HUMPHREYS:** I don't if it's, if I said that or not.
993 **RODRIGUES:** "Sheer terror" is on page 11 of your, it's the lower paragraph.
994 **HUMPHREYS:** Mm-hmm, thank you. Yeah, I, I cannot definitively say, you know, "no", or not.
995 For some reason that sticks in my mind.
996 **RODRIGUES:** So now when he runs, does he take off? Does he jog; does he...
997 **HUMPHREYS:** No, he, he runs; he takes off.
998 **RODRIGUES:** Okay. And did you immediately chase after him?
999 **HUMPHREYS:** I did.
1000 **RODRIGUES:** Okay, at that point, how far do you think you are away from him?
1001 **HUMPHREYS:** Uh, I mean, obviously, I kind of had a reaction moment, so he had a bit of a lead,
1002 but I think, I think we were probably about the distances, you know, 10, 12 feet.
1003 Uh, enough time I, I yelled at him to stop, like once, or maybe a couple of times.
1004 **RODRIGUES:** And then you did chase after him immediately?
1005 **HUMPHREYS:** I did.
1006 **RODRIGUES:** Okay.
1007 **HUMPHREYS:** That's correct.
1008 **RODRIGUES:** And then I'll ask you this question: Did you, at that point, have any legal
1009 standing to, to chase after him?
1010 **HUMPHREYS:** Yes.
1011 **RODRIGUES:** What was your intended purpose in chasing him, at that point, when he runs
1012 from you?
1013 **HUMPHREYS:** To investigate whether or not, first of all, that he had urinated, publicly, possibly
1014 on himself. And, uh, also, secondary was, well, I don't know if you could even
1015 say secondary, but concern for, and assessment for his welfare and safety, and
1016 welfare and safety of others.
1017 **RODRIGUES:** So, so he runs, you chase after him, what was going through your mind at that
1018 time, as you're chasing this guy, if you can remember?
1019 **HUMPHREYS:** Yeah, my clearest thought that I can recall, is that I didn't want to wrap this guy
1020 up, uh, I had my arms around him, because, like I said, I, I was afraid he had a
1021 needle somewhere stuffed in his waistband, or his groin area, and I didn't want
1022 to get, I didn't want to get poked with a hypodermic syringe.
1023 **RODRIGUES:** Okay. On page 11, again of your detectives interview, you had mentioned that,
1024 and I'll quote: "Facts prior, he has a warrant, got drugs, or he's got a weapon."
1025 These were some of the things that were running through your mind at the time.
1026 As far as, I think you articulated pretty well about the facts prior with the
1027 urination, uh, you had some concerns about his welfare, his mental welfare. Uh,
1028 he coulda had a warrant, referring to maybe an unknown - what do you call that?
1029 **HUMPHREYS:** Unentered warrant.

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1030 **RODRIGUES:** Unentered warrant. Where did you the quote "or he's got a weapon", where did
1031 that come from? Was that a concern, or a thought going through your mind at
1032 that time?

1033 **HUMPHREYS:** It's always a primary concern, especially on a subject like this, who has, up until
1034 this point, shown some pretty erratic behavior. Um, he's running from the
1035 police, as I said, I mean, going back to when you asked me about the adjective
1036 "sheer terror", and, and the way he ran, and the way he looked at me, um, you
1037 know, very concerned about a weapon. 'Cause, as I said before, I've had a lot of
1038 people run on me; people that have had weapons like that, and I've never, never
1039 had anybody look at me like that before. And, uh, um, people that use drugs
1040 commonly carry weapons; knives. Uh, homeless people, transients, as a means
1041 of protecting themselves, and sometimes as a means of committing crimes,
1042 they'll carry weapons and knives, broken glass. And generally, they carry them
1043 around their waistband.

1044 **RODRIGUES:** But at that moment that you're chasing this guy, what was the major factor going
1045 on in your mind, or was there a major factor as far as any crime committed, or
1046 besides the public urination, what, do you remember what you were thinking at
1047 the time? This guy's got a warrant, or this guy's; he's just urinated. What was
1048 more...

1049 **HUMPHREYS:** I, I, I was thinking this guy has done something really bad to run like this, and to
1050 look like that. He probably has a warrant, and he probably has drugs. That's
1051 what I was thinking.

1052 **RODRIGUES:** But based on your probable cause, or reasonable suspicion to detain, to stop
1053 and/or detain this guy, what did you have at that point?

1054 **HUMPHREYS:** I had public urination, a violation, actually, a City crime too.

1055 **RODRIGUES:** And the City crime was what?

1056 **HUMPHREYS:** Public urination.

1057 **RODRIGUES:** So what did you intend to do once you caught him?

1058 **HUMPHREYS:** Well, investigate _____ issue him a citation.

1059 **RODRIGUES:** And what would you investigate?

1060 **HUMPHREYS:** Investigate to find out who he is, like ID him, and possibly take him to jail, if
1061 that resulted in the investigation.

1062 **RODRIGUES:** Now if you can go, go ahead and describe to me the foot pursuit, how long it
1063 lasted, and the actual take-down, or the tackle.

1064 **HUMPHREYS:** The foot pursuit lasted from, I mean what's, probably what's that distance -
1065 probably 30, 40 feet, maybe more in the intersection. Um, I didn't realize that
1066 there's, you know, there's a down slope, kinda, just a minor one, but that's kinda
1067 where we, where we ended up. It was almost like when I caught up with him;
1068 went with the shiver, it was almost like more my feet than his feet, uh, got
1069 caught up as, as I knocked him down, and, uh, he goes down to the ground, and I
1070 go past, past him. Um, I'm already on the ground, uh, my hip hits; roll up, and
1071 like I said, at that point, I turn; I'm still kinda crabbing kinda on my left
1072 buttocks. As I crab up and look over, uh, see Sgt. NICE is already trying to grab
1073 him.

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1074 **RODRIGUES:** Okay. Now, and we'll regress, regress again real quick, _____. You gave chase,
1075 and you've already articulated to me the reasons why you gave chase to, to Mr.
1076 CHASSE, did you ever consider walking away or just leaving him alone?

1077 **HUMPHREYS:** No.

1078 **RODRIGUES:** And why not? Can you expound on that?

1079 **HUMPHREYS:** When he took off running?

1080 **RODRIGUES:** Yeah.

1081 **HUMPHREYS:** Yeah, because I definitely think that there's a consideration of risk for the
1082 public's welfare. Uh, somebody that's, like I said, the indicators leading up to
1083 that point; his actions in running, um, obviously, he's either urinated in public,
1084 or attempted to, and couldn't get it outta his pants. Uh, he, you know, he's going
1085 into an area of ah, on a sunny afternoon, into the Pearl area, a high density foot
1086 traffic. A lot of people that come down for that Sunday brunch, and he's going
1087 down in there, and he's obviously, in my opinion at that time, um, under the
1088 influence of what I thought was, at this point, especially when he ran, narcotics.
1089 And that makes him very high-risk dangerous behavior, uh, especially when you
1090 interject into that element kinda going back to our discussion earlier about 18th
1091 and Everett versus 13th and Everett. In just a five block difference; there's
1092 actually quite a bit of difference in kind of a socio-economic thing. And that
1093 was, at that point, yeah, I was, and when he ran like that I was not going to walk
1094 away.

1095 **RODRIGUES:** Maybe you can clarify for me, you'd mentioned it a couple of times, going back
1096 to this socio-economic makeup of that part of town. Maybe you can clarify for
1097 me, does it, or would it make a difference if he's in the upscale part of town, and
1098 the way he's looking, transient, or would it make a difference if he was running
1099 in an area, say, Old Town, where you'd see more people, uh, looking like him in
1100 that area. If you can clarify for me what, what did you mean when you--when
1101 you said a number of times; a couple of times about him going in that newly
1102 revamped area of town, what difference would that make?

1103 **HUMPHREYS:** I speak, and this is the second reference, but the, the truth is, is, and, and the
1104 clarifying point is, is that wherever he was going to go, running like that from
1105 the police, exhibiting those high-risk behaviors, he's still a risk to himself and to
1106 other people, even if you introduce him into the Old Town element, as you say.
1107 Um, uh, you know, so he's, I, I don't think there is any difference. Um, I think
1108 that the factors apply, actually, across the board. Um, had he ran at, uh, you
1109 know, 18th and, I mean, and, and, the issue also being, at that point in time, is,
1110 you know, there's a foot pursuit, just like a vehicle pursuit is something that's
1111 supposed be reassessed constantly. I caught him rather quick into the foot
1112 pursuit. Where the situation and factors different, and had it gotten longer into
1113 traffic, obviously, then you're going to have to reassess.

1114 **RODRIGUES:** Okay, so I guess what I'm getting at is, did it make a difference on your socio-
1115 economic, or situation in the upper class, I guess, part of town, as opposed to
1116 you, on an urgency level to get this guy, was that a deciding factor for you,
1117 because he was going into an area where there was more affluent people, as

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1118 opposed to running into an area in downtown; Old Town Portland? Would that
1119 have changed your priority, in terms of pursuing this, this, this, Mr. CHASSE?
1120 **HUMPHREYS:** I don't, it's hard to even use that as an analogy of differing points. I mean, Old
1121 Town and 13 and Everett, the density of people is still the same. Um, you know,
1122 whether, you know, we're, we're assuming a lot. We're drawing, we're drawing
1123 a lot of conclusions by your questions you're asking me. I mean, you're
1124 basically trying to ask me does it matter if he goes and puts a person who's
1125 driving a brand-new Lexus at risk, or a person who's out there walking the
1126 streets and has no home at risk. No, that, that doesn't affect me. I mean, if he
1127 were, if he were, and I have chased a lot of people at, at 5th and Burnside too,
1128 foot pursuits. Um, uh, you know, but no, that, that wouldn't. I mean, it, it's
1129 more, I guess, and maybe socio-economic wasn't the, the proper term. But there
1130 is a, there is a level of density to that, as far as the inhabitants level, I mean,
1131 versus somebody running into an open field up in North Portland near the docks,
1132 or something like that.
1133 **RODRIGUES:** Right. And that, that's what I wanted, clarification, 'cause you had mentioned
1134 socio-economic, which, which, you know what I mean, and I just, you broached
1135 it...
1136 **HUMPHREYS:** Mm-hmm.
1137 **RODRIGUES:** So I wanted to get clarification on the record exactly. So, so your answer is, is
1138 no, is that what you're saying, it didn't make a difference where he ran? Were
1139 you're talking about the socio-economic area, are you talking about in terms of
1140 number or density of people?
1141 **HUMPHREYS:** Yeah.
1142 **BARKLEY:** Excuse me, this is Sgt. BARKLEY. I have a, before we move forward, I have a
1143 clarifying point. What are the significant issues concerning this, this foot
1144 pursuit, in contacting Mr. CHASSE, has to do with the legal justification,
1145 probable cause, reasonable suspicion, and earlier you had said that when you
1146 exited the police vehicle, and your observations were based on Mr. CHASSE's
1147 body language, or the way in which he was standing that appeared that he
1148 possibly could've been urinating, although he had his back to you, and the back
1149 of his pants were wet. And that, in itself, you had stated, was reasonable
1150 suspicion for you to contact him, and then, which then led into a foot pursuit.
1151 With that scenario in mind, would you liken that same scenario for legal
1152 justification whether it was reasonable cause, or probable cause, if a person were
1153 driving a car down the street, in order to stop that vehicle, which then would
1154 lead into a pursuit, if there was no traffic violation, but you pulled alongside the
1155 vehicle, you saw him drink from a cup, and not knowing what was in the cup,
1156 and you got behind him; wanted to stop him, and they took off. Would, would
1157 you assume that, what would be your assumption then, because you're, you're
1158 not seeing Mr. CHASSE actually physically urinating. So you took in, and we
1159 understand a lot of this is happening very quickly...
1160 **HUMPHREYS:** Well, you're taking a factor, I mean, you're stopping him for a number of factors
1161 that all add into, uh, the reasonable suspicion. And, you know, we've been
1162 going at this now for a while, but to go back over it, you know, from the

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1163 indications prior, when I was observing him at 18 and Everett, his actions of how
1164 he was standing, and how he was acting there, and thinking, well, he's under the
1165 influence of something. His turning and seeing us and his taking off in a manner
1166 that indicated to me that he did not want police contact, all right? Then when we
1167 get out to where we see him at 13th, 14th on Everett, the way he's standing,
1168 getting outta the car, right then thinking, well, he's, he's urinating. As he starts
1169 to walk, Deputy BURTON yells, I realize he's just, you know, his pants are wet,
1170 as if he's peed his pants, you know, so maybe he didn't get out. Well now, I'm
1171 thinking well, maybe he's, you know, he was trying to pee, uh, probably was
1172 peeing out, maybe he was shooting up. I mean, the whole totality of these
1173 circumstances, reasonable suspicion of, you know, crime of either public
1174 urination, uh, possession of a controlled substance. And like I said, uh, being
1175 intoxicated, and a civil hold; he's unable to care for himself. That, or just
1176 running up on an intersection, and seeing a guy drinking out of a cup, and
1177 deciding to stop the person in the car, I, you know, I mean...

1178 **BARKLEY:** Well, let, let me interject here. Because, as I said earlier, the issue of the legal
1179 justification is a huge issue...

1180 **HUMPHREYS:** Mm-hmm.

1181 **BARKLEY:** surrounding this case. Let's say you're at the 1300 block of NW Everett, and
1182 you see a fellow who appears to be homeless, or appears to, to not fit the area,
1183 because it's getting into a much more affluent area. And you get outta the car,
1184 and you're just going to do a contact, and you say "hey, I want to talk to ya", and
1185 the guy takes off running on foot. Do you have legal justification to chase that
1186 person?

1187 **HUMPHREYS:** Well, there's been some recent court cases recently that indicate that you can
1188 actually chase that person. Um, as far as quoting them, I'd be hard-pressed to
1189 quote that, if that's what you're looking at, um, as reasonable suspicion. They're
1190 just recently, and I cannot, um, and I cannot recall that. Um, but as far as
1191 chasing them; restraining them, at that point, if you're talking about just a person
1192 at 13 and Everett, and they run, no.

1193 **BARKLEY:** You want to have mere conversation with someone?

1194 **HUMPHREYS:** Yes.

1195 **BARKLEY:** And they have their back to you, they don't know you're coming, they go ahead
1196 and turn and see you, they take off running, and do you have legal justification to
1197 chase that person at that point? We're trying to understand what, what you
1198 believe your legal justification is as it relates to CHASSE, but using this
1199 example.

1200 **HUMPHREYS:** But you're giving me two, it's not the same scenario.

1201 **BARKLEY:** It's not the same scenario.

1202 **HUMPHREYS:** Uh-huh.

1203 **BARKLEY:** I'm asking you if, if you were to, to want to engage a person in public...

1204 **HUMPHREYS:** Uh-huh.

1205 **BARKLEY:** in mere conversation, that person, for whatever reason, clearly doesn't want to
1206 talk to you, because they turn and then run the opposite direction from you....

1207 **HUMPHREYS:** Oh, okay.

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1208 **BARKLEY:** Do you have legal justification to chase that person?
1209 **HUMPHREYS:** No.
1210 **BARKLEY:** Okay.
1211 **HUMPHREYS:** You, I mean, you can obviously, and I've heard other officers do before, where
1212 they trail, I mean, but, and wait for 'em to fail to cross at a crosswalk, or
1213 something like that.
1214 **BARKLEY:** Okay.
1215 **HUMPHREYS:** They're running, but, um, to chase and detain, no.
1216 **BARKLEY:** Okay.
1217 **KING:** May I ask a clarifying question?
1218 **RODRIGUES:** Yes sir.
1219 **KING:** This is Detective KING. So, in the, in the set of facts that you've articulated
1220 about your observations, from the time you saw Mr. CHASSE, until the time you
1221 exited the car and approached him, as he, as he attempted flight, you see there's
1222 a difference in, in the example that Sgt. BARKLEY gave, where there's, you
1223 attempt a mere conversation and they run, your answer is "no, I don't have a
1224 legal basis to stop that person in that case."
1225 **HUMPHREYS:** No, uh-uh.
1226 **KING:** But your answer, with respect to this, your pursuit of, and your stop of Mr.
1227 CHASSE, is that you had both reasonable suspicion and probable cause to stop
1228 him.
1229 **HUMPHREYS:** That's correct.
1230 **RODRIGUES:** Okay, page 11 of your interview with detectives, you mention that in your 10
1231 years as a police officer, you've had a number of subjects run from you in almost
1232 the same scenario. Do you remember saying that? If you'd look over the page
1233 11.
1234 **HUMPHREYS:** Mm-hmm.
1235 **RODRIGUES:** Okay, do you agree with that? I mean, is that, I just want to make sure that I'm
1236 quoting you here, but. Okay? You mention that in your 10 years as a police
1237 officer you have had a number of subjects run from you in almost the same
1238 scenario - is that correct?
1239 **HUMPHREYS:** Yeah, that's correct.
1240 **RODRIGUES:** What was different in this incident in regards to Mr. CHASSE running away?
1241 **HUMPHREYS:** Well, just like that, and in reference to that, is the look on his face.
1242 **RODRIGUES:** Now, how long would you estimate, and you mentioned this earlier, but how
1243 long would you estimate this whole pursuit lasted? I don't think you gave me a
1244 time, but...
1245 **HUMPHREYS:** Seconds, I mean, 4 or 5 seconds, 6 seconds.
1246 **RODRIGUES:** So, less than 10 seconds?
1247 **HUMPHREYS:** Yeah, probably less than 10.
1248 **RODRIGUES:** So, it was pretty quick, and this is what I'm trying...
1249 **HUMPHREYS:** Yeah, we covered, like I said, about 40, 30, 40 feet at the most, I would say.
1250 **RODRIGUES:** Okay, so max 40 feet from when he ran to when he was tackled or shoved down,
1251 or...

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1252 **HUMPHREYS:** Mm-hmm.
1253 **RODRIGUES:** taken, okay.
1254 **HUMPHREYS:** Yeah, and that's an estimation on my part.
1255 **RODRIGUES:** Now, did it occur, did this foot pursuit occur on the sidewalk, roadway, or
1256 combination of both?
1257 **HUMPHREYS:** That was actually kind of a combination of both, where the foot pursuit ended
1258 was actually, uh, kinda on the edge of the intersection. So I don't know if that's
1259 technically considered, considered roadway, but primarily it was on the
1260 sidewalk.
1261 **RODRIGUES:** Okay. Now, you mentioned something about a down slope?
1262 **HUMPHREYS:** Yeah.
1263 **RODRIGUES:** Did you feel that, that, that contributed to, I believe you gained distance on Mr.
1264 CHASSE? Or was Mr. CHASSE not as quick as you, or I mean how were you
1265 able to gain speed on him, besides the distance...
1266 **HUMPHREYS:** Mm-hmm.
1267 **RODRIGUES:** if you can describe that.
1268 **HUMPHREYS:** How was I able to gain speed?
1269 **RODRIGUES:** Yeah, was he an exceptionally fast runner; were you an exceptionally fast
1270 runner? Uh, was it because of his physical condition, your physical condition, if
1271 you could, 'cause I've had people run away from me, and I couldn't catch 'em.
1272 So, how were you able to, to catch up to him fairly quickly? Was it, would you
1273 attribute...
1274 **HUMPHREYS:** I, I would, yes, I would attribute it to the fact that I, I do have a pretty quick take-
1275 off speed, it doesn't last very long, um, and, uh, probably his condition...
1276 **RODRIGUES:** Expound on that, what do you mean by his condition?
1277 **HUMPHREYS:** Let's see, he's, he's very dirty, he's probably, I'm assuming malnourished, um,
1278 just from the indication of my dealings with him. Um, you know, he, he's
1279 screaming, he's, you know, that's probably why I caught up to him as fast as I
1280 did.
1281 **RODRIGUES:** Now, was he screaming as you're chasing him?
1282 **HUMPHREYS:** Yeah.
1283 **RODRIGUES:** What is he saying, or...
1284 **HUMPHREYS:** As I said before, a lot of this, his screaming was kinda this unintelligible, you
1285 know, I, and as far as words go, it was, we had, there were very few words I, I
1286 heard him say during the whole interchange. Uh, and most of those were after
1287 he was already kinda of in custody.
1288 **RODRIGUES:** Okay. Now did he have his backpack on while he was running?
1289 **HUMPHREYS:** Yeah. Yeah, yes, he did.
1290 **RODRIGUES:** Did you think that inhibited him in any way? If you can describe, just from your
1291 appearance, the, its appearance, was it filled with a lot of stuff; was it empty?
1292 **HUMPHREYS:** It was, it was, it was pretty full, and he had it over his, I believe, his left
1293 shoulder, as he was running, and he was holding onto it with his, uh, I think he
1294 was holding onto it with his left hand. It's, it's hard for me to recall.
1295 **RODRIGUES:** So, he didn't have, so he didn't have this thing with two arms in it?

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1296 **HUMPHREYS:** No, I don't think he did.
1297 **RODRIGUES:** Were you able to notice, as you were chasing him, if it, if it made him go off-
1298 balance, or if it...
1299 **HUMPHREYS:** Not that I recall, no.
1300 **RODRIGUES:** Now, did you notify Dispatch of a foot pursuit?
1301 **HUMPHREYS:** No.
1302 **RODRIGUES:** Why not?
1303 **HUMPHREYS:** At that point, I believe, I was the primary person in the foot pursuit, and it's, it's
1304 standard practice in the street, generally, that whoever's in the lead in a foot
1305 pursuit, your partner's generally the one that calls it out.
1306 **RODRIGUES:** Okay. Where, who else was involved in the foot pursuit at that, at that moment?
1307 Was it BURTON; NICE?
1308 **HUMPHREYS:** Um, yeah, they were there. I, I don't know if they were actually running after
1309 him or not. They were right there though.
1310 **RODRIGUES:** Okay. And you stated to detectives in your interview, again, now on page 11,
1311 again, and I quote "I yell stop at least twice, and I'm already chasing him on
1312 foot, going eastbound." Did, did he respond to you in any way?
1313 **HUMPHREYS:** No. He just, just running.
1314 **RODRIGUES:** Okay. And this might sound like a stupid question but, was he aware that you
1315 were chasing him?
1316 **HUMPHREYS:** Absolutely.
1317 **RODRIGUES:** Okay, and tell me how so.
1318 **HUMPHREYS:** 'Cause I was yelling at him to stop.
1319 **RODRIGUES:** And he kept running.
1320 **HUMPHREYS:** And he kept running.
1321 **RODRIGUES:** Describe to me, now, the push, and you, you mentioned it a couple of times
1322 earlier, and you actually at one point, you had put your hands up, your forearms,
1323 almost like you were a lineman in football, blocking.
1324 **HUMPHREYS:** That's correct.
1325 **RODRIGUES:** Okay. Go ahead and describe that to me. At what point, how far away were you
1326 from Mr. CHASSE, and the actual application or how did you deploy your, that
1327 technique.
1328 **HUMPHREYS:** Oh, I ran right up to him; right up behind him. Um, said, uh, hit him in the back
1329 with my arms. Um, at that point, it was kinda like, um, as I'm stepping through,
1330 he's going down. My feet get caught up in his. Uh, and I hit him kinda mid-
1331 point, somewhere along his back. 'Cause I know that, I, I'm positive that's how
1332 I know he had a backpack on, 'cause I think I, I think I actually, when I shoved
1333 him down with my forearms; hit him with my forearms, it was on the, on the
1334 backpack.
1335 **RODRIGUES:** Okay. So now when you say your forearms, just so we can be descriptive...
1336 **HUMPHREYS:** Mm-hmm.
1337 **RODRIGUES:** since people can't see us, your arms were in a vertical or horizontal. In other
1338 words, were your arms like vertical, or horizontal, as far as your forearms?
1339 **HUMPHREYS:** Actually, this, horizontal.

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1340 **RODRIGUES:** Knuckles was touching?
1341 **HUMPHREYS:** Uh-huh.
1342 **RODRIGUES:** Okay. Now when you caught up to him, did you push out, or did you just
1343 happen to, to make contact with him because you were so close to him?
1344 **HUMPHREYS:** No, I, I'm sure I probably pushed out.
1345 **RODRIGUES:** Okay. Now, were you trained by the Portland Police Bureau's Training Division
1346 in the use of this technique? In other words, per the training record, in May 25th
1347 of '06 you were given in-service in foot pursuits and techniques, in particular a
1348 technique about chasing somebody in a foot pursuit. Do you recall? That, that
1349 training you received?
1350 **HUMPHREYS:** I do.
1351 **RODRIGUES:** Okay. Now, this technique that you used, is it something that was instinctive, or
1352 is that something that you were trained to, to do, as far as this, this pushing of an
1353 individual who's running from you?
1354 **HUMPHREYS:** Yeah, we're, we're trained, the foot pursuit training focused on that idea of
1355 actually giving them a push to knock them off their, essentially knocked 'em off
1356 their feet, or outta the rhythm of their feet, and cause them to go down.
1357 **RODRIGUES:** So, again, you received training in this?
1358 **HUMPHREYS:** Mm-hmm.
1359 **RODRIGUES:** Have you used this technique in the past?
1360 **HUMPHREYS:** Yes.
1361 **RODRIGUES:** Okay, and how many times would you estimate, up until that point in your
1362 career, did you use this technique?
1363 **HUMPHREYS:** I don't know, probably, I don't know, five to ten, somewhere between the two.
1364 **RODRIGUES:** And what were the results after? Did the individual pushed, fall down, or were
1365 they just...
1366 **HUMPHREYS:** Yes, they would...
1367 **RODRIGUES:** So...
1368 **HUMPHREYS:** Yeah...
1369 **RODRIGUES:** Go ahead.
1370 **HUMPHREYS:** I can't say that they all did. I'm not really 100%, but yeah, I would say that most
1371 of 'em, it worked out that they went down.
1372 **RODRIGUES:** So you said when you also pushed Mr. CHASSE, that your legs got, your legs
1373 got caught up with his legs?
1374 **HUMPHREYS:** Yeah, we, we got tangled up, my feet.
1375 **RODRIGUES:** Now, do you feel the push that you, or this technique you used on Mr. CHASSE,
1376 which caused him to fall to the ground, was reasonable, given the totality of
1377 events of the circumstances leading up, which you've covered already? Do you
1378 feel, basically, what you observed was reasonable, the force you used, to
1379 terminate this foot pursuit, based on the observations you had made from, from
1380 when you first saw him, to when you approached him, did you feel that was
1381 reasonable?
1382 **HUMPHREYS:** Yes.
1383 **RODRIGUES:** And would you like to expound on that?

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1384 **HUMPHREYS:** I think you just did. I mean, taking all the factors into consideration, as
1385 explained earlier.

1386 **RODRIGUES:** Did you, at any time, fall on Mr. CHASSE after you pushed him?

1387 **HUMPHREYS:** It's possible, but I don't recall falling on him. I recall seeing the pavement, and
1388 thinking this is gonna hurt.

1389 **RODRIGUES:** Now, how did you fall? You push him, did you pass over to the left; over to the
1390 right - did you go over him? Describe what happened after he, you pushed him,
1391 and he's falling, you tangle your feet with him, and correct me if I'm wrong
1392 when I'm saying these things, the events, okay? So you said you are pushing
1393 him, you also tangled up with his feet?

1394 **HUMPHREYS:** Mm-hmm.

1395 **RODRIGUES:** Tell me what happened after that, as far as, now, the fall?

1396 **HUMPHREYS:** I push him, and instantly I know I'm going down. And, uh, I remember seeing
1397 the pavement, and thinking ah, this is gonna hurt. And I think I actually went,
1398 when I landed, uh, I know I landed on my left side. And, uh, I kinda did this,
1399 and I actually mentioned it to Deputy BURTON later at jail, I called it, 'cause I
1400 was telling him my hip hurt, and I said I did a combat monkey roll onto my hip,
1401 and that's basically what I did. I just kinda hit my hip, and skidded, and then
1402 just rolled, I guess it would be on my left side, up and to where my back was,
1403 actually to where Mr. CHASSE had landed.

1404 **RODRIGUES:** Do you know how Mr. CHASSE fell to the ground?

1405 **HUMPHREYS:** Uh, yeah, he went, he went down on his front, landing kinda on his front, back,
1406 like I just said, I know I, I, man, that's a good question. I know he went down
1407 on his front. I don't know exactly how he landed. I can't just, you know, think
1408 about it, thinking...

1409 **RODRIGUES:** Okay.

1410 **HUMPHREYS:** It's been, ah, 15 months.

1411 **RODRIGUES:** Right.

1412 **HUMPHREYS:** I never really thought about this moment in a long time.

1413 **RODRIGUES:** Now, did you, you said you passed him, right? And, again...

1414 **HUMPHREYS:** Yes, I did.

1415 **RODRIGUES:** maybe I'm not clear on what you said, but...

1416 **HUMPHREYS:** I, when I, when, when I was done, my forward motion, when I was done going
1417 eastbound; when it stopped, I was past him a couple feet, three feet maybe.

1418 **RODRIGUES:** So, so you were, there was clear separation.

1419 **HUMPHREYS:** There was a clear separation between the two of us.

1420 **RODRIGUES:** Two to three feet?

1421 **HUMPHREYS:** Yes.

1422 **RODRIGUES:** Now, as impact, as you make impact, and you're falling, do you remember, or
1423 did you pass on his left-hand side over to the left, do you recall?

1424 **HUMPHREYS:** It was, it was my left side...

1425 **RODRIGUES:** Okay.

1426 **HUMPHREYS:** because I know when I hit, I kinda, like I said, I kinda spun onto my left side,
1427 and for some reason my flashlight had gotten up underneath my, I carry it in the

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1428 same pocket with my badge wallet, and it actually broke my badge. In fact, my
1429 badge is still broken today, inside that badge wallet. And it had gotten between
1430 the two, and hit up on my hip. And that's how, when I had rolled...

1431 **RODRIGUES:** Okay. And...

1432 **HUMPHREYS:** And so that would've meant my left side.

1433 **RODRIGUES:** So, you rolled, how many times did you roll?

1434 **HUMPHREYS:** I just did the, the once, kinda half. It was kinda half. _____ roll, it's just
1435 kinda a, my half.

1436 **RODRIGUES:** So when you got up, was you on all fours, or were you...

1437 **HUMPHREYS:** No, I was actually, I was actually on my butt.

1438 **RODRIGUES:** Okay.

1439 **HUMPHREYS:** And with my back, on my rear, excuse me, and my back to Mr. CHASSE.

1440 **RODRIGUES:** Okay.

1441 **HUMPHREYS:** And ended up on my hands.

1442 **RODRIGUES:** Now, did any part of your body make contact with Mr. CHASSE's body as he
1443 impacted the ground?

1444 **HUMPHREYS:** Oh, I, I'm sure I, I'm sure my legs, and it's quite possible other parts of my body,
1445 but I don't know which, and I couldn't tell you which.

1446 **RODRIGUES:** So now, why would you say that? So, is it you could've; is it you didn't? Is
1447 there a possibility that you could have some part of your body, on the impact
1448 dow, down, could've hit him?

1449 **HUMPHREYS:** Yes. It's possible I could've.

1450 **RODRIGUES:** Do you know what area you could've hit him?

1451 **HUMPHREYS:** No.

1452 **RODRIGUES:** Okay. So, you go down, you roll, you end up on your backside, correct, you
1453 say?

1454 **HUMPHREYS:** That's correct.

1455 **RODRIGUES:** Okay. Now, you said that, now, you're, did you roll over on all fours? And you
1456 mentioned that you had to crawl out to him, to get to him.

1457 **HUMPHREYS:** Mm-hmm.

1458 **RODRIGUES:** Okay, so you never, you never got up?

1459 **HUMPHREYS:** No.

1460 **RODRIGUES:** Okay. Where was Officer BURTON? You fall on the ground; he falls on the
1461 ground, now you, at some point, face towards Mr. CHASSE. Where was Sgt.
1462 KYLE, and Officer BURTON, and what were they doing? Immediately after
1463 you looked at Mr. CHASSE...

1464 **HUMPHREYS:** Yeah, immediately upon me looking at, uh, Mr. CHASSE, Sgt. NICE is already
1465 there. Um, and, like, CHASSE, Mr. CHASSE's, I think he's got like an arm
1466 underneath him, I think. It's like he's starting to get up, and Sgt. NICE is
1467 grabbing an arm. And I think Deputy BURTON is still, I think, kinda running
1468 up to where we're at, where CHASSE and Sgt. NICE are, are at on the ground.
1469 And, and you were saying how did I get, did I stand up, did I, no, I actually just
1470 kinda rolled over, and just, it was, it's kinda hard to explain, but I rolled over,
1471 and on my hands just reached over and grabbed an arm, as he's, he's on the

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1472 ground kicking and screaming. And I grabbed him, I think it was his right arm,
1473 because at that point Mr. CHASSE was on his right side, so his back was to me.
1474 And when I'm over, I grab his right arm, my feet are actually kinda, I'm still
1475 kind of in a seated position, because I couldn't really, once I grabbed his arm, I
1476 remember I'm in a position, I'm thinking well, you can't, you can't let go, 'cause
1477 you, and you can't get to your feet. In order to get to your feet, you're gonna
1478 have to let go to get up. And it was, it was like I was kinda half my feet were
1479 half hitched underneath me, as I'm holding onto his arm.

1480 **RODRIGUES:** Right.

1481 **HUMPHREYS:** Or, actually, it was his hand. I grabbed his hand was the first thing that, the only
1482 thing I could get, 'cause it was kinda underneath him like that. And when I
1483 grabbed his hand that's when he's going over onto to his right side, like this.
1484 And he, he locks my hand up in his hand, and that's when I realized, I mean, it's
1485 just this vise grip in his hand. And I thought oh, this is, I mean, just where, this
1486 guy is really, really strong for his size. And I realized we're, this is going to be a
1487 bad fight, because I mean, he, he grabbed ahold of my hand like a vise grip.

1488 **RODRIGUES:** Now, with respect to the foot pursuit, did any other officer fall on or make any
1489 bodily contact with Mr. CHASSE, either prior to, or after he impacted the
1490 ground?

1491 **HUMPHREYS:** Yes.

1492 **RODRIGUES:** Who did?

1493 **HUMPHREYS:** As, well, it, now that you're, you're asking kinda two separate questions. No, I,
1494 I didn't see anybody else fall on Mr. CHASSE.

1495 **RODRIGUES:** Well...

1496 **HUMPHREYS:** I didn't see anybody fall...

1497 **RODRIGUES:** Right.

1498 **HUMPHREYS:** fall on Mr. CHASSE.

1499 **RODRIGUES:** _____ excuse me, but did...

1500 **HUMPHREYS:** They did make bodily contact.

1501 **RODRIGUES:** Okay, so you're chasing him, you apply the forearm push...

1502 **HUMPHREYS:** Mm-hmm.

1503 **RODRIGUES:** You tangle up with his legs...

1504 **HUMPHREYS:** Mm-hmm.

1505 **RODRIGUES:** you fall, he falls. Are you saying that there was another officer, also
1506 immediately behind you that also fell on him?

1507 **HUMPHREYS:** Well, but you ask that, prior to, or after he impacted the ground, no, there was...

1508 **RODRIGUES:** Right...

1509 **HUMPHREYS:** no, no, no, no, no, no...

1510 **RODRIGUES:** During the foot pursuit, I'm sorry.

1511 **HUMPHREYS:** Yeah, no.

1512 **RODRIGUES:** Okay. And you say when you got up you saw that the only, so, the only person
1513 that was there was, with CHASSE, besides you being within grabbing distance,
1514 was Sgt. NICE?

1515 **HUMPHREYS:** Mm-hmm.

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1516 **RODRIGUES:** So Deputy BURTON was not yet there?
1517 **HUMPHREYS:** No, he was, but he didn't have ahold of him. He was, I mean, in my mind I see
1518 him as running up, up to us, and for some reason in my head, I've already got
1519 ahold of Mr. CHASSE or, or he's got ahold of my hand, um, when BURTON
1520 comes running up on us. So, yeah, I...
1521 **BARKLEY:** This is Sgt. BARKLEY. I need to clarify a few points. There have been others
1522 who described Mr. CHASSE and you going to the pavement as you tackling Mr.
1523 CHASSE. Would you describe it as a push or a tackle?
1524 **HUMPHREYS:** I would describe it as a hit. It's not, tackling denotes that I wrapped him up, and
1525 I didn't wrap him up.
1526 **BARKLEY:** You did not?
1527 **HUMPHREYS:** I specifically, consciously made that decision, no, yeah.
1528 **BARKLEY:** Okay. Did Mr. CHASSE break his fall to the pavement by putting his arms or
1529 hands out to break the fall?
1530 **HUMPHREYS:** I don't know. I don't know if his hands were out underneath him or not. Um, I
1531 didn't see his hands, I didn't see his hands when we went down, so I don't know.
1532 **BARKLEY:** Did you break your fall by putting your hands and your arms out, prior to
1533 making contact with the pavement?
1534 **HUMPHREYS:** Uh, my left hand, yeah.
1535 **BARKLEY:** Okay.
1536 **HUMPHREYS:** When I skidded kinda along the, when I landed on the, on the pavement.
1537 **BARKLEY:** So, you, you'd stated earlier, you were running fast enough that after you pushed
1538 Mr. CHASSE in the mid-back area with your forearms, you had realized that this
1539 was gonna hurt...
1540 **HUMPHREYS:** Mm-hmm.
1541 **BARKLEY:** your fall...
1542 **HUMPHREYS:** Mm-hmm.
1543 **BARKLEY:** to the pavement. And you fell with enough impact that it broke your badge?
1544 **HUMPHREYS:** That's correct.
1545 **BARKLEY:** So it broke the clip off the back of your badge that you carry in your wallet?
1546 **HUMPHREYS:** That's correct.
1547 **BARKLEY:** Okay. So if you hit the pavement with that much force, would you describe Mr.
1548 CHASSE hitting the pavement with similar force?
1549 **HUMPHREYS:** Yes.
1550 **BARKLEY:** Did you hear Mr. CHASSE hit the pavement with his head?
1551 **HUMPHREYS:** No.
1552 **BARKLEY:** Did you hear any body part that, you know, that thunk kind of sound?
1553 **HUMPHREYS:** Yes.
1554 **BARKLEY:** Crack?
1555 **HUMPHREYS:** Yeah.
1556 **BARKLEY:** Did you hear anything like that?
1557 **HUMPHREYS:** No. Not when you're, if you're talking about the head blow on the, no I didn't
1558 hear that at all.

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1559 **BARKLEY:** Okay, but you would agree that if you fell that hard to the pavement, to break the
1560 back clip of your badge that's in your wallet in your rear pocket, that Mr.
1561 CHASSE would've fallen to the pavement with as much, if not more, force since
1562 you pushed him?
1563 **HUMPHREYS:** With as much, yes.
1564 **BARKLEY:** Okay. That's all I have.
1565 **KING:** Take a break?
1566 **RODRIGUES:** Yeah, we'll take a break. The time now is 1655 hours.
1567 **RODRIGUES:** Okay, we're back on record. The time now is 1725 hours. Okay. Now, after
1568 you fell on the ground, and again you said you were on your backside, you were
1569 in arms-reach of Mr. CHASSE, is that correct?
1570 **HUMPHREYS:** Yes.
1571 **RODRIGUES:** Okay. Now, on page 14 of your interview with detectives...
1572 **HUMPHREYS:** Mm-hmm.
1573 **RODRIGUES:** you mention that CHASSE started to get up; Sgt. NICE quote "trying to get
1574 ahold of him". Can you describe for me CHASSE, what he was doing when you
1575 said he was trying to get up?
1576 **HUMPHREYS:** Yeah, he was, it was almost like he was, how do I explain this, verbally, but he
1577 was over on his, like his right, pretty much on his stomach. And he was kinda
1578 laying, well, not necessarily laying, but he was on his stomach, and his head was
1579 kind of in a northwest, excuse me, northeast direction, and his feet being in the
1580 opposite direction. And I was, when I came to rest, my feet were kinda pointed
1581 in an east direction, so it was almost like he was directly perpendicular to me
1582 almost, when I'd kinda, and then I said I was, I kinda, I kinda rolled over and
1583 kinda just crabbed, and just grabbed him. And, um, he was, when Sgt. NICE
1584 got, was, I mean, he was already there, and I'm pretty, I'm, yeah, it was his left
1585 arm, Sgt. NICE was grabbing his left arm when I, when I got to him.
1586 **RODRIGUES:** Now was he trying to get up?
1587 **HUMPHREYS:** Mm-hmm, yes.
1588 **RODRIGUES:** And can you describe that to me? How, how, was he getting on his knees?
1589 What, what, how was he trying to get up off the ground?
1590 **HUMPHREYS:** I believe that's what, um, let me think. It was his right arm that he had, 'cause
1591 he was on his, kinda his right side, and his right arm, he was starting to push
1592 himself up. Uh, and Sgt. NICE was standing, and had his left arm, and when I
1593 came over, um, I grabbed his right arm; his right hand, which was, uh, on the
1594 ground, and kinda pulled it up underneath the back, and yelling at him "get on
1595 your stomach; get on your stomach."
1596 **RODRIGUES:** Okay. So you immediately started to give him verbal commands?
1597 **HUMPHREYS:** Yeah.
1598 **RODRIGUES:** Okay. Do you remember what you said?
1599 **HUMPHREYS:** Yeah, "stop fighting", uh, "get on the ground; stay on the ground." Uh, and
1600 when I grabbed his hand, that's, I was yelling at him "get on the ground". And
1601 when I grabbed his hand then, which in reverse, he grabbed my hand, that's
1602 when I go "stop fighting; stop fighting." Um, when I realized how hard his grip

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1603 was, uh, "get on the ground; stick your arms out; give me your arm", that was
1604 kinda during the whole struggle, and the whole fight.

1605 **RODRIGUES:** Now, these verbal commands, was, was it clear? Was it loud?

1606 **HUMPHREYS:** Oh, yes, yeah.

1607 **RODRIGUES:** Did he respond in any way?

1608 **HUMPHREYS:** No, no. I mean, respond verbally, or...

1609 **RODRIGUES:** Yes.

1610 **HUMPHREYS:** No, he, no.

1611 **RODRIGUES:** Okay. Now during this time, was Sgt. NICE also giving verbal commands?

1612 **HUMPHREYS:** Yes.

1613 **RODRIGUES:** What was he saying?

1614 **HUMPHREYS:** Uh, pretty much the same gist: "stop fighting". Pretty much that's, just "stop
1615 fighting".

1616 **RODRIGUES:** And you mentioned earlier that Deputy BURTON was trying to gain control of
1617 Mr. CHASSE's legs?

1618 **HUMPHREYS:** Uh, yeah, when, when I grabbed a hand, and told, and start to pull; and try to
1619 pull, actually, his right arm out from underneath him, essentially. 'Cause he's,
1620 Mr. CHASSE, at that point, is now kinda got his, he's, 'cause Sgt. NICE is on
1621 his front side and I'm on Mr. CHASSE's backside, essentially. And I, like I
1622 said, I kinda crabbed over, and I, I had myself in a bad position where I couldn't
1623 get my feet underneath me, but I was on his back, and I'm trying to grab this arm
1624 and pull it out. And Mr. CHASSE is really on his right side, and, um, and he's
1625 on his right side, Sgt. NICE is in front of him, and that point, that's when I
1626 clearly remember looking up at, at Deputy BURTON, because I cannot get this, I
1627 cannot get his hand and his arm, his right arm out from under him. And I know,
1628 I could tell Sgt. NICE is pulling his left arm, to try and get him onto his stomach
1629 and in that prone position. And I cannot get that arm out. Um, and, I mean, I
1630 was in a bad spot, leverage, wise, because, like I said, I had my feet up under me,
1631 and when I basically was pulling, my feet were kinda underneath my rump.
1632 And, uh, that's when I, I told BURTON, BURTON was trying to get ahold of his
1633 legs, I could see, you know, 'cause Mr. CHASSE was kicking and kicking and
1634 kicking, and screaming. And I, and that's when I remember I told Deputy
1635 BURTON, I said "grab his legs; flip his legs". Because I figured if we could flip
1636 his lower body, you know, get somebody on the lower body, and we could all
1637 just at one moment twist him over onto his stomach.

1638 **RODRIGUES:** So what level, at that point, what level of resistance would you say was Mr.
1639 CHASSE engaged in? Example: passive, physical, aggressive-physical
1640 resistance?

1641 **HUMPHREYS:** Oh, aggressive. Um, and especially when, when he tried to bite me, and when
1642 he actually bit Sgt. NICE.

1643 **RODRIGUES:** And we'll get into that.

1644 **HUMPHREYS:** Mm-hmm.

1645 **RODRIGUES:** So he was actually pulling away, he wasn't merely passively just, he was kicking
1646 his legs also, you mentioned?

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1647 **HUMPHREYS:** Yeah, he's kicking his legs and his upper body is coming up off the ground, um,
1648 even as I'm pulling his arms, trying to get 'em underneath him. And, like I said,
1649 he's grabbing my hand around the thumb, and just squeezing it in a vice grip, to
1650 the point where I even kinda let go and readjust my hold. I don't know if that's
1651 what you want, but, um, so, yeah, actively...

1652 **RODRIGUES:** Okay, at this point, was he, at this point, was he on his stomach or his back? I'm
1653 not quite clear...

1654 **HUMPHREYS:** He was actually on his, at this point, he was on his side; his right side, kind of,
1655 more towards laying on his stomach, if you can, if you can kinda visualize that.
1656 Where he's not really fully on his stomach, but his, kinda his right front of his
1657 shoulder is down on the ground, his right hand is underneath, or arm is
1658 underneath him, um, underneath his right side. Sgt. NICE, if I recall right, had,
1659 at certain points, had that left shoulder; left arm under control. Um, or not under
1660 control, but was holding it with, that's what he was fighting with. And, um, and
1661 then, and this is where it gets, but, and then, at the same time, Mr. CHASSE's
1662 legs and lower half of his body were like they were completely flat, rump down.
1663 I mean, so like his body was, I mean, he was, he had, I mean, and we could not
1664 get him to turn over. I pulled and I pulled, and I could not get that right arm to
1665 come out, and, and get him over. Once again, like I said, I had real bad leverage.
1666 But, and, uh, it was just like his body would not move. I mean, just, just like
1667 steel; just like trying to pull on steel.

1668 **RODRIGUES:** What was Mr. CHASSE's physical stature like, height, weight, build?

1669 **HUMPHREYS:** 5'10", at the most, maybe, I don't know. He was pretty tall, relatively, and
1670 relatively slender, probably 150, 160 pounds, at the heaviest. And that could be
1671 attributed to kinda the clothes and the backpack.

1672 **RODRIGUES:** What kind of stature? I mean, was he, was he a big guy; skinny guy?

1673 **HUMPHREYS:** No, he was a slender... he was a skinny...

1674 **RODRIGUES:** Frail; muscular?

1675 **HUMPHREYS:** I would not use the term frail. I mean, he, he was, he, he was wiry, but he was,
1676 he was skinny; he was slender.

1677 **RODRIGUES:** What was your height and weight at the time? Not that you shrank, but...

1678 **HUMPHREYS:** Um, I'm 6'2", and at that time, probably 235.

1679 **RODRIGUES:** Okay. How about Sgt. NICE's height and approximate weight at that time?

1680 **HUMPHREYS:** Uh, I'll bet Sgt. NICE is probably about 6', maybe 200.

1681 **RODRIGUES:** Okay, and how about Deputy BURTON?

1682 **HUMPHREYS:** Oh, Deputy BURTON, 5'10", maybe 175, 185.

1683 **RODRIGUES:** Okay.

1684 **BARKLEY:** This is Sgt. BARKLEY, I've got a question for you. You got your height and
1685 your weight, do you, do you lift weights?

1686 **HUMPHREYS:** I do.

1687 **BARKLEY:** So, do you consider yourself a fairly strong person?

1688 **HUMPHREYS:** Yes.

1689 **BARKLEY:** And Mr. CHASSE being slender, you were able to, he was able to go ahead and
1690 prevent you from getting that arm and the hand out from underneath him?

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1691 **HUMPHREYS:** That's correct.
1692 **BARKLEY:** Okay.
1693 **RODRIGUES:** Okay, that being said, why did all three of you, fairly in good shape...
1694 **HUMPHREYS:** Mm-hmm.
1695 **RODRIGUES:** full-grown men, have such a difficult time controlling Mr. CHASSE?
1696 **HUMPHREYS:** Why?
1697 **RODRIGUES:** Yeah. Why do you think?
1698 **HUMPHREYS:** [Sigh] at the time, I thought because he was under the influence of a drug;
1699 narcotic, uh...
1700 **RODRIGUES:** Why? What would that do, if you're under the influence of a drug or a narcotic?
1701 **HUMPHREYS:** Well, it, uh, I mean, one of the primary things, it lowers the pain resistance in the
1702 person. Um, you know, the whole idea of the superhuman strength. I mean, I, I
1703 really did, as we're basically wrestling to a standstill, I thought well, he was
1704 probably the first person that I'll ever get that's on PCP. I mean, he was covered
1705 in sweat, I mean, soaking wet; just wet in urine. And he fought the three of us to
1706 a standstill. And that's why I thought he was under the influence of narcotics.
1707 **RODRIGUES:** So, did you consider, for his basically his stature, his height and weight; his
1708 build, would you consider the strength that he was exhibiting unusual?
1709 **HUMPHREYS:** Yes.
1710 **RODRIGUES:** What about his stamina?
1711 **HUMPHREYS:** The, the same. I mean, he'd, he, yeah, he, he resisted and fought me on just
1712 basically that one right arm until I was tired.
1713 **RODRIGUES:** Anything about his flexibility that was unusual or...
1714 **HUMPHREYS:** The fact that his upper body was basically turned down to the right side, and,
1715 and the fact that his, or excuse me, his, was kinda turned up on his left side, and
1716 the fact that his, eventually we got his legs turned all the way down, and his
1717 upper body didn't even, didn't even turn down.
1718 **RODRIGUES:** So was his flexibility from his torso? Are you, what you're saying is that...
1719 **HUMPHREYS:** Yeah, it was like...
1720 **RODRIGUES:** Opposite direction...
1721 **HUMPHREYS:** Almost. Almost, yeah.
1722 **RODRIGUES:** Did you ever experience anything like that with anyone, in your, what, at the
1723 time 10-12 years as a police officer, for a person of that stature? Was this
1724 unusual, or was this...
1725 **HUMPHREYS:** No, this was completely unusual. I mean, Sgt. BARKLEY even made the point,
1726 I mean, 230 pounds, 6'2", I generally, if I can grab something, I can tend to
1727 make it move. Um, and he just, I cannot get that arm out at first at all.
1728 **RODRIGUES:** And again, you mentioned this earlier, but were you winded, or in any other way
1729 physically affected as a result of your efforts to control Mr. CHASSE, during the
1730 time you were on the ground, attempting to control him?
1731 **HUMPHREYS:** Yeah, I did. It was the first time I had, I had, I've had asthma for as long as far
1732 back as I can remember, but I've never, it's never been like anything acute. But
1733 for the first time in years, I'd say, I had to dig up, after the fight, we're in front of
1734 jail, I actually had to get outta the car and go back to my field bag, and

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1735 amazingly enough, I couldn't even believe it was there, but I still had my, I had
1736 a, it's called an Albuterol inhaler, and I actually had to take a couple, administer
1737 a couple of puffs of that, which I'm sure it was very expired inhaler.
1738 **RODRIGUES:** Now, during the struggle to get Mr. CHASSE into custody, did you, at some
1739 point when you guys were at this standstill, or unable to take him into custody,
1740 did you, at any point become concerned for, for your safety, or for any reason?
1741 **HUMPHREYS:** Yeah, because he, I mean, during this fight, he actually, with Sgt. NICE trying to
1742 pull his left arm towards him, and with me trying to pull his right arm towards
1743 me, he actually went from, like I said, more on his right side; right shoulder
1744 towards the ground, to actually now bringing his left side up and around, facing
1745 the sky. I mean, actually was, pulling us in a reverse order. And I'm barely
1746 holding onto his half of his hand. Like I said, he's just, he's completely soaking
1747 wet; slick. And that's when I really became concerned that, okay, I'm going to
1748 lose this right hand. Um, and ah, and then that's when I heard uh, heard Sgt.
1749 NICE, uh, well, no, and that's actually at that point where I told Deputy
1750 BURTON, uh, "Tase him; get out your Taser."
1751 **BARKLEY:** Excuse me, Sgt. BARKLEY. At that point, when you think you're going to lose
1752 the grip of his right hand, you said you became concerned. How so? Were you
1753 concerned for your personal safety, and the other officers' safety? And if you
1754 can explain that.
1755 **HUMPHREYS:** I was, my primary concern was for if I lost grip on that right hand, which was
1756 underneath him, that right, which is basically how, the only reason I had, or the
1757 only point where I had ahold of his right arm, I was afraid if I let go of that he's
1758 going to be able to, to punch Sgt. NICE, primarily in the groin. Um, because
1759 where Sgt. NICE was at, he was actually more facing the front of, actually was
1760 on the front side of Mr. CHASSE. That was the first concern of mine was that
1761 oh, he's going to be able to, you know, but, I mean, just in general, if he gets that
1762 arm free, once again, I, and I think referenced before. I don't know if he's got a
1763 knife or something on him, he might be able to dig for it too. And like I said,
1764 that waist, his waist area, where people carry weapons a lot of time, I mean, it's
1765 on the ground, it's out of control, you know, that was, that was when I got a lot
1766 more concerned about controlling that hand.
1767 **BARKLEY:** Okay.
1768 **RODRIGUES:** Tell me what you did in your attempts to control Mr. CHASSE after he fell to
1769 the ground, to include what his actions were for you doing what you did, i.e.,
1770 control holds, pain compliance techniques; every use of force that you did in
1771 reaction to either what he was doing, or during the time...
1772 **HUMPHREYS:** Mm-hmm.
1773 **RODRIGUES:** You clear, you understand?
1774 **HUMPHREYS:** From, from after, after...
1775 **RODRIGUES:** Yes.
1776 **HUMPHREYS:** the take-down?
1777 **RODRIGUES:** Yes sir.
1778 **HUMPHREYS:** Okay. Well, I guess, initially, a control hold of his arm, even though, even
1779 though it really wasn't that much. It was more I was holding his hand, and then

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1780 he, in turn, actually locks onto my hand. Um, and I'm trying to pull it out, uh,
1781 from underneath him, so I guess you could say that it's somewhat of an arm bar.
1782 Uh, and then, um, I struck him, uh, with the, when I finally changed hands, I got
1783 my right hand out from underneath him, and then was trying to push him over,
1784 uh, by his shoulder; his left shoulder. Um, at the same time, this is the point I'm
1785 talking to, basically yelling at BURTON "flip his legs; flip his legs". Uh, I hear
1786 Sgt. NICE say "stop biting", and I'm still, I'm trying to, and well he was soaked,
1787 and the other thing I did was I struck him with, it was essentially like a back fist,
1788 as he was trying to bite me.

1789 **RODRIGUES:** Now at what point did this occur?

1790 **HUMPHREYS:** The biting?

1791 **RODRIGUES:** Yes. Or his attempt...

1792 **HUMPHREYS:** I was looking at, like I said, I, basically, because just said that I, I could feel that
1793 I was losing that hand, and so I, I, essentially, kinda did like this hand switch,
1794 where now I've got my left hand, and I'm trying, 'cause I knew I had to get
1795 better leverage, and, um, as my hand is somewhere up on his shoulder, but I'm
1796 yelling at, at Deputy BURTON, "flip his legs." And I was trying to convey to
1797 Deputy BURTON, you know, you just grab the foot; both feet and try to turn
1798 him. And, uh, and I hear Sgt. NICE say "stop biting; stop biting". And I'm
1799 yelling at BURTON "okay, just grab his legs; flip his legs", and as I'm saying
1800 this all of a sudden I feel heat on my right forearm, about, you know, kinda on
1801 the backside of my forearm. And I look, and here is Mr. CHASSE, his body, I
1802 mean, with his kinda his right shoulder on the ground, his left shoulder up and
1803 kinda towards me, and I'm on his back, and yet he's able to get his torso and
1804 head up to where my arm is on his shoulder, and I could see his teeth bared and
1805 up towards my arm. And so I throw this, uh, I basically just bring my fist up and
1806 down, and it strikes him in the face.

1807 **RODRIGUES:** Now, how much, how much force did you use?

1808 **HUMPHREYS:** [Sigh] it was a pretty quick, uh, pretty quick, move, and like I said, I didn't really
1809 have my feet underneath me, and I wasn't, you know, my hips weren't into it, or
1810 anything like that, but it was, it was, uh, it was a close-fisted strike, so. But it
1811 was short, very short range. I mean, his face was right there where my hand was
1812 basically at, so.

1813 **RODRIGUES:** So, it'd be the left side of his face?

1814 **HUMPHREYS:** Um, no, it was, it was more, I don't know exactly where I hit him, but it was, I
1815 would say straight on, almost direct line face, mouth, maybe off to the left a little
1816 bit.

1817 **RODRIGUES:** You say it was a closed-fist...

1818 **HUMPHREYS:** Yeah.

1819 **RODRIGUES:** close strike?

1820 **HUMPHREYS:** Yeah, basically using kinda the back of the knuckles. But it was more just kinda
1821 my, my, kinda the upper ridge of my fist that went up, and then the lower ridge
1822 of my, on the inside of my fist coming down.

1823 **RODRIGUES:** And why did you do that?

1824 **HUMPHREYS:** Uh, because I thought he was gonna bite me.

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1825 **RODRIGUES:** Was, was it effective? Or what, should I ask you, what was the desired effect?
1826 **HUMPHREYS:** The desired effect was to get him to stop biting me, uh, attempting to _____
1827 And as far as was it effective, um, it was in that it got my hand out of the way,
1828 and it got his, his head, I guess my, well, mostly it got my hand out, my arm
1829 outta the range of his head. Did it stop him fighting or did it decrease his
1830 resistance at all, no.
1831 **RODRIGUES:** Now, did you, how many times did you, you strike him with a fist throughout
1832 this struggle on the ground?
1833 **HUMPHREYS:** Uh, as best I can recall, it's just that once, the closed fist across the face. Um,
1834 and I was, I was pulling and pushing his shoulder, pulling his right arm, and
1835 pushing his left shoulder really hard, but those were no way a strike. I mean, it
1836 was, I was just trying to get him over on his stomach, and get his arm out from
1837 underneath him.
1838 **RODRIGUES:** Okay, so you say he attempted an arm bar, basically. You struck him in the face
1839 with a closed fist. What, what else did you, techniques or things that you did to
1840 try to gain control or compliance from Mr. CHASSE?
1841 **HUMPHREYS:** That's, that really it. If I could take a second to refer to the...
1842 **RODRIGUES:** Mm-hmm, go ahead.
1843 **HUMPHREYS:** Yeah, that's, I mean, thinking about it 15 months later, the only thing I can tell
1844 you, my primary concern was that control hold on that right arm. And other than
1845 that, striking on the face, and then eventually max restraint, as a level of force...
1846 **RODRIGUES:** And we're referring to the hobble?
1847 **HUMPHREYS:** The hobble, that's correct.
1848 **RODRIGUES:** Okay. Now, you actually, you said you actually saw Mr. CHASSE, did he open
1849 his mouth, I mean...
1850 **HUMPHREYS:** Oh, his mouth was wide-open. I mean, it was, I could feel the heat from his
1851 breath, and it was just he couldn't get his, it was like he was trying to get his
1852 head to my arm, but he couldn't quite get there.
1853 **RODRIGUES:** What did you observe Sgt. NICE do in his attempts to control Mr. CHASSE?
1854 **HUMPHREYS:** Um, he was just, he was holding onto the left arm trying to pull him over on the
1855 other side. Most of my time during that struggle was trying to get, was telling
1856 BURTON "Flip the legs. BURTON, get your Taser." It wasn't until the guy
1857 was trying to bite, or Mr. CHASSE was trying to bite me, that I actually even
1858 focused on, uh, and Sgt. NICE was doing, um, 'cause I was so intent on trying to
1859 get those legs over. 'Cause I knew if we could get the legs over, we could get his
1860 body on the ground. Um, and as far as Sgt. NICE goes, that's about it, uh, the
1861 control hold on the arm.
1862 **RODRIGUES:** Tell me about the biting incident with Sgt. NICE? Tell me at what point did this
1863 occur in the struggle, and what did you see?
1864 **HUMPHREYS:** Uh, I didn't actually see Sgt. NICE get bit, I just heard him yell "stop biting."
1865 And I didn't even, I didn't even realize he'd been bitten until after everything
1866 was all done, and ah, medical was there, and Sgt. NICE showed me the bite on
1867 his leg. And I could already see that it was kinda red and it was gonna bruise,
1868 so, but I didn't actually see it because of the way I was down on my butt on his
1869 back. And it actually happened while I was, uh, telling BURTON "flip him".

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1870 **RODRIGUES:** And what did Deputy BURTON do in his attempts to control Mr. CHASSE?
1871 **HUMPHREYS:** Um, BURTON, Deputy BURTON did attempt to grab the legs. Mr. CHASSE
1872 was kicking and flailing. I saw Deputy BURTON actually go down and, and pin
1873 one of, one of, and I don't remember, his right or his left, pin one of the legs
1874 with his hands, to the ground. And at one point, BURTON's like "ah, he's, he's,
1875 covered in", I can't remember what if he said shit or crap, like he'd crapped all
1876 down his legs, or something like that. And, uh, and then Deputy BURTON also
1877 administered the Taser from a contact position; from the drive stun. Uh, I did
1878 see, I saw that, I watched that, while I was holding an arm.
1879 **RODRIGUES:** Where did he make that Taser contact? Now when we're talking about the
1880 Taser, are we talking a drive stun mode, or the actual deployment of the probes?
1881 **HUMPHREYS:** No, I, I believe it was a drive stun mode. I, okay, I know it was a drive stun
1882 mode, we didn't have any probes deployed there. He'd removed his, his
1883 cartridge, and from drive stun mode. And, and the location on Mr. CHASSE
1884 was his, like, leg and lower thigh area.
1885 **RODRIGUES:** In the front part, or hamstring part, or...
1886 **HUMPHREYS:** I think it was actually, I think it was actually in the front part of his, like his,
1887 where his legs were at, of his, uh, excuse me, where his thigh is at; kinda where
1888 the thigh and the knee area, and then...
1889 **RODRIGUES:** Do you know how many times he deployed the Taser in drive stun?
1890 **HUMPHREYS:** I have no idea. I currently have no idea. If I can refer to my report, I think...
1891 **RODRIGUES:** Yes.
1892 **HUMPHREYS:** Yeah, that's what I, I have no idea, because, in a reference to my report - the
1893 detectives report, I, I didn't actually hear the Taser going off. I actually thought
1894 it's not working or he's trying to do it with the safety on, or something like that,
1895 because I couldn't hear that tell-tale clack, clack, clack sound. Um, and, uh, the
1896 other reason I didn't think he was doing it right, is because it had absolutely zero
1897 effect on Mr. CHASSE, as far as a pain response.
1898 **RODRIGUES:** Now during the time you were struggling with Mr. CHASSE to take him into
1899 custody on the ground, did you spend any amount of time on his back?
1900 **HUMPHREYS:** No.
1901 **RODRIGUES:** Now is that your perception, or is that reality? I mean, do you definitively
1902 remember, can you tell me that you never spend any amount of time on his
1903 back?
1904 **HUMPHREYS:** Yes.
1905 **RODRIGUES:** How about his stomach area?
1906 **HUMPHREYS:** No, I was never on his front side.
1907 **RODRIGUES:** Side of the ribs?
1908 **HUMPHREYS:** I can't, I, I was struggling pretty hard with his, pulling his right arm out, to get it
1909 out of his side, and pushing on his left side hard enough. I, I could, I mean, my
1910 left arm was, at some point, down on his left side, so that would be his ribcage.
1911 As far as being on him, no. But definitely my left, that was a contact point for
1912 me, yes.
1913 **RODRIGUES:** So was there any kind of um, significant force, while your left arm was on his
1914 sides, or was it just rubbing against him?

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1915 **HUMPHREYS:** No, no, it was like, it was like a counter-pull. I, I was pulling on his right, and
1916 pushing on, on his left side, to get, to try and get him over onto his stomach. Uh,
1917 more actually to try and get his right arm out from underneath him. Um,
1918 significant force, yes, in that just I was pushing. But once again, like I said, I
1919 mean, my feet were actually kinda underneath me, so I really, I couldn't get a, a
1920 good footing, so it wasn't my full force. But, yeah, I was, it was enough to try
1921 and get him over. And it didn't work.

1922 **RODRIGUES:** Yeah, yeah. So your hands were on his ribcage area?
1923 **HUMPHREYS:** That's correct. That's correct.

1924 **RODRIGUES:** Did you notice any deformity, as far as soft spots, any cracking? Anything of
1925 note when your hands were in that position?
1926 **HUMPHREYS:** No, I mean, other than he was, his whole clothing was soaked, and there was
1927 no...

1928 **RODRIGUES:** What about Sgt. NICE, did he spend any amount of time on Mr. CHASSE's
1929 back?
1930 **HUMPHREYS:** No.

1931 **RODRIGUES:** Okay. What about Sgt. NICE, and spending any amount of time during the
1932 struggle on Mr. CHASSE's stomach area?
1933 **HUMPHREYS:** I, you know, I don't, he, that's where he was at. I don't know how much
1934 pressure or force, I don't think, I mean, 'cause he was, we were actually trying to
1935 get him over on his stomach, so I'm, I mean, and when I was working with Sgt.
1936 NICE, kinda in a push-pull action, he was pulling. But he was on the stomach
1937 side, so I don't...

1938 **RODRIGUES:** Anything of note, as far as...
1939 **HUMPHREYS:** No.

1940 **RODRIGUES:** Okay. What about Sgt. NICE spending any amount of time on the rib area; the
1941 other side of Mr. CHASSE's ribs?
1942 **HUMPHREYS:** Oh, uh, the ribs? No, I don't recall him being actually kneeling on the ribs, or
1943 anything like that.

1944 **RODRIGUES:** Okay. Now, Deputy BURTON - stomach area?
1945 **HUMPHREYS:** No, no.

1946 **RODRIGUES:** Okay. Side of the ribs?
1947 **HUMPHREYS:** No.

1948 **RODRIGUES:** Any amount of time he spent on Mr. CHASSE's back?
1949 **HUMPHREYS:** No.

1950 **RODRIGUES:** During the time you were out there, did you see any other officer spend any
1951 amount of time on Mr. CHASSE's back? And we're talking about, now, during
1952 the struggle. Who all was involved in the actual struggle of taking Mr. CHASSE
1953 into custody? 'Cause we know now there was you, yourself...
1954 **HUMPHREYS:** Mm-hmm.

1955 **RODRIGUES:** Sgt. NICE, and Deputy BURTON. Was there anybody, when you guys were
1956 actively engaged in trying to take him into custody? Any other Portland police
1957 officer, or any, anyone arrive on scene?

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1958 **HUMPHREYS:** No, Officer PAHLKE arrived, and helped me handcuff him. But by that time, I
1959 mean, we had pretty much, we'd fought to a standstill.
1960 **RODRIGUES:** Did you, at any time while at NW 13 and Everett, besides the one punch you
1961 said you gave to Mr. CHASSE's facial - front facial area, to prevent him from
1962 biting you...
1963 **HUMPHREYS:** Mm-hmm.
1964 **RODRIGUES:** Did you at any time punch Mr. CHASSE intentionally, or unintentionally, in the
1965 stomach?
1966 **HUMPHREYS:** Oh, no.
1967 **RODRIGUES:** Chest?
1968 **HUMPHREYS:** No.
1969 **RODRIGUES:** Okay. Side of the ribs?
1970 **HUMPHREYS:** No.
1971 **RODRIGUES:** Face, where we covered that one time, did you punch him at any other time in
1972 the face?
1973 **HUMPHREYS:** No.
1974 **RODRIGUES:** In his head?
1975 **HUMPHREYS:** No.
1976 **RODRIGUES:** Or his legs?
1977 **HUMPHREYS:** No.
1978 **RODRIGUES:** Okay, same question. Did you kick Mr. CHASSE at any time, intentionally or
1979 unintentionally, anywhere on his chest?
1980 **HUMPHREYS:** No.
1981 **RODRIGUES:** His stomach?
1982 **HUMPHREYS:** No.
1983 **RODRIGUES:** Side of his ribs?
1984 **HUMPHREYS:** No.
1985 **RODRIGUES:** His face?
1986 **HUMPHREYS:** No.
1987 **RODRIGUES:** His legs?
1988 **HUMPHREYS:** No.
1989 **RODRIGUES:** Or his head?
1990 **HUMPHREYS:** No.
1991 **RODRIGUES:** Did you ever, at any time, slap or otherwise strike Mr. CHASSE on, on any area,
1992 intentionally or unintentionally, on his chest?
1993 **HUMPHREYS:** No.
1994 **RODRIGUES:** Stomach?
1995 **HUMPHREYS:** No.
1996 **RODRIGUES:** Side of the ribs?
1997 **HUMPHREYS:** No.
1998 **RODRIGUES:** Face?
1999 **HUMPHREYS:** No.
2000 **RODRIGUES:** Head?
2001 **HUMPHREYS:** No.

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2002 **RODRIGUES:** Or legs?
2003 **HUMPHREYS:** No.
2004 **RODRIGUES:** Okay. Did you observe, or have any knowledge of Sgt. NICE doing any of these
2005 things that I just told you - intentionally, or unintentionally, punch, kick, slap, or
2006 otherwise strike Mr. CHASSE on the area of his chest, his stomach, side of his
2007 ribs, his face, or his legs?
2008 **HUMPHREYS:** I didn't even know until after the fact, no, until after Grand Jury ended, that Sgt.
2009 NICE had kicked him. Had no clue.
2010 **RODRIGUES:** And then how did you find that out?
2011 **HUMPHREYS:** Uh, my lawyer told me.
2012 **BARKLEY:** And who's your lawyer? This is Sgt. BARKLEY.
2013 **HUMPHREYS:** Uh, Steve MEYER, yeah.
2014 **BARKLEY:** Steve MEYER?
2015 **HUMPHREYS:** Uh-huh. And that was after the Grand Jury and everything.
2016 **BARKLEY:** Excuse me, and, and what did Steve MEYER tell you regarding the kicking?
2017 **HUMPHREYS:** He said that Sgt. NICE had kicked him. And I, blew me away. I'm like really?
2018 'Cause I didn't see it; I had no idea. I didn't feel it on the guy; didn't even
2019 know.
2020 **BARKLEY:** Did he say how many times Sgt. NICE had kicked Mr. CHASSE?
2021 **HUMPHREYS:** Um, no. Uh, he just told me it was, yeah, it was when Sgt. NICE was, when Mr.
2022 CHASSE was biting him on the leg, I think, and that was it. He didn't, he didn't
2023 tell me the number of those times.
2024 **BARKLEY:** Okay.
2025 **RODRIGUES:** Did you at any time observe Deputy, or have any knowledge of Deputy
2026 BURTON punch, kick, slap or otherwise strike, intentionally or unintentionally,
2027 Mr. CHASSE in the chest?
2028 **HUMPHREYS:** Yeah, yeah. No, I'm sorry.
2029 **RODRIGUES:** Stomach?
2030 **HUMPHREYS:** No.
2031 **RODRIGUES:** Side of the ribs, either ribs?
2032 **HUMPHREYS:** No.
2033 **RODRIGUES:** Face?
2034 **HUMPHREYS:** No.
2035 **RODRIGUES:** Head?
2036 **HUMPHREYS:** No.
2037 **RODRIGUES:** Or legs?
2038 **HUMPHREYS:** No.
2039 **RODRIGUES:** Did you observe any officer, at any time during this struggle with Mr. CHASSE,
2040 to get him, take him into custody, do any of these things to Mr. CHASSE?
2041 **HUMPHREYS:** Just myself punching him in the face, yeah.
2042 **BARKLEY:** This is Sgt. BARKLEY. I have a question based on the statement from a
2043 witness. Did you witness any officer kick Mr. CHASSE two or three times, and
2044 then slap him on the head?
2045 **HUMPHREYS:** No.

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2046 **BARKLEY:** Did you, in fact, kick Mr. CHASSE two or three times, and slap him on the
2047 head?
2048 **HUMPHREYS:** No.
2049 **BARKLEY:** Okay.
2050 **RODRIGUES:** At what point during the struggle was Mr. CHASSE handcuffed?
2051 **HUMPHREYS:** Uh, well, at the end.
2052 **RODRIGUES:** Well, let me, let me skip forward a little bit then. How long would you estimate
2053 that this struggle took place? What was your perception, and do you know,
2054 actually, what the actual time was til he went into custody?
2055 **HUMPHREYS:** My perception? My perception was that it took place forever, but, um, 2, 3
2056 minutes.
2057 **RODRIGUES:** Were you ever told, or do you know what the actual time was?
2058 **HUMPHREYS:** I have no idea.
2059 **RODRIGUES:** Now, to go back again to the original question, at what point during this struggle
2060 was Mr. CHASSE handcuffed? What precipitated that to happen?
2061 **HUMPHREYS:** Well, what precipitated that to happen is he stopped, uh, fighting, and it's, it was
2062 like he passed out. And, uh, that's pretty much the same time as, uh, Officer
2063 PAHLKE got there. Because Sgt. NICE got on the radio, and said, you know,
2064 we're fighting with one. And Officer PAHLKE gets there, Mr. CHASSE's just,
2065 he's just stopped. We're still just, he's still just kinda locked up and we're still
2066 just holding, but he just, he stopped; he's not yelling; he's not kicking, um, his
2067 body's still, like I said, it's kinda locked up, but he's just stopped. And Officer
2068 PAHLKE shows up, and just right, almost right at that moment, we're able to
2069 handcuff him. And Sgt. NICE is I'm like, Sgt. NICE said like "he's passed out",
2070 gets immediately on the radio. He's calling for Code 3 medical. I'm, and Sgt.
2071 NICE is on his front side, cause we still got him on his side. I'm like "Is he, is
2072 he breathing?" Sgt. NICE says he's breathing, um, said he's breathing. And
2073 that's basically how we got him handcuffed. And at that point also, Officer
2074 WELDON was real quick, I believe it was WELDON, um, right behind
2075 PAHLKE. And once we got him handcuffed, Officer PAHLKE, and that's when
2076 Mr. CHASSE just a little bit after that, started back up yelling and screaming,
2077 and we, we put maximum restraint on him.
2078 **RODRIGUES:** Okay. So, you said so right before, before he was handcuffed, he stopped
2079 fighting or struggling, but he remained rigid.
2080 **HUMPHREYS:** Mm-hmm.
2081 **RODRIGUES:** And so you guys were able to handcuff him, is that correct?
2082 **HUMPHREYS:** Yeah, I was able to get his right arm out from underneath.
2083 **RODRIGUES:** Okay. Now did he, at any point, go limp? Because I mean, you, you mention
2084 that he was unconscious. Did you see him go unconscious?
2085 **HUMPHREYS:** No, I mean, at that point, I didn't see him when he actually stopped, like his head
2086 or anything like that. Um, 'cause BURTON had the Taser out, and I was
2087 watching him basically Taser to no effect. And then, uh, he just, he stops
2088 screaming; he stops kicking. And, uh, but he's still, it was still a struggle for me
2089 to get his right arm out, but nowhere near what it was. I was able to get it out. It

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2090 was just like his joints were stiff, but not, I don't think he was controlling stiff,
2091 just stiff.
2092 **RODRIGUES:** So did you place the handcuffs on him?
2093 **HUMPHREYS:** I did.
2094 **RODRIGUES:** Okay. Too, how was the handcuffs affixed, and where; what part of his body?
2095 **HUMPHREYS:** Uh, at that point we were able to roll him onto his stomach. I did, I believe I did
2096 the ah, I did Sgt. NICE's left arm, and I think actually had passed off the right
2097 arm to Officer PAHLKE to handcuff, or to hold and then I handcuffed his right
2098 arm.
2099 **RODRIGUES:** Okay, and how was he, so he gets handcuffed, now, what do you immediately
2100 after that?
2101 **HUMPHREYS:** Well, as, immediately after that is pretty much once the cuffs went on, and once
2102 Officer WELDON shows up it's, it's, he's, I mean he's back awake, uh, even
2103 prior to medical getting there. Um, and, uh, he's yelling and screaming again,
2104 and they, they, Officer WELDON is applying the hobble and maximum restraint.
2105 Because he's back awake again. He was only passed out for just a short period
2106 of time. I don't even know how long. Um, long enough that we were able to
2107 cuff him.
2108 **RODRIGUES:** So, so did you observe him when he was passed out?
2109 **HUMPHREYS:** Yeah, absolutely.
2110 **RODRIGUES:** Now, did his body go limp? Or...
2111 **HUMPHREYS:** Uh, no it was, I mean, he was, he was out, but it was still, I don't know, it was a
2112 weird, like he, like, like I said, his joints stiff. But, he was, yeah, he was, his
2113 head was down, I mean, and his legs were down. So, yeah, I guess...
2114 **RODRIGUES:** How, how was he positioned at that point?
2115 **HUMPHREYS:** Well, when he passed out?
2116 **RODRIGUES:** Yes.
2117 **HUMPHREYS:** He was on his side still. Or at least his, he was on his side, and his legs were
2118 still kinda turned up, sorta facing the sky.
2119 **RODRIGUES:** So how long would you estimate he was passed out?
2120 **HUMPHREYS:** Oh, jeez, I, I don't know. I don't know, 30 seconds, a minute maybe at the most.
2121 **RODRIGUES:** And then he, you said he...
2122 **HUMPHREYS:** I don't even think it was that long, I think it was from 30 seconds, yeah, 30
2123 seconds to a minute, sorry.
2124 **RODRIGUES:** And then what happened, like he came out of it?
2125 **HUMPHREYS:** Yeah.
2126 **RODRIGUES:** Can you describe for me what happened after that.
2127 **HUMPHREYS:** Well...
2128 **RODRIGUES:** What did he do or say, or...
2129 **HUMPHREYS:** He started screaming again. I mean, he'd screamed continually the whole time
2130 until he passes out, and then he wakes up he starts kinda screaming again. And
2131 they were applying, and pretty much had the hobble on at that point. At that
2132 point, I had kinda stepped up and stepped away, I believe, back to the car.

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2133 'Cause the other officers were there. There were a number of other officers
2134 there.

2135 **RODRIGUES:** Do you know who placed the maximum restraints on him?

2136 **HUMPHREYS:** I believe it was Officer WELDON. If I can refer to the detectives interview.

2137 **RODRIGUES:** Mm-hmm, absolutely.

2138 **HUMPHREYS:** Yeah, Officer WELDON, um, had the hobble. I'm not certain, though, if he's
2139 the one that actually hobbled him.

2140 **RODRIGUES:** Right. Do you know why that he was placed in maximum restraints, besides
2141 yelling? Did you observe any behavior or conduct on the part of Mr.
2142 HUMPHREYS that would warrant being placed in maximum restraints?

2143 **HUMPHREYS:** Mr. HUMPHREYS?

2144 **RODRIGUES:** I mean, excuse me, Mr. CHASSE...

2145 **HUMPHREYS:** Oh...

2146 **RODRIGUES:** It's a long night for me too.

2147 **HUMPHREYS:** Um, when he came to, uh, I had stepped back, 'cause there were a number of
2148 Central officers there. Uh, and just the yelling, I didn't, I can't, I cannot
2149 independently recall, and if I can refer to my report again.

2150 **RODRIGUES:** Well, let me ask you, did you, do you remember Mr. HUMPHREY...

2151 **HUMPHREYS:** CHASSE...

2152 **RODRIGUES:** Mr. CHASSE, after he was handcuffed, went out for 30 seconds to a minute...

2153 **HUMPHREYS:** Mm-hmm.

2154 **RODRIGUES:** come back to, and you said that you heard him yelling or screaming, what was
2155 saying, or...

2156 **HUMPHREYS:** Same kinda unintelligible yell, uh, that just kinda was going on from start to
2157 finish.

2158 **RODRIGUES:** Was he screaming, I mean, was he yelling at the top of his lungs?

2159 **HUMPHREYS:** Yeah, it was a scream.

2160 **RODRIGUES:** Was, did you, did you observe him, prior to the hobble being placed on him, to
2161 him to be kicking, besides screaming, kicking or acting in a manner that would
2162 warrant the hobble being placed on him?

2163 **HUMPHREYS:** Yeah, during the whole fight to place him into custody.

2164 **RODRIGUES:** After, well, after he went out.

2165 **HUMPHREYS:** After he was placed in handcuffs?

2166 **RODRIGUES:** Yes.

2167 **HUMPHREYS:** I don't, I don't recall, no.

2168 **RODRIGUES:** Do, do you, now, were you there, or do you not remember, or...

2169 **HUMPHREYS:** I think that's at the point where I was walking back to my car, because other
2170 officers had stepped up and relieved us, uh, and kinda holding him there.

2171 **RODRIGUES:** So, what did you go back to your car for?

2172 **HUMPHREYS:** Gloves, handwash; to take a moment.

2173 **RODRIGUES:** After Mr. CHASSE was taken into custody, handcuffed, and hobbled, again, and
2174 again, you never observed him being hobbled, is that correct?

2175 **HUMPHREYS:** No, I, I don't remember seeing him being hobbled.

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2176 **RODRIGUES:** At that time, did any, was there any laughing or any type of celebration
2177 involving any Portland Police Bureau officer, including yourself? At any time
2178 after he was taken into custody, and prior to him being placed into the patrol car
2179 to be transported to jail, did anybody laugh or act inappropriate in any manner,
2180 such as a, a victory celebration, or any type of high-fiving, or, or anything like
2181 that?

2182 **HUMPHREYS:** No, no.

2183 **RODRIGUES:** Was there any type of behavior similar to, to being a celebration or, you know,
2184 someone had a, the long struggle fight with somebody, any type of, I think, do
2185 you understand what I'm trying to say? You know, a celebration, it may not be
2186 as overt as a high-five, but just laughing, at any time after he was taken into
2187 custody?

2188 **HUMPHREYS:** Was there anybody laughing after he was taken into custody?

2189 **RODRIGUES:** Laughing, yes. So if you was a bystander, not knowing what's going on, looking
2190 in...

2191 **HUMPHREYS:** Oh...

2192 **RODRIGUES:** seeing officers laughing, or almost like celebrating.

2193 **HUMPHREYS:** Well, I'm sure somebody was laughing or smiling, or, I mean, you just survived
2194 a pretty serious fight, but as far as involving a celebratory procedure, no.

2195 **RODRIGUES:** Okay, well...

2196 **HUMPHREYS:** But something that could be construed, like somebody laughing, I mean,
2197 possibly.

2198 **RODRIGUES:** Did you laugh, or celebrate in any way?

2199 **HUMPHREYS:** I didn't celebrate in any way.

2200 **RODRIGUES:** Did you...

2201 **HUMPHREYS:** Did I laugh?

2202 **RODRIGUES:** Yeah.

2203 **HUMPHREYS:** I, you know what, I probably laughed. I laugh a lot; I laugh a lot. I try to
2204 anyways. But, uh, in no way did I celebrate this.

2205 **RODRIGUES:** Did any of, you observed any other officer, or Portland Fire Bureau member or
2206 AMR personnel seemingly joyful, or carrying on in a manner such as laughing,
2207 or really, could give one the impression of minimizing what had just occurred?

2208 **HUMPHREYS:** No, I, no.

2209 **BARKLEY:** This is Sgt. BARKLEY. We have a witness who claimed that they observed and
2210 heard a paramedic, and they were unsure whether it was a Portland Fire Bureau
2211 paramedic or paramedic from AMR, mimic Mr. CHASSE's crying, yelling, and
2212 sounds. Are you aware if that occurred?

2213 **HUMPHREYS:** No, I wasn't, I don't recall. And I, I, I mean, I wasn't around then, if that
2214 happened at all, no.

2215 **BARKLEY:** Okay.

2216 **RODRIGUES:** And if you look at the worksheet, one of the allegations is that there's a
2217 complaint that there was laughing, or celeb, celebration.

2218 **HUMPHREYS:** Mm-hmm.

2219 **RODRIGUES:** 'Kay, so that's why you're being asked that question.

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2220 **HUMPHREYS:** Right.

2221 **RODRIGUES:** And you estimated the struggle with Mr. CHASSE at about a minute or two?

2222 What was your estimate?

2223 **HUMPHREYS:** Yeah, I think I said, like, two to three, two to four minutes, somewhere around

2224 there.

2225 **RODRIGUES:** Okay. Did you sustain any injuries as a result of the foot pursuit?

2226 **HUMPHREYS:** Like I said, just, I mean, I had a pretty good little hip pointer from where I went

2227 down, but no.

2228 **RODRIGUES:** Did you receive medical treatment for that?

2229 **HUMPHREYS:** No.

2230 **RODRIGUES:** I mean, did you get any bruising as a result of that?

2231 **HUMPHREYS:** Uh, I can't remember if they took a picture of that or not. I, I don't think so

2232 actually.

2233 **RODRIGUES:** Did you sustain any injuries as a result of their, your struggle to take Mr.

2234 CHASSE into custody?

2235 **HUMPHREYS:** No.

2236 **RODRIGUES:** So you mentioned already that after Mr. CHASSE was handcuffed, he went

2237 unconscious, or passed out for a, for a brief period of time. He was turned onto

2238 his side?

2239 **HUMPHREYS:** Mm-hmm.

2240 **RODRIGUES:** Okay, do you know why that was done?

2241 **HUMPHREYS:** I know when I walked back he was on his side. I mean, that's just how we do it

2242 on the street, for concerns of positional asphyxia, when somebody's maximum

2243 restrained, restraint is applied.

2244 **RODRIGUES:** So was he also placed in that position after the maximum restraint was applied?

2245 **HUMPHREYS:** That's correct.

2246 **RODRIGUES:** Now prior to AMR and PFB arriving, was Mr. CHASSE ever left unattended for

2247 any period of time?

2248 **HUMPHREYS:** No.

2249 **RODRIGUES:** So there was an officer next to him at, at all, at, at all times prior to, either AMR

2250 or PFB arriving on scene?

2251 **HUMPHREYS:** Oh, prior to them arriving?

2252 **RODRIGUES:** Yes.

2253 **HUMPHREYS:** Yeah, absolutely.

2254 **RODRIGUES:** He was left unattended?

2255 **HUMPHREYS:** No, there was an officer, you asked if there was an officer with him...

2256 **RODRIGUES:** Yes.

2257 **HUMPHREYS:** Absolutely.

2258 **RODRIGUES:** Prior to the Portland Fire Bureau, and/or AMR arriving, did any officer provide

2259 any type of medical attention to, to Mr. CHASSE, while waiting for the arrival,

2260 besides being laid on his side?

2261 **HUMPHREYS:** No, not, not that I, I saw. It was pretty quick by the, when medical got there,

2262 pretty quick, once he was handcuffed and placed in maximum restraint. But, no,

2263 I did not see, and I did not provide any at that point.

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2264 **RODRIGUES:** Okay, do you know who requested medical?
2265 **HUMPHREYS:** Uh, it was Sgt. NICE, but it was, it was while he was on his side, and like he,
2266 'cause he passed, or he passed out, "is he breathing?" The sergeant goes "yeah,
2267 he's breathing." But Sgt. NICE told him to call medical. It was right during that
2268 time.
2269 **RODRIGUES:** Do you know who arrived first, AMR or Portland Fire Bureau?
2270 **HUMPHREYS:** Oh, I actually think AMR. I, I could refer to the...
2271 **RODRIGUES:** Well, what, the, the unit history...
2272 **HUMPHREYS:** the unit history. Hmm. Yeah, it does not indicate to me who arrived first. I, I
2273 believe it was, and let me think about this; it's been a long time. I don't know as
2274 if, really, there was much of a distinction of a time difference, but for some
2275 reason I want to say that the Fire, Portland Fire Bureau guys were, were there
2276 first, but just, if they were, moments. I mean, and that's who I, I see in my head
2277 as being there, um.
2278 **RODRIGUES:** So, you describe the time in which either AMR or Portland Fire arrived on scene
2279 after Mr. CHASSE was taken into custody, as very short amount of time? Were
2280 you guys, like, waiting around?
2281 **HUMPHREYS:** Yeah, it was a pretty short amount of time, I mean.
2282 **RODRIGUES:** Now, did you have any interaction with anyone from, from the Portland Fire
2283 Bureau, once they arrived on scene?
2284 **HUMPHREYS:** No, mine was, most my interaction was with, uh, uh, paramedics from AMR.
2285 **RODRIGUES:** Okay. And that's my next question. What type of interaction did you have with
2286 AMR paramedics, who you spoke to, what was said, and when?
2287 **HUMPHREYS:** I spoke to a, um, I walked back to my car 'cause, I mean, it was, literally they
2288 arrived while I was back at my car, and I'd actually gone up to the tree to see if,
2289 if there were drugs, or anything on the ground. When I walked back, AMR is
2290 already there. Uh, the ah, the female from AMR had been talking to Sgt. NICE.
2291 She's stading there, Mr. CHASSE's on the ground, hobbled, and just still
2292 screaming, um, I mean, he's back fully awake screaming. Um, there's a
2293 Portland Fire guy that's either, like, holding onto him, or standing next to him,
2294 Mr. CHASSE. Um, and I think Officer PAHLKE's there too. And I talk with,
2295 and that's at the first point, I have my first point of contact with the paramedic
2296 from AMR. And she asked me what is he, she's like "What's he on?" Um, and
2297 ah, I told her, I said "I have no idea." And I think she's also like "What's his
2298 name?" I have no idea, and then I told her "Hey, be careful. I haven't even been
2299 able to search him yet." And at that point, I'm down there, and I watch, as, uh,
2300 as she, begins to try and assess his vitals, I guess, would be the common term
2301 used. Um, and I remember him trying to bite, like, one of the fire guys, uh, at
2302 one point, who was, and I think it was the one that was standing behind him, he
2303 was trying, Mr. CHASSE was trying to put his head back and bite him, uh, his
2304 hand on his shoulder, or something like that.
2305 **RODRIGUES:** What was done to prevent Mr. CHASSE from doing that? Was there any force
2306 used of any kind?
2307 **HUMPHREYS:** No, not at that point. He's just kept his hand away from him, but, uh, at that
2308 point they were trying to do a, a blood, like a, a blood sugar test.

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2309 **RODRIGUES:** Mm-hmm.

2310 **HUMPHREYS:** And the lady from AMR, at first, was, said "Well, we can just dip it in this, dip
2311 this testing stick in the blood, like, on the ground." And I know one of the Fire
2312 guys is like "What?" 'Cause, you know, I don't know, you don't even know if
2313 that's his blood or not, I guess, was what I was assuming. And so, then she, she
2314 went to do the prick on the hand, and even where his hands, Mr. CHASSE's
2315 hands are at on his, behind his back, he's still able to arch himself up and still try
2316 and bite. And that's at the point where, I think, he was a Fire guy, oh, I can't
2317 speculate, somebody, somebody was holding his head down to the ground, and I
2318 was trying to help get his hands open to prick his thumb.

2319 **RODRIGUES:** Was that the extent of the force used?

2320 **HUMPHREYS:** Yeah, it was. I mean, it was basically just a, a hand holding his head down to
2321 keep him from biting. And I was trying to open his hand up to, so they can get
2322 on his thumb, and immediately realized that that was not going to work. The
2323 only thing that was going to happen there, was, you know, cause him further
2324 injury. So, at that point, the nurse, or the paramedic, she said "Well, we can just
2325 see if we can do it in his arm." And I think she did the pinprick on his forearm,
2326 and took his blood test, or his blood sugar test there, so...

2327 **RODRIGUES:** Did you at any point, while the AMR paramedics were on scene, advise them
2328 that Mr. CHASSE fell to the ground during the foot pursuit?

2329 **HUMPHREYS:** Um, no, I told her, I said "Yeah, he ran, um, I took him down, and we fought
2330 with us", or something to that extent. But, no, I didn't describe, like the
2331 takedown, or the, the shove to her at all.

2332 **RODRIGUES:** Did you know if anyone else advised them of that?

2333 **HUMPHREYS:** I don't. Uh, she talked with Sgt. NICE, initially, upon showing up. But, no.

2334 **RODRIGUES:** Why, why, didn't you not let the AMR paramedics know about him falling to the
2335 ground?

2336 **HUMPHREYS:** You know I'd just assumed that, in describing, just telling 'em foot pursuit,
2337 chase, I mean, you know, I don't know. I don't know, I told 'em he fought, he
2338 passed out. I, I assumed they were going to transport him.

2339 **RODRIGUES:** And we'll get into that.

2340 **HUMPHREYS:** Yeah, so.

2341 **RODRIGUES:** Did you advise any of the AMR paramedics what occurred in regards to the
2342 physical struggle, and/or the force that was used to get Mr. CHASSE into
2343 custody? Any, the punching, punch in the face, or any of the other, any physical
2344 force that was used?

2345 **HUMPHREYS:** Uh, well, I, like I said, I told 'em it was a heck of a fight. And I don't know if I
2346 told her that I punched him in the face, or not.

2347 **RODRIGUES:** So was there any, basically, was there anything specific told to AMR, as far as
2348 before they treated this guy, or Mr., not this guy, Mr. CHASSE, what occurred;
2349 how he fell down; the force in which he fell down, or any other information?

2350 **HUMPHREYS:** Yea, the specifics of, you know, that he fought us, that he ran from us, that I
2351 think he's on drugs. Uh, I don't know that's, I can't recall the exact words from
2352 our discussion either. So, I, wish I could.

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2353 **RODRIGUES:** Did you provide Portland Fire Bureau personnel with any information, as far as
2354 what occurred, what we just, what I just asked you, either the physical force
2355 used, or the fact that he fell to the ground? Did you provide anyone, or anyone
2356 of the Portland Fire Bureau medics?
2357 **HUMPHREYS:** No, I didn't, I didn't even talk to the Fire guys. I talked primarily with the
2358 AMR. I mean, her and I, we had, you know, maybe two minutes worth of, three
2359 minutes worth of conversation, while she worked on him. And, you know, she
2360 was asking me, essentially, what's his name; what's he high on; did he run, yes,
2361 did he fight, yes.
2362 **RODRIGUES:** Did she, did she follow up with anything specific, like, did he fight, yes. Well,
2363 did she follow up with well, how did he fight; what...
2364 **HUMPHREYS:** No, no, uh-huh. It never got to that, that level of conversation.
2365 **RODRIGUES:** Did you feel that could have been an important thing to tell them, or was it
2366 something you weren't thinking at the time, or, because, again, as, as, as Sgt.
2367 BARKLEY mentioned earlier, you know, one of the things that we're looking
2368 into, besides this, the allegations, is the legality of the reasons why you
2369 approached him. One of the other focal points of this investigation is what
2370 information was passed on to medical, who pass it, and who passed it on?
2371 **HUMPHREYS:** Mm-hmm.
2372 **RODRIGUES:** So, you know, in hindsight, could you, could you think you could've provided
2373 more information to, to medical, or is that something that you normally do when
2374 you're involved in a physical struggle with somebody, or I'm trying to get you
2375 to, to articulate...
2376 **HUMPHREYS:** Well, and I mean, you kinda asked me a series of questions there, but, uh, the
2377 answer to the first one, in hindsight? Yes, in hindsight, there could've been a
2378 more detailed conversation. But, once again, in, in the situation of the moment,
2379 uh, you know, I, I'm assuming she's having this conversation with Sgt. NICE or
2380 Deputy BURTON down there. I walked down to the, to the spot, and I'm
2381 talking with her. It was really like all the other contacts where medical's called,
2382 you, it's, at least from my experience on the street, it is, that's about as detailed
2383 as it gets, from, from my experience on the street, as far as, as treatment goes. I,
2384 I don't know, that's a tough question for me to answer.
2385 **KING:** This is Detective KING. Can I ask a question?
2386 **RODRIGUES:** Yes.
2387 **KING:** What's the extent of your medical training?
2388 **HUMPHREYS:** CPR first responder.
2389 **KING:** How extensive did you think Mr. CHASSE's injuries were, following the fight?
2390 **HUMPHREYS:** I didn't think very. The, the biggest area of concern I had for him was there was
2391 some blood coming from his mouth.
2392 **KING:** So, looking back on it, do you think you provided relevant information to the
2393 medical professionals?
2394 **HUMPHREYS:** I do.
2395 **BARKLEY:** Okay, this is Sgt. BARKLEY. Not to belabor that point, but it is a significant
2396 issue to be addressed.
2397 **HUMPHREYS:** Mm-hmm.

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2398 **BARKLEY:** Based on the description that you provided earlier, you fell down hard enough
2399 that you broke the back clip of your badge, which was inside of a wallet, inside
2400 the rear of your pant pocket. Mr. CHASSE most likely would have fell to the
2401 pavement with more force than you, because he was actually pushed by you.
2402 Did you not think it was important to advise AMR paramedics or PFB
2403 paramedics that Mr. CHASSE had fallen to the pavement as hard as he did?
2404 And with that knowledge, that the paramedics would have checked Mr.
2405 CHASSE for possible head injuries, shoulder injury, arm injury, chest injury,
2406 that sort of thing.

2407 **HUMPHREYS:** I really didn't think he went down that hard, so I didn't, I just, I didn't mention
2408 it.

2409 **BARKLEY:** You did, or did not?

2410 **HUMPHREYS:** I don't recall mentioning it to her.

2411 **BARKLEY:** But as you sit here today, and looking back on this particular date, do you, today,
2412 feel it's important; that it's something that you should've provided to the
2413 paramedics at the location?

2414 **HUMPHREYS:** Yeah.

2415 **BARKLEY:** Okay.

2416 **KING:** Can we take a break?

2417 **BARKLEY:** Yeah.

2418 **RODRIGUES:** Yeah, okay. The time now is 1830 hours.

2419 **KING:** You didn't withhold anything. You provided everything you had.

2420 **HUMPHREYS:** Yup.

2421 **RODRIGUES:** Okay, we're now back on record. It's now 1840 hours.

2422 **KING:** Just, we just wanted a point of clarification about the last exchange about the
2423 information relayed from Officer HUMPHREYS to the medical staff. CHRIS,
2424 following the fight, can you tell us, again, what, did you, that you provided
2425 information, can you tell us a little bit about that?

2426 **HUMPHREYS:** I just, from, to be a little clearer, I mean, as far as regards that how he fought, uh,
2427 with us, uh, his level of resistance, I just, I felt, at the time, that I provided the
2428 right amount of information to AMR personnel. Not that I withheld anything.
2429 Um, I thought the, at most, what he had was a split lip, and they were going to
2430 take him for stitches. I mean, that's why I assumed he was probably going to be
2431 transported.

2432 **RODRIGUES:** Let's go to the, what physical injuries did you observe on Mr. CHASSE? You
2433 mentioned blood on his lip, or something. Besides that, and we'll get into that,
2434 did you see anything out of the ordinary, or scrapes, scratches, cuts on any part
2435 of Mr. CHASSE's body?

2436 **HUMPHREYS:** No. No.

2437 **RODRIGUES:** Describe to me the cut, or you referred to earlier, some blood coming from his
2438 mouth.

2439 **HUMPHREYS:** Yeah, and I don't know where the cut was at. Um, it was somewhere, I'm
2440 assuming, inside his mouth, because there was some blood coming from out of
2441 his mouth.

2442 **RODRIGUES:** And this was after the, the, after you guys got him into custody?

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2443 **HUMPHREYS:** That's correct.

2444 **RODRIGUES:** Okay, where was the blood? Expound on that.

2445 **HUMPHREYS:** It was in his mouth.

2446 **RODRIGUES:** In his mouth?

2447 **HUMPHREYS:** Yea in his mouth coming down off the front.

2448 **RODRIGUES:** Now was that present when AMR or the paramedics from Portland Fire Bureau,
2449 and or AMR arrived on the scene?

2450 **HUMPHREYS:** Yes, it was.

2451 **RODRIGUES:** Were you able to see, now, you mentioned the blood sugar; that you observed
2452 them trying to take the blood sugar test from him, were you able to see anything
2453 else that AMR paramedics did to Mr. CHASSE?

2454 **HUMPHREYS:** Um, I believe that they hooked him up to, put one of their blood pressure
2455 machines.

2456 **RODRIGUES:** Okay. Anything else, as far as treatment, or an evaluation?

2457 **HUMPHREYS:** I can't recall. Like I said, 15 months has gone by.

2458 **RODRIGUES:** Did you see anything Portland Fire Bureau medics did, as far as treatment, or...

2459 **HUMPHREYS:** No.

2460 **RODRIGUES:** Okay. So were you there the entire time? You said you walked away briefly,
2461 and we'll get into that.

2462 **HUMPHREYS:** Mm-hmm.

2463 **RODRIGUES:** When you came back, was AMR and Portland Fire Bureau already on scene and
2464 with Mr. CHASSE?

2465 **HUMPHREYS:** They were.

2466 **RODRIGUES:** Okay, so, when you walked back, how long would you estimate you were there,
2467 in which they were still...

2468 **HUMPHREYS:** I, I was only there for, well, on the initial, for a couple of minutes, and then I
2469 walked back to my car again, actually up to, well, now I can't remember which
2470 time it was I think I went up to the tree to see if, see if he'd thrown anything;
2471 ditched anything when he took off running. And I think that was, and that was
2472 the second, or the first trip back; second trip back to my car, one of those two.
2473 But I went back to my car again to, ah, while they were treating him, quote,
2474 unquote.

2475 **RODRIGUES:** During the time that you was there, when Mr. CHASSE was being treated or
2476 evaluated by AMR and PFB, what did you observe Mr. CHASSE's actions like?
2477 Either his demeanor, what he was saying, what he was doing.

2478 **HUMPHREYS:** Once again, he was still yelling. He was, he tried to, like I said, he tried to bite, I
2479 believe it was one of the PFB guys. Um, and at some point, one point,
2480 somebody grabbed the, his backpack, and he, that's, this was about the, I think
2481 these were the first words he said. He was like "my backpack; my backpack"
2482 was the first clear, real clear words he said. Um, and then I think somebody
2483 said, ah, you know "your back, your, we're not taking your backpack anywhere",
2484 or something like that. But it was [sigh], it was really a, it was kind of a real
2485 distracted statement on his part. You know, if, if that's clear, I mean.

2486 **RODRIGUES:** Not really. What do you mean?

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2487 **HUMPHREYS:** Well, like, uh, like he's saying "my backpack; my backpack", but it wasn't
2488 directly to, or towards anybody, and somebody just, uh, had just picked it up. So
2489 I don't know if he was actually saying it towards that person, or just wanted to
2490 know where it was at, you know.

2491 **RODRIGUES:** Was it...

2492 **HUMPHREYS:** I was standing there at that point, and I, I believe that was the second time I went
2493 back to my vehicle.

2494 **RODRIGUES:** Was that the first words that he had said, up until that point, that you could
2495 understand?

2496 **HUMPHREYS:** Yeah, that was really, it seemed to be, uh, the first clear words I heard him say.

2497 **RODRIGUES:** Now did anyone, did any of the AMR paramedics advise you about Mr.
2498 CHASSE's medical condition at some point?

2499 **HUMPHREYS:** Yeah.

2500 **RODRIGUES:** Who, do you know what paramedic that was?

2501 **HUMPHREYS:** Yeah, a short, stocky kind of, uh, female. Um, but I don't know her name.

2502 **RODRIGUES:** What did she tell you?

2503 **HUMPHREYS:** She said, as I, she, I, actually, she came up and she said that his BP was in, uh, in
2504 range. And um, at that point, I said "Well, where's he gonna go?" And she's
2505 like "We're not taking him." And I was kinda surprised, and at that point she
2506 had this release sheet, I guess, and she had in front of me, on a clipboard, and
2507 she's like, "sign this." And I said "Well, he's good to go?" She's like "yeah."
2508 And I was actually still pretty unclear on that one too, and I even looked at Sgt.
2509 NICE, and I'm like "So, he's good to go?" And something like "I guess",
2510 meaning he was good to go to jail.

2511 **RODRIGUES:** Okay. Tell me about the release information form you signed?

2512 **HUMPHREYS:** Well, she had come up to me, and she's like "Do we have a name, and, of him",
2513 "on him?" And I said "No, I haven't even gotten into his pockets yet. I don't
2514 know what his name is. Basically, what you, you know, "this is all we've got."
2515 And she, she writes something on a sheet of paper and turns it towards me, and it
2516 says "John Doe", and that's when I'm like "What, he's good to go?" or, no,
2517 "Where you taking him?" She said "We're not." "Oh, so, he's good to go?"
2518 She's like "Yeah, go ahead and sign here, this is the release." Well, I, and a
2519 number of people that I've had transported to the hospital, primarily prisoners,
2520 I've never, ever, or, or, not transported, I've never signed a release. But, I don't
2521 know, I just assumed it was kinda the new thing, and take it to jail, because he
2522 had the blood on the mouth. And because he had the blood on the mouth, jail
2523 sees that release, and they'll take him, meaning he doesn't need stitches. Uh,
2524 because, like I said, up until that point, and this kinda goes back to the prior
2525 question, I mean, the only injuries I saw that were of any concern, apparently, to
2526 me, after the result of the struggle, was the bleeding of the mouth. And so I
2527 figured, well, they must, he must not need stitches; this is a release to get him
2528 into jail. And, uh, so I signed it, and I took it.

2529 **RODRIGUES:** Okay.

2530 **HUMPHREYS:** A copy of it. She gave me a copy of it. And it was under the name John Doe.

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2531 **RODRIGUES:** Now, you said that you were surprised when she, basically, told you that he
2532 wasn't going with them, I am referring to AMR - to a medical facility.
2533 **HUMPHREYS:** Mm-hmm.
2534 **RODRIGUES:** Why was you surprised if the only, uh, injuries, you said you thought he had,
2535 was a cut in the mouth?
2536 **HUMPHREYS:** I was surprised because I, I thought, well, the cut in the mouth, they're probably
2537 going to want to take him in for stitches and, you know, to check his teeth,
2538 something to that extent. And plus of the fact that he'd, you know, they'd been
2539 advised over the air that he was unconscious. And that I think even Sgt. NICE,
2540 when he first, originally broadcasted, said it was a possible OD. Um, you know,
2541 all those, I thought, well, he's, they're gonna have to take him. But then when
2542 she said "Yeah, all his numbers are in line." I'm assuming by numbers, they had
2543 BP, you know, she meant blood pressure, and stuff like that. That, you know,
2544 obviously, the cut in the mouth was the next concern. There was no concern
2545 there, on their part, as expressed to me, so then that's why I was, I was surprised.
2546 **RODRIGUES:** Okay.
2547 **HUMPHREYS:** Those three factors, the...
2548 **RODRIGUES:** So, at that point in time, what, so what, what were you more concerned, or what,
2549 what was higher on your concerning list, the cut on the mouth, or the fact that he
2550 might have had drugs on board, or, or was there anything else?
2551 **HUMPHREYS:** At the time when I was having a discussion with her?
2552 **RODRIGUES:** Yes, when she told you that "we're not taking him", to mean that he wasn't
2553 going to a hospital.
2554 **HUMPHREYS:** Uh, at that point, I mean, once she told me that, specifically, that all his numbers
2555 were good, as far as blood pressure, and his blood sugar, then, to me, my, my
2556 biggest concern was the cut in his mouth, and the blood in his mouth. Um,
2557 concern because I thought well, you know, he might need to be looked at to get
2558 stitches. And, but, obviously, that wasn't the case, from their point of view.
2559 **RODRIGUES:** Okay. Now did you read the release information form that you signed?
2560 **HUMPHREYS:** Nope.
2561 **RODRIGUES:** Okay. Did you have any questions or reservations about signing it?
2562 **HUMPHREYS:** No.
2563 **RODRIGUES:** Did you know why the form had to be signed?
2564 **HUMPHREYS:** No.
2565 **RODRIGUES:** Did you ask?
2566 **HUMPHREYS:** Nope.
2567 **RODRIGUES:** Why not?
2568 **HUMPHREYS:** Uh, at that point, like I said earlier, I just figured it was something that, like
2569 when you go to take somebody to detox, in order for them to get into detox, if
2570 they've been checked by medical, and medical deems that they're okay, injury-
2571 wise, you'll get, from usually from the Fire guys, you'll get some kind of
2572 treatment slip, I guess, or refusal slip. And I just was going on the assumption
2573 that that's what that was.

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2574 **RODRIGUES:** Okay, have you ever in your career with the Portland Police Bureau, signed such
2575 a form?
2576 **HUMPHREYS:** No.
2577 **RODRIGUES:** Have you ever known of such a form being used?
2578 **HUMPHREYS:** I just, like I said, there's, there's generally something, and I'm not exactly
2579 certain...
2580 **RODRIGUES:** Well, let's, specifically, to the form AMA [sic] presented you, were you, did you
2581 know that this form was used?
2582 **HUMPHREYS:** No.
2583 **RODRIGUES:** Okay. Were you aware that you signed the area of the form designated as patient
2584 or guardian?
2585 **HUMPHREYS:** No.
2586 **RODRIGUES:** Did she tell you to sign here, or was there a specific area she told you to sign,
2587 or...
2588 **HUMPHREYS:** Yeah, she just said sign this.
2589 **RODRIGUES:** Okay. Did you know, or were you told what would've occurred if you refused to
2590 sign the form?
2591 **HUMPHREYS:** No.
2592 **RODRIGUES:** Did you inquire?
2593 **HUMPHREYS:** No.
2594 **RODRIGUES:** Did you have, again, I don't want to be redundant, but it's very important, did
2595 you have any concerns about transporting Mr. CHASSE to jail after signing the
2596 form?
2597 **HUMPHREYS:** No.
2598 **RODRIGUES:** What ah, you mentioned it already though, as far as what was Mr. CHASSE's
2599 demeanor like while AMR paramedics and Portland Fire Bureau personnel were
2600 attending to him. You said at one point, he yelled for his bag.
2601 **HUMPHREYS:** Mm-hmm.
2602 **RODRIGUES:** Okay. And when they tried to prick his finger for his blood sugar, he, what did
2603 he do? Did he...
2604 **HUMPHREYS:** Well, he wouldn't open his hand.
2605 **RODRIGUES:** Okay. What, what was his demeanor like, though?
2606 **HUMPHREYS:** Well, he still, he tried to bite one, uh, the P, I believe it was one of the PFB guys,
2607 I think. And, um, that was his demeanor: still yelling, still...
2608 **RODRIGUES:** So was he yelling the entire time, or did he have some periods where he wasn't
2609 yelling?
2610 **HUMPHREYS:** No, he had some periods where he, he was quiet, but it'd be like, kinda his
2611 mumbling drone, when he was talking about his backpack.
2612 **RODRIGUES:** And besides you mentioning that he had to be restrained, in terms of, well, I
2613 don't want to put words in your mouth, if you could tell again, how did he have
2614 to restrained to get the finger prick from the blood sugar?
2615 **HUMPHREYS:** Um, and I don't know who was holding his head down...
2616 **RODRIGUES:** Okay.
2617 **HUMPHREYS:** But his head was being held down. Basically, he's on his side, and...

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2618 **RODRIGUES:** Right.
2619 **HUMPHREYS:** like a hand on the side of the head, to keep him from reaching...
2620 **RODRIGUES:** Okay.
2621 **HUMPHREYS:** arching his, arcing his, arching his head back and biting whoever's hand is on
2622 his shoulder.
2623 **RODRIGUES:** Was it a, do you remember if it was a Portland Fire Bureau member?
2624 **HUMPHREYS:** I, I don't remember, um...
2625 **RODRIGUES:** Now, was there anything significant about the way his head was being held
2626 back?
2627 **HUMPHREYS:** Oh, no, no.
2628 **RODRIGUES:** Okay. Was he restrained at any other time that you, while you were there by,
2629 while being tended to by Fire or AMR?
2630 **HUMPHREYS:** No, not that I saw.
2631 **RODRIGUES:** You kinda answered this question, but I'm going to ask it anyway. During the
2632 time Mr. CHASSE was being evaluated by AMR or Portland Fire Bureau, and
2633 while members of the Portland Police Bureau was present there, did anyone have
2634 any type of force-related contact with Mr. CHASSE's area of his stomach? In
2635 other words, striking, leaning, slapping...
2636 **HUMPHREYS:** Now, while he was being treated?
2637 **RODRIGUES:** Yes.
2638 **HUMPHREYS:** No, no.
2639 **RODRIGUES:** Okay. How about same question in reference to his back area. Did anybody
2640 ever...
2641 **HUMPHREYS:** No.
2642 **RODRIGUES:** Okay, side of his ribs?
2643 **HUMPHREYS:** No.
2644 **RODRIGUES:** His head, besides the...
2645 **HUMPHREYS:** No.
2646 **RODRIGUES:** time it was held down? How about his face?
2647 **HUMPHREYS:** No.
2648 **RODRIGUES:** Any other body part, was it restrained with any type of force, while he was being
2649 seen, or evaluated by AMR and Portland Fire Bureau?
2650 **HUMPHREYS:** No, while I was down, while I was down there those two times, no.
2651 **RODRIGUES:** The times that you were present.
2652 **HUMPHREYS:** No.
2653 **RODRIGUES:** Did anyone, during the times you was present, punch, kick, slap, or otherwise
2654 strike Mr. CHASSE in any area of his body?
2655 **HUMPHREYS:** During the treatment, no.
2656 **RODRIGUES:** Yes.
2657 **HUMPHREYS:** No.
2658 **RODRIGUES:** And you mentioned this earlier, but we'll get into it a little more now. At what
2659 point did you walk back to, initially, you said you walked, did you walk back to
2660 your vehicle first, or did you walk back to the area in which Mr. CHASSE was,
2661 where you originally encountered him?

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2662 **HUMPHREYS:** I can't, and I'm going to have to refer to this again.
2663 **RODRIGUES:** That's fine.
2664 **HUMPHREYS:** The detective transcription. Um, okay, actually, the first trip back was to look,
2665 and that's what I thought, but the, the first trip back was to the tree area where he
2666 first took off running...
2667 **RODRIGUES:** Okay.
2668 **HUMPHREYS:** to see what kind of, to see if there were any kind of drugs, or anything discarded,
2669 and when he saw me, he initially ran. Mostly, um, mostly, in my mind, to
2670 answer that question what's he on; what's, you know, medical is going to need
2671 to be appraised of, as far as what narcotics are on board.
2672 **RODRIGUES:** So you purposely went back there...
2673 **HUMPHREYS:** Mm-hmm.
2674 **RODRIGUES:** to see if he had dropped any narcotics, or...
2675 **HUMPHREYS:** Yes. Yep.
2676 **RODRIGUES:** Did you actually, either prior to, or during the chase, see Mr. CHASSE discard
2677 anything; any items?
2678 **HUMPHREYS:** No, I did not.
2679 **RODRIGUES:** Okay.
2680 **HUMPHREYS:** But his hands, initially, were down, kinda, under his waist, and, and I focused on
2681 him.
2682 **RODRIGUES:** Now, did you find something, or...
2683 **HUMPHREYS:** I did, I found there's, there was a, I think, a white, brown, whitish rock, and it
2684 was kinda streaked on the, on the pavement of the side, or on the sidewalk, right
2685 where kind of the whole foot chase started. But I, my experience, I've seen a lot
2686 of drugs; I've made a lot of drug-related arrests, it just, well, it could be crack,
2687 but I highly doubted it, but I thought, well, the way he's fighting, and everything,
2688 I mean, so I went ahead and I scraped it up. And at first, I mean, from in the
2689 bag, and from the ground, it, it looked like crack, and I went ahead and I told, I
2690 told Sgt. NICE, I'm like "Yeah, it looks like, like rock." Uh, like he dumped a
2691 rock. But then, later, as he was being treated, and we're getting him the car, I'm
2692 looking at this thing more and more, like, nah, I, I don't think it is.
2693 **RODRIGUES:** Okay, so, so, you, how did you retrieve this, this, this granule...
2694 **HUMPHREYS:** I put it in a property bag.
2695 **RODRIGUES:** Okay, and then you said you spoke to, or told Sgt. NICE?
2696 **HUMPHREYS:** Mm-hmm.
2697 **RODRIGUES:** At what point did that occur?
2698 **HUMPHREYS:** Oh, that occurred right as I went up there, and basically as I found it, um, Sgt.
2699 NICE was still down there on the intersection, um, I was walking back with it,
2700 and I said "Yeah, it looks like, this looks like it could be a rock."
2701 **RODRIGUES:** Okay. And, and you said, over time, or as you, at some point, you looked at it
2702 further...
2703 **HUMPHREYS:** Yeah, it wasn't until actually we were transporting Mr. CHASSE to jail, and
2704 really we pulled into the front parking lot, in front of Central Precinct, because I
2705 was just finishing up the face sheet, that I really got looking at this, you know,

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2706 and I'm like ah, because Deputy BURTON's looking at it, and he goes "I don't
2707 know." And I look at it, I didn't have any field test kits on me, currently at the
2708 time; I'd used my last one up. Um, I'm looking at this thing, and I go, like "You
2709 know, I've seen a lot of rock, and it's not, if anything, it's, it's fake." And I
2710 think I even sent a, I think I even sent a message to Sgt. NICE saying "You
2711 know, this isn't, it's not crack."
2712 **RODRIGUES:** Okay. Had you been able to field test this, and the initial analysis would've, if it
2713 had come out positive as being a controlled substance, would you have charged
2714 Mr. CHASSE with that?
2715 **HUMPHREYS:** Uh, probably not. As I didn't see him throw it; he didn't have any pipe or
2716 implements on him, that I found, nothing in his bag. You know, I probably
2717 woulda submitted it for testing. Woulda written it up, um, but I, I don't think I
2718 would've even charged him with it. Uh, it woulda been noted in the case, but I, I
2719 just don't think I had enough as far as, and like I said, the primary reason I went
2720 back, as I indicated, was, you know, to see what he may have dumped. And if
2721 he did dump drugs, what drugs are we dealing with, with this gentleman; what's
2722 on board, so.
2723 **BARKLEY:** This is Sgt. BARKLEY. When you went back to the location, did you notice
2724 whether or not there was any indication that Mr. CHASSE had urinated there at
2725 the tree? Was the ground wet, the tree trunk wet, anything that indicated that
2726 Mr. CHASSE had urinated in public?
2727 **HUMPHREYS:** No, I didn't note anything there, as far as it'd being wet, or any urine, or...
2728 **BARKLEY:** Did you specifically look?
2729 **HUMPHREYS:** Um, yeah, I was looking in that general area, but a little farther down. Um, and
2730 no, I didn't see any spots.
2731 **BARKLEY:** Okay, thank you.
2732 **HUMPHREYS:** Mm-hmm.
2733 **RODRIGUES:** Besides Sgt. NICE, did you tell anyone else that you, you possibly had crack
2734 cocaine that was possibly connected to Mr. CHASSE?
2735 **HUMPHREYS:** Um, maybe Depu, maybe, well, obviously, yeah, Deputy BURTON, I think, I
2736 first told him "Yeah, I think this might be a rock."
2737 **RODRIGUES:** Anyone else?
2738 **HUMPHREYS:** I don't know, there's, well, but there was, by that time that I was talking with
2739 Sgt. NICE, there were probably four or five other cops standing around. So it
2740 coulda been easily relayed to them too.
2741 **RODRIGUES:** Okay, what was the manner in which you relayed this information? I mean, did
2742 you scream, did you yell, did you say anything aloud?
2743 **HUMPHREYS:** No, I...
2744 **RODRIGUES:** Was it a private conversation?
2745 **HUMPHREYS:** Well, we've got a fire truck there; we've got an ambulance, it's not a private
2746 conversation. I mean, I'm telling Sgt. NICE "Hey, this could be a rock, uh, right
2747 back there. I don't know", you know, that kind of thing. For some reason, I
2748 want to think that Officer BLEDSOE was standing somewhere near the car too.
2749 **RODRIGUES:** Did he...
2750 **HUMPHREYS:** on the scene.

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2751 **RODRIGUES:** Did he inquire as to, get any additional information to what you were...
2752 **HUMPHREYS:** I don't, I don't recall if he did or not.
2753 **RODRIGUES:** Did you submit this to the crime lab?
2754 **HUMPHREYS:** No.
2755 **RODRIGUES:** What, what did you end up doing with it?
2756 **HUMPHREYS:** I have no idea. It ended up being removed from my car, I'm assuming, by
2757 detectives during the initial investigation.
2758 **RODRIGUES:** So you don't know if this was tested in the lab, or...
2759 **BARKLEY:** Is that a no or yes?
2760 **HUMPHREYS:** Oh, excuse me, that's a no. I don't know.
2761 **RODRIGUES:** Did you tell anyone, while you're still out at NW 13 and Everett, besides Sgt.
2762 NICE directly, and Deputy BURTON...
2763 **HUMPHREYS:** Mm-hmm.
2764 **RODRIGUES:** about this potential crack cocaine? Did you tell anyone from AMR, Portland
2765 Fire Bureau, or any other officer that Mr. CHASSE had his, on his possession, or
2766 on his person, crack cocaine? In other words, what we just discussed...
2767 **HUMPHREYS:** Mm-hmm.
2768 **RODRIGUES:** did you tell anyone, and you said Officer BLEDSOE might've been there...
2769 **HUMPHREYS:** Yeah, and AMR, um, I'd, the lady with the AMR was standing there too.
2770 **RODRIGUES:** So this information was relayed to the paramedic, that he might've had cocaine
2771 on his system, or crack cocaine in his possession?
2772 **HUMPHREYS:** Yeah, when she was asking me what's on board, and I, I told her, I said I don't
2773 know, I may've found a rock. But I told her, she's like "Well, any needles?" Or
2774 no, I told her, I said "But be careful, I don't know if he was shooting up, I
2775 haven't had a chance to check his pockets for needles." That was, I think I refer
2776 to that, our discussion about what she asked, uh, "What's he high on?" Because
2777 of the discussion about, 'cause I think, I believe Sgt. NICE broadcast it as an
2778 OD. Yeah, I think so. Anyways, um, gosh it's been a long time, if I could refer
2779 to the...
2780 **RODRIGUES:** Yeah.
2781 **HUMPHREYS:** Yeah, direct conversation with her, or any of the AMR about it, I, we had a
2782 conversation about what kind of drugs he could be on, but I couldn't give you
2783 the exact details on it.
2784 **RODRIGUES:** You want to follow up on that now?
2785 **BARKLEY:** This is Sgt. BARKLEY. I want to ask you the following question, with regards
2786 to crack cocaine. While you're at the location, did you have an opportunity to
2787 have a conversation with any of the citizens there?
2788 **HUMPHREYS:** No.
2789 **BARKLEY:** Okay, more specifically, did you communicate, or do you know if an officer
2790 communicated to a citizen, or citizens regarding Mr. CHASSE having 14
2791 previous crack cocaine convictions, and at the time that he was arrested,
2792 possessed a vial of crack cocaine?
2793 **HUMPHREYS:** To a citizen?
2794 **BARKLEY:** Yes.

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2795 **HUMPHREYS:** No. No, sorry.
2796 **BARKLEY:** So you were, you did not communicate that to a citizen, and you are saying that
2797 you are not aware of any Portland Police officer...
2798 **HUMPHREYS:** No.
2799 **BARKLEY:** and advising a citizen as to that?
2800 **HUMPHREYS:** No.
2801 **BARKLEY:** Okay.
2802 **HUMPHREYS:** I, I didn't talk to any citizen while I was out there at all. It was all AMR, PFB,
2803 and then Portland Police officers.
2804 **BARKLEY:** Okay, thanks.
2805 **HUMPHREYS:** Mm-hmm.
2806 **RODRIGUES:** Okay, what occurred after AMR paramedics and Portland Fire Bureau personnel
2807 were done with Mr. CHASSE?
2808 **HUMPHREYS:** He was placed in the back of my vehicle. Uh, placed on his side, but even on
2809 his, placed on his side, in max restraints, with a seatbelt over him, he was still
2810 able to sit himself up almost completely on his, his hind end; his rear end. Um,
2811 and at that point, he had relatively calmed down. Uh, he wasn't yelling; he was
2812 still doing this kind of murmur, um, almost like a litany of words, but you, you
2813 might grasp one or two words, but the rest would kinda disappear in your head.
2814 And, uh, at that point, I asked him "What's your name?" And as he's doing this
2815 litany of words, he says, just, and he doesn't even miss a beat from these litany
2816 of words, he says "CHELSEA", I'm like, your names CHELSEA, it was James
2817 CHELSEA. Like, okay, so I write that down. Just, and he didn't spell it for me,
2818 I was just kinda going with my assumption of what, how CHELSEA is spelled.
2819 And he's still just doing this litany of words. And, um, and almost like Rainman-
2820 ish litany of words. And he, uh, and when he gives me a date of birth, at that
2821 point, I tell him, I say "Do you have, do you have a wallet?" And he tells me
2822 that his wallet is, like, in his, I believe it's his right front pocket. And I remove
2823 the wallet, his pants are still soaking wet, and inside the wallet, is a, I think it
2824 was like library card, or something, or some kind of a, identification card; but I
2825 don't believe it was an ID. And it identified him as James CHASSE, it's not
2826 CHELSEA, but with that date of birth of 5, I believe it's like 5-7 of '64.
2827 **RODRIGUES:** Now, you said he was wet. Were you able to smell urine on him, or what, what
2828 type of bodily odors? Because you mentioned way back earlier, that you saw he
2829 was all wet under his pants, or his butt area of his pants. Did you smell urine on
2830 him?
2831 **HUMPHREYS:** Yeah, I smelled urine, feces, unwashed, I mean it had been a long time since Mr.
2832 CHASSE had probably bathed.
2833 **RODRIGUES:** Now, was that urine, I don't know if you can tell how fresh it is, was it wet, I
2834 mean, was it...
2835 **HUMPHREYS:** Well, his pants were completely soaked by this time. And, uh...
2836 **RODRIGUES:** Sweat, or...
2837 **HUMPHREYS:** I would, I would, I would say urine. His pants, he had urinated his pants again,
2838 probably, uh, at that point.
2839 **RODRIGUES:** Was his zipper up, do you remember?

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2840 **HUMPHREYS:** I don't remember.
2841 **RODRIGUES:** Okay. Let's go back a little bit. Okay, after paramedics and AMR were done
2842 with Mr. CHASSE, was he still in maximum restraints?
2843 **HUMPHREYS:** Yes.
2844 **RODRIGUES:** Okay. How, how was he lifted, and what patrol car was he taken to?
2845 **HUMPHREYS:** Uh, Deputy BURTON's and mine.
2846 **RODRIGUES:** Okay. How was he lifted to the patrol car? In other words, how was he lifted,
2847 actually I should say, off of the ground? In what manner was he...
2848 **HUMPHREYS:** Oh, there was Sgt., uh, let's see, I think it was Officer PAHLKE was on the
2849 right; I was on the left, and I believe Sgt. NIIYA was holding his legs. I think
2850 there was actually four of us, in total, um, that lifted him, and carried him all
2851 back to the, to the car.
2852 **RODRIGUES:** And where was your car in relation to where Mr. CHASSE was? Basically, how
2853 far was he carried in maximum restraints to your patrol car?
2854 **HUMPHREYS:** Well, from where the foot pursuit ended, and I think I referred earlier, about 40,
2855 40 feet probably, maybe. I don't know. I don't know if BURTON maybe
2856 moved the car down, or not. For some reason it seems to me like the car was
2857 closer than we originally started out, but I'm not certain of that. But it...
2858 **BARKLEY:** This is Sgt. BARKLEY. You say that there were four officers that carried Mr.
2859 CHASSE, correct?
2860 **HUMPHREYS:** Yes. I believe there were four, somewhere in my original taped statement from
2861 15 months ago, somewhere I think I talked about that.
2862 **BARKLEY:** And you're saying that you had either the right or left side, are you talking about
2863 underneath the armpits, or the upper arms? How was he carried, one officer on
2864 each side...
2865 **HUMPHREYS:** Yeah, one officer on each side. Um, just like they show you at training in the
2866 academy for max restraint, is you basically grab up underneath an armpit, and,
2867 and, essentially, where the, the maximum restraint is, and everybody lifts him at
2868 the same time. Uh, I do remember you kinda had to step out as we were lifting
2869 him, because he was trying to bite at our legs, as we're getting him up into the
2870 car.
2871 **BARKLEY:** Okay, so you had one side of Mr. CHASSE's armpit, and who had the other side
2872 of Mr. CHASSE's armpit?
2873 **HUMPHREYS:** I think I had the left side, and I think Officer PAHLKE had the right side.
2874 **BARKLEY:** And then the ankles were carried by who?
2875 **HUMPHREYS:** I know Sgt. NIIYA was there, and I don't know if there was a fourth officer. I
2876 can't recall if there was a fourth officer or not. And I'm sorry, if I could refer
2877 to...
2878 **BARKLEY:** Sure.
2879 **HUMPHREYS:** It should be somewhere in the taped statement. Yeah, I, ah, I say, okay, 3
2880 officers, so, Sgt. NIIYA, Officer PAHLKE and myself.
2881 **BARKLEY:** So one officer carried him by the ankle area?
2882 **HUMPHREYS:** Yeah.
2883 **BARKLEY:** Okay.

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2884 **HUMPHREYS:** Had his legs.

2885 **BARKLEY:** Now, when you, would you look at the location out there, and myself and Sgt.

2886 **RODRIGUES** were not at the scene, at the time of this incident, but we've seen

2887 pictures...

2888 **HUMPHREYS:** Mm-hmm.

2889 **BARKLEY:** And it appeared that there were three marked police vehicles there at the corner,

2890 almost in a triangle, of 13th and Everett. Then there was AMR ambulance

2891 immediately to the west of 13th, and then behind that was PFB fire truck. And

2892 from the pictures that we saw, we didn't see any other police vehicles parked

2893 behind the fire truck. So, did you carry Mr. CHASSE from the southwest corner

2894 of 13th and Everett westbound to a police vehicle parked behind the fire truck?

2895 **HUMPHREYS:** Yes.

2896 **BARKLEY:** And that would be the same location at which you parked your police vehicle

2897 originally at mid-block?

2898 **HUMPHREYS:** I believe, it must've been, I'm...

2899 **BARKLEY:** Okay, why would you not place Mr. CHASSE in one of three police vehicles

2900 parked there at the corner, as opposed to carrying him a half of block?

2901 **HUMPHREYS:** Well, because we're the transporting, arresting officers.

2902 **BARKLEY:** Okay. Why would Deputy BURTON, or you, why would you not move your

2903 police vehicle from the mid-block location to the corner of 13th and Everett,

2904 opposed to carrying Mr. CHASSE a half of block in maximum restraints?

2905 **HUMPHREYS:** Probably the biggest reason is that the, as you've described, and the way the

2906 intersection was, I mean, where are you going to park your police car? Yeah,

2907 and just the fact that we're the transporting officers, our car's already parked

2908 there, once medical says yeah, he's ready to go, it just seems that all the officers

2909 were there, it seemed easier to just pick him up and take him back to the car.

2910 **BARKLEY:** Now, when you carried Mr. CHASSE, how, in what manner was Mr. CHASSE,

2911 was he being carried facing the pavement as you walked him?

2912 **HUMPHREYS:** That's correct.

2913 **BARKLEY:** And as you walked him, did he continue to struggle?

2914 **HUMPHREYS:** Yes.

2915 **BARKLEY:** And how much did he struggle while you were carrying him?

2916 **HUMPHREYS:** Well, from the nature of the maximum restraint, I mean, he, he was, he was, I

2917 remember him trying him to bite, and I believe it was PAHLKE, and, and he also

2918 tried to bite me on the legs, but, uh, that was about it. There wasn't, he wasn't

2919 kicking or anything like that, if I, as far as I recall.

2920 **BARKLEY:** Do you recall him thrashing up and down sideways?

2921 **HUMPHREYS:** Nah, a little bit, like I said, in his attempt to kinda bite.

2922 **BARKLEY:** Okay. That's all I have.

2923 **RODRIGUES:** Is there any force used at all while Mr. CHASSE was being carried to the, to

2924 your patrol car? And you said already that he tried to bite you, and you think he

2925 tried to bite Officer PAHLKE.

2926 **HUMPHREYS:** Yeah, at that point, we were basically right by the car, and I don't recall to a,

2927 where we were actually were at, when he was trying to bite, as far as we got next

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2928 to the car. Somebody had to have stepped in, though, because I believe, yeah,
2929 it's hard to remember this, like I said, 15 months later.
2930 **RODRIGUES:** Well, there's only so much force one can use when carrying somebody...
2931 **HUMPHREYS:** Well, I'm sorry, I, it's been a long, it's a long interview. Force, while he was
2932 carried to, did I see anybody, no.
2933 **RODRIGUES:** Okay. Did anyone...
2934 **HUMPHREYS:** Um, sorry, I was...
2935 **RODRIGUES:** Phasing out a little bit.
2936 **HUMPHREYS:** Well, I am. It's, and I apologize; this is a long, and it's late.
2937 **RODRIGUES:** I know it is. And I appreciate you sticking with the um, on topics. So, there was
2938 no physical force of any kind used against Mr. CHASSE, even if he, when he
2939 tried to bite you?
2940 **HUMPHREYS:** Not that, no.
2941 **RODRIGUES:** Did anyone slap him?
2942 **HUMPHREYS:** Not that I saw, no.
2943 **RODRIGUES:** Kick him?
2944 **HUMPHREYS:** No.
2945 **RODRIGUES:** Knee him?
2946 **HUMPHREYS:** No.
2947 **RODRIGUES:** Was he dropped to the ground at any point before?
2948 **HUMPHREYS:** No.
2949 **RODRIGUES:** Okay, and you mentioned earlier, but how was he, again, how was he placed into
2950 your patrol car?
2951 **HUMPHREYS:** Uh, he was placed on his left side.
2952 **RODRIGUES:** Head first, feet first?
2953 **HUMPHREYS:** Head first into the car.
2954 **RODRIGUES:** Okay.
2955 **HUMPHREYS:** Uh, Officer PAHLKE had to go around the passenger side and uh, pull him in.
2956 **RODRIGUES:** Okay.
2957 **HUMPHREYS:** Oh, excuse me, the driver's side, and pull him in. We put him in on the
2958 passenger side.
2959 **RODRIGUES:** And you said that, though he was placed on his side, and the seatbelt was over
2960 him, he was able to sit up?
2961 **HUMPHREYS:** Yes.
2962 **RODRIGUES:** Okay. So how was he able to do that with the hobble?
2963 **HUMPHREYS:** I have no idea. Because, because he's, I don't know. I, I mean, I have no idea.
2964 **RODRIGUES:** Was the hobble loose, I mean, applied loosely?
2965 **HUMPHREYS:** No. I had, it seemed to be applied how we normally apply 'em, but if you're, I
2966 guess if you're flexible enough that you kind of bend your back enough, you can
2967 create enough slack, he was able to sit himself up...
2968 **RODRIGUES:** Okay.
2969 **HUMPHREYS:** almost, almost.
2970 **RODRIGUES:** You just want to take a break again?
2971 **HUMPHREYS:** Let's take a break, yeah, hm-hmm.

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2972 **RODRIGUES:** Okay. And we're ended it at um, 18, 1920 hours.

2973 **RODRIGUES:** Okay, it's now 2013 hours. Back on record. Officer HUMPHREYS, you said

2974 after you placed, or assisted the other officers placing Mr. CHASSE in the

2975 backseat of the car, prior to transport to jail, he was hobbled, he was on his side,

2976 and the seatbelt was fastened, and he was still, however, able to sit up. Was it

2977 because of his flexibility, or 'cause, was the hobble applied correctly?

2978 **HUMPHREYS:** I believe the hobble was applied correctly. I just, it was apparent to me that he

2979 was extremely flexible.

2980 **RODRIGUES:** Okay. And you mentioned earlier that you had, you were able to actually have

2981 some effective communication with Mr. CHASSE while in the backseat. If you

2982 can briefly, go over that again, what transpired, what he said.

2983 **HUMPHREYS:** Yeah, it was really limited. I had to, I kept having to repeatedly ask him a

2984 question about his name. And, like I said before, that's where he told me his

2985 name was, uh, I thought he said CHELSEA, James CHELSEA. Uh, I asked him

2986 where, if he had a wallet. Uh, he said that he did. But once again, like I said,

2987 this was as he was kinda carrying on his mumble, mumble litany of just kinda

2988 words. And, uh, I found a wallet in his right pocket of his pants, and I kind of, at

2989 the same time, I was kinda patting him down inside the back of the car. I found

2990 his wallet, inside there was, I believe there was either, it was an ID. I think it

2991 was, actually, an Oregon ID, identification card, with the name of James

2992 CHASSE on it. And that's how I actually got that his last name was CHASSE.

2993 Because when I said "Is your name CHELSEA?", he's like yeah, mumble,

2994 mumble, yea, mumble, mumble.

2995 **RODRIGUES:** Now, besides the cut, excuse me, to his mouth, or in his mouth, or you don't

2996 know exactly where that cut was?

2997 **HUMPHREYS:** No, I don't.

2998 **RODRIGUES:** Did you see any other signs of physical injuries to Mr. CHASSE?

2999 **HUMPHREYS:** No.

3000 **RODRIGUES:** Did he at any time, complain of any pain?

3001 **HUMPHREYS:** No.

3002 **RODRIGUES:** Did you ask him if he was in any pain, or...

3003 **HUMPHREYS:** Yeah, I asked him, like when I was filling out the custody sheet. And, like I

3004 said, it was that mumble, mumble, mumble, no response. He never complained

3005 of any injuries or any kind of pain.

3006 **RODRIGUES:** And during the time you were talking or interacting with Mr. CHASSE, was

3007 Deputy BURTON there?

3008 **HUMPHREYS:** He was.

3009 **RODRIGUES:** Was there any other officers?

3010 **HUMPHREYS:** Well, actually, I'm sorry, Deputy BURTON was there. I don't know if he was

3011 there the entire time I had the first original conversation about when, when I'm

3012 standing at the, uh, 'cause when I first started talking to Mr. CHASSE I had the

3013 back door shut, and the window was rolled down...

3014 **RODRIGUES:** Okay.

3015 **HUMPHREYS:** Because, like I said, he'd been trying to bite; he'd been trying to kick, and we're

3016 talking, essentially, through the rolled-down window. Um, we are talking

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3017 through the rolled-down window. I actually don't think Deputy BURTON was
3018 there at that point, but he came up, he came up and was there by the time I asked
3019 Mr. CHASSE "Do you have a wallet on you?" And then, then, Deputy
3020 BURTON was pretty much, I believe, there for the whole time through transport
3021 to the jail.
3022 **RODRIGUES:** And how long would you estimate that you spent with him back there, before the
3023 transport?
3024 **HUMPHREYS:** Oh, probably, probably 5 minutes.
3025 **RODRIGUES:** Okay.
3026 **HUMPHREYS:** A rather short conversation.
3027 **RODRIGUES:** And as a matter of clarification, I want you to clarify, on page 27 of your
3028 interview with detectives, I guess prior before you opened the door, it's when, at
3029 some point open the door, with CHASSE in the back?
3030 **HUMPHREYS:** That's correct.
3031 **RODRIGUES:** Now just prior before you did that; before you conducted the pat-down, you told
3032 him, and quote "I want you to understand" and you're talking to Mr. CHASSE,
3033 "I want you to understand that if you try to bite or kick me", you told him that
3034 "it's going to be really, really bad". Can you tell me what you meant when you
3035 told him "it's going to be really, really bad"?
3036 **HUMPHREYS:** Yeah, that it, I didn't want him to bite me. I just assumed that if he bit me, we
3037 were going to place him in a bite mask.
3038 **BARKLEY:** Excuse me, this is Sgt. BARKLEY. Did you have bite mask with you?
3039 **HUMPHREYS:** Uh, no, I did not.
3040 **BARKLEY:** So, how would you have placed him in a bite mask?
3041 **HUMPHREYS:** Um, or spit hood, actually is what I'm talking about. We don't really have a bite
3042 mask.
3043 **BARKLEY:** Do you have a spit hood?
3044 **HUMPHREYS:** Um, I, I didn't, no. But I'm sure there were some other officers out there I
3045 could've probably found one from.
3046 **RODRIGUES:** So, did you mean that in any other way than that, as far as "really, really bad",
3047 the words, did you mean it to mean something more than that? I'm trying to get
3048 a clarification 'cause I wasn't there. Did you mean anything more than "it's
3049 going to be really, really bad", as far as, he could be...
3050 **HUMPHREYS:** He could be charged...
3051 **RODRIGUES:** assaulted...
3052 **HUMPHREYS:** No.
3053 **RODRIGUES:** Okay. So, clarify for me.
3054 **HUMPHREYS:** Okay.
3055 **RODRIGUES:** Okay.
3056 **HUMPHREYS:** No, did I mean that I was going to assault him?
3057 **RODRIGUES:** Or, or...yeah.
3058 **HUMPHREYS:** If he bit me?
3059 **RODRIGUES:** Right.
3060 **HUMPHREYS:** No.

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3061 **RODRIGUES:** 'Kay. So, just trying to get clarification of what you meant by when you said
3062 "really, really bad."
3063 **HUMPHREYS:** Yeah...
3064 **RODRIGUES:** Did Mr., go ahead.
3065 **HUMPHREYS:** No, just like I said, I mean, a spit hood, extra charges, you know that's...
3066 **RODRIGUES:** 'Kay. Did Mr. CHASSE respond to, to you, when you made that comment?
3067 **HUMPHREYS:** No.
3068 **RODRIGUES:** Okay. Now, do you remember what route was taken to jail?
3069 **HUMPHREYS:** I believe it was down Everett and, excuse me, eastbound on Everett to, I don't
3070 know, and I don't know which road we took southbound. But I'm, I'm
3071 assuming it was 3rd, and then I believe...
3072 **RODRIGUES:** Well, let me ask you, was it the most direct route to jail?
3073 **HUMPHREYS:** Oh, yeah.
3074 **RODRIGUES:** Did you take any other side streets for any reason?
3075 **HUMPHREYS:** No.
3076 **RODRIGUES:** 'Kay.
3077 **HUMPHREYS:** No, we went eastbound on Everett, and then to whatever street southbound.
3078 **RODRIGUES:** And was Deputy BURTON driving?
3079 **HUMPHREYS:** He was.
3080 **RODRIGUES:** Okay, and were you monitoring Mr. CHASSE the entire time?
3081 **HUMPHREYS:** I was.
3082 **RODRIGUES:** And what was his demeanor like on the ride to, to Central Precinct?
3083 **HUMPHREYS:** The same, where I mean, he's obviously really agitated, but a lot calmer than
3084 when the fight, and still doing the mumbling, mumbling. Um, I, it was enroute
3085 while I would, I was, I asked him, injuries, as I'm filling out the log, or the
3086 custody sheet: do you have any injuries, no answer. I advised him of his
3087 Miranda rights, not once, but twice. He, I think I even said he, at one point, he
3088 said yes, through the Miranda rights, but it was so, I mean he was so non-
3089 conversant, tracking-wise in my opinion, that I even told Deputy BURTON, you
3090 know, there's really no use in asking any questions, 'cause, you know, I couldn't
3091 testify to him being in the frame of mind, you know, as far as, evidentiary value
3092 for the assault.
3093 **RODRIGUES:** That being said, did you think at that point, that he probably had some mental
3094 health issues?
3095 **HUMPHREYS:** I still was going kind of under the, the feeling that he, he had a situation with
3096 narcotics usage. But, once again, I think we talked hours ago about that, is it's
3097 been my experience in the street that, generally, with the transient population,
3098 especially transient drug-user population, they both are wrapped up together. So
3099 at that point, yeah, I started to believe that Mr. CHASSE had some mental health
3100 issues on board.
3101 **RODRIGUES:** Now, did you, at any time, smell alcohol on his breath?
3102 **HUMPHREYS:** I did not.

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3103 **RODRIGUES:** Now, in your custody sheet, you listed down that he was in custody for
3104 assaulting a public safety officer, resist arrest, and interfering with police, is that
3105 correct?

3106 **HUMPHREYS:** That's correct.

3107 **RODRIGUES:** Okay. Was he arrested or cited for any of the behaviors or actions you observed
3108 him doing prior to the foot pursuit, i.e., urinating, urinating in public, disorderly
3109 conduct, or any other potential applicable statutes, or City Code violations?

3110 **HUMPHREYS:** No.

3111 **RODRIGUES:** And why not?

3112 **HUMPHREYS:** Uh, generally in the belief that the bigger charges is the result of his failure to
3113 obey, his running and his fighting kinda trumped the other smaller charges at the
3114 time.

3115 **RODRIGUES:** Was the jail staff notified that Mr. CHASSE was, was coming in, prior to you
3116 guys getting there?

3117 **HUMPHREYS:** Yes.

3118 **RODRIGUES:** Okay, well, who notified them, and what were they notified about?

3119 **HUMPHREYS:** Well, I don't even exactly know what they were notified of, but I told Deputy
3120 BURTON while I was, this was when he came back. I mentioned earlier that
3121 Deputy BURTON came back when I was opening the door, and going for the
3122 _____ . I, it was, generally at that time, for my, I asked Deputy
3123 BURTON, I said "Hey, can you get jail's number; call 'em; let 'em know what
3124 we've got coming." And I believe he did make that phone call.

3125 **RODRIGUES:** Okay, so you did not though?

3126 **HUMPHREYS:** No, I did not.

3127 **RODRIGUES:** Okay.

3128 **HUMPHREYS:** I asked him to, though.

3129 **RODRIGUES:** Did you or Deputy BURTON ever exit the patrol car for any reason prior to
3130 arriving at the jail sally port?

3131 **HUMPHREYS:** I did.

3132 **RODRIGUES:** And what was that reason?

3133 **HUMPHREYS:** That reason was to go into my field bag and retrieve my asthma inhaler.

3134 **RODRIGUES:** Okay. And how long did that take?

3135 **HUMPHREYS:** 20, 30 seconds to get it, take a couple shots, and get back in the car. It was right
3136 as I'd filled out the last of the, 'cause we arrived at, we got to jail prior to, I
3137 didn't even have the face sheet of the custody even filled out, and we still had to
3138 do a property receipt for his backpack. Um, and so we pulled into the parking
3139 lot at, on First there, between First and Second, and stopped there. And at that
3140 point the stop in the parking lot, I was almost done with the, with the face sheet
3141 of the custody. Deputy BURTON started writing the, excuse me, the property
3142 receipt. And as he's writing the property receipt, I'd pretty much finished the
3143 face sheet. So that's when I jumped out, while he's still finishing the property
3144 receipt for the backpack. I jumped out and went back to my bag, and did the
3145 inhaler, so we weren't there for very long.

3146 **RODRIGUES:** And again, as you mentioned it hours ago, that...

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3147 **HUMPHREYS:** Mm-hmm.
3148 **RODRIGUES:** you rarely used it, but you needed it...
3149 **HUMPHREYS:** Rarely, I mean, in fact the last time I remember using that was when I was at
3150 East Precinct.
3151 **RODRIGUES:** And, real quick, what symptoms were you having that you felt you needed to use
3152 your inhaler?
3153 **HUMPHREYS:** Kind of a general, just a minor asthmatic tightening in the chest and a bit of a
3154 cough, where you have kind of that raspy cough, you know, you're not
3155 necessarily getting anything up, but...
3156 **RODRIGUES:** Was this a result of your physical struggle with Mr. CHASSE, or did you have
3157 these symptoms prior to that time?
3158 **HUMPHREYS:** No, it was, it was a result of the, the struggle with Mr. CHASSE.
3159 **RODRIGUES:** Besides stopping in the parking lot across from Central Precinct to fill out
3160 paperwork, and, and get your inhaler, was there any other delays or stops prior to
3161 taking him into the sally port?
3162 **HUMPHREYS:** No.
3163 **RODRIGUES:** Okay, what occurred after the patrol car was parked in the jail sally port? Was,
3164 and more specifically, were the Multnomah County Sheriff's Office correctional
3165 officers already there, or did they have to be called? Were they waiting for you
3166 guys?
3167 **HUMPHREYS:** Uh, we showed up, and I don't think they were already out there, but I believe
3168 that they came out when we arrived. I don't recall if, actually, Deputy BURTON
3169 waved them out, or what, through, because the, this is the doors to the jail that
3170 have glass in 'em, and they can see us.
3171 **RODRIGUES:** Okay. So you guys remained in the car?
3172 **HUMPHREYS:** Yeah, I was in the sally port. I wasn't actually in the car; I'd got out. But in, in
3173 the sally port.
3174 **RODRIGUES:** How many Multnomah County corrections officers came out?
3175 **HUMPHREYS:** I believe, three or four. I don't, I don't recall how many exactly, three or four,
3176 probably.
3177 **RODRIGUES:** And again, did you have any discussion with them prior to opening the rear door
3178 to get Mr. CHASSE out?
3179 **HUMPHREYS:** Um, yeah, I can't remember if it's, if he's a sergeant or not, but I believe I told
3180 'em "Yeah, hey, this guy, he fought, and he bit an officer." And that's when
3181 somebody said they had a spit hood.
3182 **RODRIGUES:** Now where, where was Deputy BURTON at this time?
3183 **HUMPHREYS:** Uh, we're all kinda standing around the car. I don't know exactly; I couldn't
3184 recall exactly where he was at.
3185 **RODRIGUES:** Okay. And during that time, when you're, I guess, apprising the sergeant or the
3186 corrections deputies about Mr. CHASSE's demeanor; what was Mr. CHASSE
3187 doing, in terms of his demeanor or his actions during that time?
3188 **HUMPHREYS:** Met there; get over there, open the door, now he's back to, I mean, he's gone
3189 from the mumble, mumble to being a lot more animated; more yelling. They're
3190 having a hard time getting him out. I was kinda at the point where, 'cause the

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3191 deputies and BURTON, at that point, were kinda the ones, I was, I'd stepped
3192 away to the back side of the car. And as he's yelling, at some point in there is
3193 when I said, you know "Yeah, he's a biter; he bit an officer." And he started
3194 yelling again, and so they were kinda having a tough time getting him out. Like
3195 I said, he was in max restraint, but he'd still, he'd been able to sit himself up.
3196 And so they ended up, somebody ended up coming and putting a spit mask on
3197 his head, at that point.

3198 **RODRIGUES:** Now, who, who removed Mr. CHASSE from the backseat of the patrol car?
3199 **HUMPHREYS:** It was a couple of deputies, and I'm not sure if Deputy BURTON was involved
3200 in that or not. I know it was a couple of Multnomah County booking deputies.
3201 **RODRIGUES:** And, when you say you were positioned on the back, is that, would that be the
3202 trunk area of the patrol car?
3203 **HUMPHREYS:** Yeah, that'd be the trunk area of the patrol car. I followed him back into, into
3204 the jail.

3205 **RODRIGUES:** Okay, from your, from that vantage point were you able to see exactly what Mr.
3206 CHASSE was doing, and how the deputies physically removed him from the
3207 car?
3208 **HUMPHREYS:** Uh, um, actually, you know what, and then they pulled him out, I actually took
3209 his left side, I think. Can I refer to this?
3210 **RODRIGUES:** Yes.
3211 **HUMPHREYS:** I apologize once again. It's just been a long time. Um, oh, um, yeah, once they
3212 pulled him out, okay, I went up to the left side and I helped pack him into the
3213 jail, on his left side, same side as I was, I think, when I originally carried him
3214 from the scene to the car.

3215 **RODRIGUES:** Okay. And you mentioned that, on page 32 in your interview with detectives,
3216 that you stepped up and helped pack him. Can you clarify what packing is, or
3217 what you meant by "pack him"?
3218 **HUMPHREYS:** Same general carrying procedure as mentioned before. Uh, took him on the left
3219 side, holding, holding an arm, under the arm as you, as you carry him in max
3220 restraint.
3221 **RODRIGUES:** Okay, would that be considered, I guess, police vernacular for removing
3222 someone, or carrying someone once they're in maximum restraints? Is that a
3223 term that...
3224 **HUMPHREYS:** Packing?
3225 **RODRIGUES:** Yes.
3226 **HUMPHREYS:** Um...
3227 **RODRIGUES:** Is that a term that you use, or is that...
3228 **HUMPHREYS:** [Sigh] I, I guess it's a term I use. Um, I guess...
3229 **RODRIGUES:** And like, just for clarification...
3230 **HUMPHREYS:** I mean carry, I guess carry would be the more applicable term as...
3231 **RODRIGUES:** So, I guess what I'm asking you is, is this packing, does that, does that
3232 coordinate with any physical force of any kind?
3233 **HUMPHREYS:** No.

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3234 **RODRIGUES:** Okay. Did you ever punch, kick, slap, or otherwise strike Mr. CHASSE
3235 anywhere on his body during the time he was attempting to be removed from the
3236 patrol car while it was in the sally port?
3237 **HUMPHREYS:** No.
3238 **RODRIGUES:** Okay. Did you observe, or have knowledge of, any of the corrections deputies
3239 do any of these things to, as they attempted to remove Mr. CHASSE from the
3240 patrol car?
3241 **HUMPHREYS:** No.
3242 **RODRIGUES:** How about Deputy BURTON?
3243 **HUMPHREYS:** No.
3244 **RODRIGUES:** What was Mr. CHASSE's demeanor and actions as he was being removed;
3245 actively removed from the patrol car?
3246 **HUMPHREYS:** At that point, he's back to screaming. He's got the spit mask on. Um, his, his
3247 demeanor, he's gettin', getting a little more ramped-up, uh, the yelling, the body
3248 twisting, as we are carrying him into jail. Uh, and then we take him into the
3249 isolation cell. I should say the, the deputies direct us into the isolation cell.
3250 **RODRIGUES:** Okay. And we'll get to that, but, as far as the deputies trying to get him out of
3251 the car, on page 32, in your interview with detectives, you stated that you never
3252 saw the Multnomah County deputies use any quote "pain control" on Mr.
3253 CHASSE, as they attempted to remove him from the patrol car, but they were
3254 physically trying to get him out. Now, if you can paint a picture for me as how
3255 were they physically trying to get him out of the car?
3256 **HUMPHREYS:** Well, he, like I said, he'd kind of was sitting up, and he was able to kinda lodge,
3257 or his feet were kinda lodged down under the, his seat in the back. And trying to
3258 pull him out, just pull him out, get him, get his arms; get ahold of his legs, and
3259 pull him out of the car.
3260 **RODRIGUES:** So when you say his legs were down, was he propped, like was he purposely
3261 propped himself...
3262 **HUMPHREYS:** Yeah, he was in that upward seated position.
3263 **RODRIGUES:** So was it a passive type resistance; not wanting to get out, or was he bashing
3264 back and forth, or...
3265 **HUMPHREYS:** Yeah, at that point he wasn't really an active, because of the maximum restraint
3266 and the spit hood. But I, I don't, I can't actually tell you, because I didn't
3267 physically pull him out...
3268 **RODRIGUES:** Right.
3269 **HUMPHREYS:** whether he was pulling away from 'em or not.
3270 **RODRIGUES:** So was that, you couldn't see, or it just wasn't in an area to see, or...
3271 **HUMPHREYS:** Yeah, and, and that, and I didn't have ahold of him, I mean, somebody can,
3272 could actively push their, I guess, push their feet down, and I wouldn't be able to
3273 tell unless I was up there holding onto him, I guess.
3274 **RODRIGUES:** Now at what point did, was there a deputy that put the spit sock on Mr.
3275 CHASSE's head or face?
3276 **HUMPHREYS:** I believe it was a deputy, yeah.
3277 **RODRIGUES:** Was that soon after the door was opened?

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3278 **HUMPHREYS:** Yes.

3279 **RODRIGUES:** Okay. So is what you're telling me, that you basically had no role as far as the
3280 attempting to get Mr. CHASSE out of the car?

3281 **HUMPHREYS:** That's correct.

3282 **RODRIGUES:** But when they got him out of the car, you, you helped, you assisted in carrying
3283 him into the control area, I guess, or the booking area on your way to the
3284 isolation cell?

3285 **HUMPHREYS:** That's correct.

3286 **RODRIGUES:** Okay, now, as Mr. CHASSE was being taken out of the patrol car, did any part,
3287 did you observe any part of his body hit, rub up against, or otherwise make
3288 contact of any kind with any part of the patrol car, on his way out?

3289 **HUMPHREYS:** No.

3290 **RODRIGUES:** Did he, at some point, make any contact with the ground?

3291 **HUMPHREYS:** No.

3292 **RODRIGUES:** So they carried him directly out?

3293 **HUMPHREYS:** I believe so, yeah.

3294 **RODRIGUES:** So, and then so, what, what arm did you take ahold of, you said?

3295 **HUMPHREYS:** I believe it was the left side.

3296 **RODRIGUES:** And so, you have the left side, was there a deputy on the right side?

3297 **HUMPHREYS:** Yes.

3298 **RODRIGUES:** Okay, and how about in the back? Were there two people in the back, or one
3299 deputy in the back?

3300 **HUMPHREYS:** I have, I, I don't know if there was just one, or if there was two. I think maybe
3301 just one, but I don't know.

3302 **RODRIGUES:** Okay, and as you guys were carrying Mr. CHASSE into the booking area, en
3303 route to the isolation cell, what was his demeanor and actions like?

3304 **HUMPHREYS:** Uh, he's still yelling. Um, he's, he uh, when he get him in the isolation cell, he's
3305 still yelling and he's straining at the restraints and the hobble.

3306 **RODRIGUES:** Did, was there any physical force of any kind used by yourself during the time,
3307 on Mr. CHASSE, during the time he was taken to the isolation cell?

3308 **HUMPHREYS:** By myself, by...

3309 **RODRIGUES:** By you.

3310 **HUMPHREYS:** No, um, um.

3311 **RODRIGUES:** How about, did you observe any other deputies, to include Deputy, then, Deputy
3312 BURTON use any physical force against Mr. CHASSE?

3313 **HUMPHREYS:** No, when we got in the isolation cell, it was pretty packed. There was, like,
3314 three or four, I mean, I was pinned up against the toilet, actually, inside that
3315 isolation cell. And, um, or actually up against the wall, sorry, not the toilet.
3316 Um, and, uh, and there was, then Deputy BURTON I don't think was even in
3317 there, there wasn't any room. So he was, I believe he was outside the isolation
3318 cell.

3319 **RODRIGUES:** So was it, do you remember the dimensions of that cell?

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3320 **HUMPHREYS:** It's fairly narrow. It's narrower than it is long. It's probably 7 by 3, 3 1/2, maybe.
3321 I mean, and it's actually a dry cell, so there's no toilet, I, I don't believe. It's
3322 hard for me to remember.

3323 **RODRIGUES:** Okay, describe for me what your role, what did you do? What was your role, as
3324 soon as, did you go in first? Did you go in head first?

3325 **HUMPHREYS:** Yeah, I went in, and there was myself and there was another deputy that we're
3326 kinda pinned up on the inside. And then there was, gosh, two other, maybe three
3327 other deputies kinda spaced along him. Some of 'em were standing outside the
3328 isolation cell, holding onto his legs, kind of half in the isolation cell, because
3329 where we're at, I mean, it's, I don't even think it's probably 7 feet deep. I mean
3330 it's, it may only be about 6 feet deep. I mean, it was a really, really tight
3331 squeeze. And I was up, I actually was up on his, towards his right shoulder,
3332 really just kinda almost a half crouch, half standing there, because it was just,
3333 there's no room. And, uh, we're trying to get the hobble off him, as he's still
3334 yelling, um...

3335 **RODRIGUES:** So, what's his demeanor like?

3336 **HUMPHREYS:** Still yelling inside the spit hood; yelling, screaming, um, _____ to go
3337 ahead and tell 'em, tell the jail deputies, I'm like "Go ahead and cut the hobble;
3338 we're not going to use it again." 'Cause at this point, when they started cutting
3339 the hobble, we had a hard time getting the hobble off. I ended up having to
3340 unhitch it; reach down, just kinda over a deputy, and unhitch it. At that point, I
3341 had, really, no hold on Mr. CHASSE or much body contact with Mr. CHASSE
3342 at all.

3343 **RODRIGUES:** Did you step out?

3344 **HUMPHREYS:** No, I was kinda still standing back in that corner, and then they needed
3345 somebody with the handcuff key. And at that point, 'cause they're still holding
3346 his legs, 'cause they have, like, a whole procedure that they do. And at that
3347 point, they needed him unhandcuffed, and that was when he stopped again, just
3348 stopped like he passed out, just like earlier, out at 13 and Everett.

3349 **RODRIGUES:** So, did you help to cut or remove the hobble?

3350 **HUMPHREYS:** Uh, I did help remove it by reaching over and pulling the clip off.

3351 **RODRIGUES:** Okay.

3352 **HUMPHREYS:** But they had already cut it...

3353 **RODRIGUES:** Okay.

3354 **HUMPHREYS:** in a bunch of places. They cut it, and I don't know who, I don't remember
3355 which deputy had cut it. And they were pulling it out, but it still wasn't coming,
3356 and I realize, I think the clip was still clipped on, and I just reached out, and I do
3357 remember that, pulling the clip off.

3358 **RODRIGUES:** And you were still in the cell?

3359 **HUMPHREYS:** Uh-huh.

3360 **RODRIGUES:** Okay, and then at what point, again, you said Mr. CHASSE appeared to go
3361 unconscious?

3362 **HUMPHREYS:** Uh, basically just as I was starting to unhandcuff him, and I, I, I'm pretty sure
3363 I'm the first one that, well, I know I was the first one to notice. I just told the
3364 guys like "hey, he just passed out." And the cuffs were off; they're still holding

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3365 him. I got the cuffs, and I said "We need to, to check to make sure he's
3366 breathing, and you better call your medical now." And, um, I said that to uh, I
3367 believe it was the female deputy, she's real tall, and she's got blond hair. And,
3368 uh, at that point I go ahead and step out, literally, just step right over a deputy,
3369 and say "okay, I'm clear", 'cause like I said, I know they have their own little
3370 process in the way of doing things. And, uh, they all step out, and they're like
3371 "yeah, he's breathing"; somebody says "yeah, he's breathing", like they checked
3372 him. I go okay, and then I give the custody sheet to a deputy. And I, again, I
3373 walk over, and I start washing my hands.

3374 **RODRIGUES:** Okay. Now did they, did they actually take the handcuffs off of him?
3375 **HUMPHREYS:** Yeah.

3376 **RODRIGUES:** Okay, and so previously you said he didn't go limp, but he just stopped fighting,
3377 the first time he went unconscious.

3378 **HUMPHREYS:** Mm-hmm.

3379 **RODRIGUES:** This time, did he go limp? Did his body go limp, or did he, obviously, you saw
3380 something that made, that you made those observations.

3381 **HUMPHREYS:** Yeah, mostly, uh, and this sticks in my mind that, I mean, he just stopped
3382 yelling. And then...

3383 **RODRIGUES:** Was his eyes closed?

3384 **HUMPHREYS:** I don't know, he had the spit hood on. But, I, and you know, I wasn't even
3385 holding onto his arm. Those guys were holding his arms while I undid the
3386 handcuffs. So I don't know if he went exactly totally limp or not.

3387 **RODRIGUES:** Now, did anyone else observe this besides you? 'Cause you said that you passed
3388 this information on.

3389 **HUMPHREYS:** Oh, yeah, the deputy who was up near the head, on the head, and I was kinda off
3390 to his right, just kinda squeezed in there. I think he's pretty much the first one I
3391 said "Yeah, he's probably out. He probably just passed out. We need to make
3392 sure he's breathing." 'Cause I was really concerned that, you know, you want
3393 him to be on side, wanna get medical down there again. So, and I told him, and I
3394 think at that point, that's when I told the female "You need to call your medical
3395 and get 'em down here; get him checked out."

3396 **RODRIGUES:** Now, what was this female's response, this female deputy's response to you
3397 when you passed along that information?

3398 **HUMPHREYS:** Uh, she didn't say anything, but I, I mean, she walked away, I'm assuming she
3399 probably did call 'em, 'cause they did come down.

3400 **RODRIGUES:** Okay. And did you tell 'em that this was the second time this occurred?
3401 **HUMPHREYS:** Uh, yes, I believe so.

3402 **RODRIGUES:** Was it to that same deputy, or do you remember who you said that to?
3403 **HUMPHREYS:** I don't remember who that I think it was, no.

3404 **RODRIGUES:** But you did tell somebody that this is the second time this has happened; that it
3405 happened that he possibly went out?

3406 **HUMPHREYS:** I don't know if that was my exact words, but I know I, I told, said "yeah, he
3407 passed out earlier, you know; just make sure he's breathing." Um, and I don't
3408 know who I told that to.

3409 **RODRIGUES:** So did the deputy or deputies then close the door?

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3410 **HUMPHREYS:** Yes.

3411 **RODRIGUES:** Okay. And what happened after that? You said you were washing your hands?

3412 **HUMPHREYS:** Yeah.

3413 **RODRIGUES:** Do you know what was happening, as far as Mr. CHASSE, or any medical

3414 attention, or what transpired after that?

3415 **HUMPHREYS:** Yeah, the deputy says "yeah, he's breathing", and they shut the door. Um, at

3416 that point, I could start hearing what sounds like noises coming from there.

3417 Once again, I'm washing hands, and I'm talking to, and I think it's the taller

3418 deputy; he's down there quite a bit. I don't know his last name, but he's a pretty

3419 tall guy. And essentially telling him, yeah, what happened "this guy put up a

3420 really big fight; checked by medical." And we were just kinda having this little

3421 bit of conversation as they're making copies. And at that point, the nurse, I, I

3422 notice the nurses arrived. And I'm still, like I said, kinda washing my hands,

3423 'cause, I mean, I just had the smell was all over me, from Mr. CHASSE. And,

3424 and that's when I heard, realized, I overheard or heard her say something like,

3425 uh, "I'm not going to take this guy", or something. And I realize the nurse is

3426 there, and she's looking through the, there's a little window with a sliding cover,

3427 like a 4 inch by 8 inch window into the isolation cell. And she's looking

3428 through that. She said something like "Look at his arms, and, and, and he's all

3429 twitchy", or something like that, "we're not going to take him." And she walks

3430 off. And I, at that point, to a couple of the deputies, I'm like "What, so, what are

3431 we supposed to do now?" Or, no, "You're not going to take him?" or something

3432 like that. And "Yeah, it doesn't look like it.", so.

3433 **RODRIGUES:** Was there ever, at that point, any clear direction for you, as far as yes, we're not

3434 taking him; no, we're not taking him, or any reason why?

3435 **HUMPHREYS:** No, never mentioned to me, the nurse never, I never spoke to the nurse, other

3436 than as she's walking out, I, you know, I was pretty incredulous that, I mean, she

3437 only looked through the glass, from what I had seen. I'd not seen her enter, and I

3438 said "so", you know, pretty loud, I'm like "So, it's on us to take him? You

3439 know, we're, you guys aren't going to take him?" And that's pretty much how it

3440 went down...

3441 **RODRIGUES:** But did...

3442 **HUMPHREYS:** as far as direction.

3443 **RODRIGUES:** But did a supervisor from the jail ever clearly tell you "we're not taking him"?

3444 **HUMPHREYS:** Clearly?

3445 **RODRIGUES:** Yeah.

3446 **HUMPHREYS:** No.

3447 **RODRIGUES:** Did anyone tell you that he needed to, well...

3448 **HUMPHREYS:** Mm-hmm.

3449 **RODRIGUES:** What did you think, obviously, I mean, you've made many arrests before, what

3450 did you think was going on, and what did you think you had to do from that

3451 point?

3452 **HUMPHREYS:** What I thought, and, and, to dovetail on that point, what I thought was normal

3453 procedure then, as I'd done before, put him back in the car, take him to Portland

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3454 Adventist, where he'd be treated. Get the treatment slips from the hospital, and
3455 then bring back to jail.

3456 **RODRIGUES:** Okay. And again, you said that there was no interaction, or there was no
3457 direction given to you by the nurse or anyone, concerning his medical condition,
3458 and that you overheard this, the nurse, as far as he's twitching, and the comment
3459 she was making?

3460 **HUMPHREYS:** Yeah, she was making 'em to the, to the deputies. But, obviously, I mean, I was
3461 standing right over there by the sink washing my hands, and yeah.

3462 **RODRIGUES:** How many, how many nurses were there? You said two nurses?

3463 **HUMPHREYS:** There was two.

3464 **RODRIGUES:** Female nurses, or male nurses?

3465 **HUMPHREYS:** Yes, uh, both females.

3466 **RODRIGUES:** They both looked into the...

3467 **HUMPHREYS:** I actually only saw the one. And it almost appeared like there was a lead nurse
3468 and a trainee nurse, is how it kinda looked like. I mean, one was following the
3469 other. And when I realized that the nurse, that was the nurse, and she was
3470 talking about Mr. CHASSE in the holding cell, um, she was already kinda saying
3471 what she was saying. She was just standing near the window, and she said it,
3472 and she just walked right out.

3473 **RODRIGUES:** So besides that, was Mr. CHASSE given any medical attention by anyone on the
3474 staff, the jail staff members?

3475 **HUMPHREYS:** No.

3476 **RODRIGUES:** And again, were you able to obtain any medical-related information from anyone
3477 at the jail, prior to transporting Mr. CHASSE to Portland Adventist?

3478 **HUMPHREYS:** No.

3479 **RODRIGUES:** Did you seek any information or clarification from anybody as to, as to why you
3480 needed to transport him, or were you just under the assumption that they're not
3481 taking him, so I need to take him to...

3482 **HUMPHREYS:** Yeah, that I, I thought it was, I mean, I was just under the assumption it was a
3483 typical kind of jail refusal, as far as somebody who might be bleeding, and once
3484 again, needed stitches, and that kind of thing.

3485 **RODRIGUES:** Okay, now, did you bring his medical paperwork, that paperwork that you signed
3486 to show that he had been previously treated already at the, out at 14 and Everett?

3487 **HUMPHREYS:** I can't remember if I did or not. I know that was one of the issues, though, that
3488 I, I brought up, initially, as the nurse was leaving, and I was kinda making this
3489 point to the deputies, and I think she's a sergeant, the female with the blond hair.
3490 It was, like, you know, he's already, I, I kind of went on my little soapbox, I'm
3491 like "So he's got checked by medical, I bring him down here, he gets checked by
3492 the nurse, and kicked outta here, so now I'm the one that's got to take him to the
3493 hospital." I was, I was less than pleased with that whole situation.

3494 **RODRIGUES:** So, did you have any concerns at all, having to transport Mr. CHASSE to a
3495 medical facility, taking into consideration that he appeared had gone
3496 unconscious for a second time? Did you, did, were there any concerns for you,
3497 as far as, you know, he went unconscious, or seemingly went unconscious the

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3498 second time now, and now the burden is kinda on you to go ahead and transport
3499 this guy to a medical facility, did you have any concerns about that?
3500 **HUMPHREYS:** Um, at that point, once, once we got him back into the car, because he's back to
3501 yelling, and, you know, I mean, very animated still inside the spit hood, I, I
3502 didn't, mostly because I was just, it appeared to me that he would pass out when
3503 he was struggling against officers who had a hold on him. And I figured as long
3504 as he's in the back of the car, he was calm up until, sorta calm, conversing up
3505 until that point, he's now in the back of the car, we can get him to the hospital.
3506 But I did tell Deputy BURTON "Let's get him there quick." 'Cause I was, to be
3507 honest, I, I really felt like this was getting dropped on my head, and I wanted to
3508 get him to the hospital.
3509 **RODRIGUES:** Okay, if you could briefly tell me, now, how was Mr. CHASSE removed from
3510 the cell.
3511 **HUMPHREYS:** Yeah, the jail deputies, at that point, said "Hey, we'll give you a belly chain." I
3512 gave 'em my handcuffs; they put the belly chain on him. Or actually, excuse me,
3513 it's a leg chain; not a belly chain. And, uh...
3514 **RODRIGUES:** So how was that, just for clarification, how, what's a leg chain? Is it fixed to the
3515 ankles?
3516 **HUMPHREYS:** Yeah, it kinda goes, you know, it kinda goes around the legs, I guess, around the,
3517 it's hard for me to remember even. Um, it's the first time that I'd ever seen, and
3518 there just, it's actually ankle handcuffs. They just go around the ankles, and
3519 they're long enough that they can kinda get their feet apart, but not so long
3520 enough that they can, I guess, kick 'em individually. And those were put on, and
3521 then the handcuffs were put back on.
3522 **RODRIGUES:** Now, handcuffs were affixed to, to his back?
3523 **HUMPHREYS:** Mm-hmm.
3524 **RODRIGUES:** Okay. So it wasn't as restrictive, now, as the hobble?
3525 **HUMPHREYS:** No.
3526 **RODRIGUES:** How was his demeanor like as, who affixed the, I guess, the leg chains, I guess
3527 you could say, leg cuffs, or whatever you call it, who put that on his feet?
3528 **HUMPHREYS:** One of the deputies. I don't know which.
3529 **RODRIGUES:** Okay, so you had, did you have anything to do with putting your handcuffs...
3530 **HUMPHREYS:** No.
3531 **RODRIGUES:** How was his demeanor like when they were doing that?
3532 **HUMPHREYS:** Uh, I don't know, I could hear him; he was out, and he was, he was starting to
3533 get pretty animated again, I could hear him from the isolation cell. But I'm still,
3534 at that point, I'm still kinda walking back here, behind the little booking
3535 partition. I wasn't up-near the isolation cell.
3536 **RODRIGUES:** Okay, so how, how was he taken from the, how was he transported from the
3537 ila...
3538 **HUMPHREYS:** Isolation.
3539 **RODRIGUES:** isolation cell to the sally port?
3540 **HUMPHREYS:** Uh, a couple of deputies, um, three, three deputies, I believe, just kinda packed
3541 him out to the car.
3542 **RODRIGUES:** So was he carried, was he...

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3543 **HUMPHREYS:** Yeah, he was carried.
3544 **RODRIGUES:** So, how was he carried when he...?
3545 **HUMPHREYS:** Generally, the same way. Uh, I think at this time, though, there was four of 'em
3546 that carried him, one on each arm. I can't, I, I, it's been so long. I don't know if
3547 it was three or four, but they, they generally carried him the same way we carried
3548 him in there, except now you don't have, the legs are straight...
3549 **RODRIGUES:** Right.
3550 **HUMPHREYS:** you know, instead of bent.
3551 **RODRIGUES:** So the deputies did that up until the car, who put him in...
3552 **HUMPHREYS:** Mm-hmm.
3553 **RODRIGUES:** excuse me, the rear of the patrol car?
3554 **HUMPHREYS:** Um, first the deputies did, and then I readjusted him.
3555 **RODRIGUES:** What do you mean by readjust?
3556 **HUMPHREYS:** Uh, put him kinda up on the seat, on his side still.
3557 **RODRIGUES:** Okay.
3558 **HUMPHREYS:** For the whole positional asphyxiation.
3559 **RODRIGUES:** Okay. Was he seatbelted in?
3560 **HUMPHREYS:** Uh, his, yeah.
3561 **RODRIGUES:** When the deputies took him into the car, was there, from the time they left the
3562 isolation cell til the time that they initially put him in the car, was there any
3563 physical force used against Mr. CHASSE?
3564 **HUMPHREYS:** No.
3565 **RODRIGUES:** Okay. And then you said you kinda readjusted him in the backseat...
3566 **HUMPHREYS:** Mm-hmm.
3567 **RODRIGUES:** on his side. Did you, and you secured the seatbelt?
3568 **HUMPHREYS:** Yeah.
3569 **RODRIGUES:** Okay. Then what happened?
3570 **HUMPHREYS:** Then I got in the car, told, I told Deputy BURTON, I'm like "Okay, let's get this
3571 to P.A. as quick as you can." And we pull out the sally port, Mr. CHASSE's
3572 still pretty animated; pretty fired-up, and just as we pull out of the sally port and
3573 make the turn onto Second, we see Sgt. GONZALES, who is one of my detail
3574 sergeants at Transit Police Division, he's stepping out of Central Precinct right,
3575 the front doors, as we come out. And, uh, he waves us down real quick. Uh, we
3576 stop, I mean, we contact, like 30 seconds to a minute, I mean, not even; just real
3577 quick. Just said "Hey, yeah, we just got refused at jail; this guy fought", gave
3578 him the quick rundown. Um, "We're taking him to P.A." I get on the air. I had,
3579 at that point, um, and actually I think it was, it was actually BURTON that was
3580 telling this to Sgt. GONZALES, and I was grabbing the radio, kinda at the same
3581 time saying hey to Central Dispatch, saying, you know, "we're transporting one
3582 to P.A.", and basically let 'em know that they got one that's fought, kinda like
3583 that, and it's coming in. And, uh, and then we began transporting again.
3584 **BARKLEY:** This is Sgt. BARKLEY. I got a couple of issues I want to address. When you
3585 refer to P.A., we're talking about Portland Adventist Hospital?
3586 **HUMPHREYS:** That's correct, I'm sorry.

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3587 **BARKLEY:** Okay. And just to be clear on this. From the time you arrived at the sally port of
3588 Multnomah County Detention Center, until you left, was there any physical force
3589 used by yourself, Deputy BURTON or any of the Multnomah County correction
3590 officers directed at Mr. CHASSE?

3591 **HUMPHREYS:** No.

3592 **BARKLEY:** None at all?

3593 **HUMPHREYS:** Well, just holding him down...

3594 **BARKLEY:** Okay.

3595 **HUMPHREYS:** inside the, the isolation cell. I guess, yeah, I'm sorry about that. Yeah, actually
3596 holding the, pinning his legs, and holding him down, as he was unhandcuffed.

3597 **BARKLEY:** Between the time that you and Deputy BURTON arrived in the sally port, the
3598 Multnomah County correction officers were not present in the sally port when
3599 you arrived, did you or Deputy BURTON have any contact with Mr. CHASSE
3600 before Multnomah County correction officers arrived in the sally port?

3601 **HUMPHREYS:** No, I don't, no.

3602 **BARKLEY:** Okay. You stated twice now that you, yourself, were concerned with Mr.
3603 CHASSE's physical condition, and had told Deputy BURTON that you wanted
3604 to get him to Portland Adventist Hospital as soon as possible. At any point, did
3605 you consider calling for an ambulance to the Justice Center to, once again, check
3606 out Mr. CHASSE? Because apparently, from what you described, Mr. CHASSE
3607 really wasn't examined by the two nurses on staff at the detention center. Did
3608 you ever consider having an ambulance, AMR or Portland Fire Bureau come by
3609 and check him out?

3610 **HUMPHREYS:** No, not, not once we were in the sally port, and in the jail, I did not.

3611 **BARKLEY:** Okay, but when you left, you have this concern, why would you not go ahead
3612 and consider having either the Portland Fire Bureau paramedics or AMR
3613 paramedics meet you outside of the...

3614 **HUMPHREYS:** Because they had already checked him out prior.

3615 **BARKLEY:** Who was that?

3616 **HUMPHREYS:** AMR.

3617 **BARKLEY:** But when AMR and Portland Fire Bureau paramedics checked Mr. CHASSE he
3618 was in the 1300 block of NW Everett. You transport him to the detention center,
3619 he then passes out, or becomes unconscious a second time. The detention center
3620 nurses refused to admit him, because they have some concerns, which apparently
3621 they didn't share with you what their concerns were, they were just going to
3622 reject Mr. CHASSE. You, yourself, are concerned, and wanted to get to
3623 Portland Adventist Hospital as soon as possible. So, at any point, did you not
3624 consider having AMR paramedics and/or the Portland Fire Bureau paramedics
3625 respond to the Justice Center to check Mr. CHASSE a second time, based on
3626 your concerns?

3627 **HUMPHREYS:** No.

3628 **BARKLEY:** Why?

3629 **HUMPHREYS:** Uh, as I said before, I, going on the information that he'd already been checked
3630 prior, I was factoring into my decision. Also the fact that, once again, he'd, he,
3631 you know, was pretty animated still in the car, uh, as we were beginning to

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3632 transport. I believed we could get him probably quicker there than if we called
3633 an ambulance even down to the sally port, or in front of Central. Um, that's,
3634 that's why.
3635 **BARKLEY:** Okay, the time is 2100 hours. We'll be going off the record, 'cause it appears
3636 that we're running out of time on these digital recorders.
3637 **RODRIGUES:** Okay, back on record. The time now is 2105 hours. Did you have any follow-
3638 up to that, Sgt. BARKLEY?
3639 **BARKLEY:** No.
3640 **RODRIGUES:** Okay. Okay, after you spoke with Sgt. GONZALES in front of Central Precinct,
3641 and you said, or did you state how long did this, this take?
3642 **HUMPHREYS:** It was relatively short, 30 seconds. Enough that I was just able to do a quick
3643 broadcast...
3644 **RODRIGUES:** Okay.
3645 **HUMPHREYS:** to Central, and radio net.
3646 **RODRIGUES:** Okay. Did you get out of the car for any reason?
3647 **HUMPHREYS:** I don't believe I did, no.
3648 **RODRIGUES:** Okay, did, did Deputy BURTON get out of the car?
3649 **HUMPHREYS:** No.
3650 **RODRIGUES:** Okay. Then you commenced your transport to Portland Adventist, is that
3651 correct?
3652 **HUMPHREYS:** That's correct.
3653 **RODRIGUES:** On page 38 of your interview with detectives, I quote you as saying "I'm still
3654 hearing him mumbling as we were going through town." Is that correct?
3655 **HUMPHREYS:** Yes, that's correct.
3656 **RODRIGUES:** And going through town, is this, what route did you take from SW Second
3657 Avenue?
3658 **HUMPHREYS:** I went northbound on Second, turned onto Morrison, Morrison onto I-84.
3659 **RODRIGUES:** Okay. Now when you, did you, or are you constantly monitoring Mr. CHASSE
3660 throughout this time?
3661 **HUMPHREYS:** Mm-hmm, that's correct.
3662 **RODRIGUES:** Okay, so at what point, could you hear anything as he was mumbling? Was he
3663 saying anything that you could decipher?
3664 **HUMPHREYS:** No. Um, and as we were going, I, I remember telling BURTON "Hey, I gotta
3665 roll up this window", uh, 'cause I just, I wanted to keep on hearing him, 'cause
3666 as we were starting to get on the freeway, I actually apologized for him, 'cause
3667 he was, Mr. CHASSE was, had smelled really bad. And I rolled up the window,
3668 and I could still, I could still hear him, well, actually, as we're going, I think I
3669 actually heard the thunk before I rolled up the window.
3670 **RODRIGUES:** _____ thunk...?
3671 **HUMPHREYS:** _____ listen for him...
3672 **RODRIGUES:** Excuse me.
3673 **HUMPHREYS:** about the same time.
3674 **RODRIGUES:** What are you referring to?
3675 **HUMPHREYS:** There was kind of a, mmmmm, bump, I'm going to have to refer to my...

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3676 **RODRIGUES:** I believe that's the bump or thump...

3677 **HUMPHREYS:** Mm-hmm.

3678 **RODRIGUES:** on page 38.

3679 **HUMPHREYS:** Yeah, referring to my taped statement, recollection, uh, it was, yeah, it was just

3680 as we were kinda, we were getting onto the freeway, that I said "Yeah, I'm

3681 rolling up the window", and I heard the, I heard a thump; _____.

3682 **RODRIGUES:** And what was that sound?

3683 **HUMPHREYS:** Uh, I looked back, and I could see that, I, I'm assuming it was Mr. CHASSE,

3684 um, 'cause he's now, he's leaning up against the driver's side door, like he's,

3685 'cause he'd been sitting up in the backseat, as I said. And he, I'm assuming his

3686 head fell over in the passenger side.

3687 **RODRIGUES:** Okay, so what did you observe, and what did you do?

3688 **HUMPHREYS:** Uh, I looked back, and I see, and I can't hear him, and he's leaning against the,

3689 the passenger side. Actually, I think he was leaning against the passenger side

3690 door right behind me, uh, because I kinda had to sit up in my seat to get a look

3691 back at him. And BURTON's already on the freeway, on I-84. I've got the

3692 windows up; I can't hear him say anything. He's, that's, he's gone completely

3693 quiet, and at that point, I, I was looking at his chest, uh, but it's still through the

3694 cage. And I tell BURTON, I'm like "All right get off, we're calling, we're

3695 calling an ambulance." And I, I could, the way Mr. CHASSE was kinda with his

3696 head slumped against the passenger side, um, yeah, it was the passenger side; it

3697 had to be because, I think it was his left arm that I was seeing; his left forearm, it

3698 was completely, completely, just like see-through white. And, uh...

3699 **RODRIGUES:** Are you observing this as the vehicle was still...

3700 **HUMPHREYS:** No, I'm observing this as the vehicle is still in motion. We stop on I-84, at that

3701 point, I said something to, I turned back to BURTON, and I'm like "Get off.

3702 We're calling medical." And we just shot, I think, through one of the, uh, on

3703 that last curve we were coming up on 33rd, and I'm telling him, I'm saying "Get

3704 off at 33rd." Uh, and there was a lot of traffic, but it was moving in a real good

3705 pace; but I told BURTON, I said "hey", I said "Be careful, don't kill us, but get

3706 over." 'Cause we were all the way over in the fast lane. And he took us over

3707 onto 33rd. And I mean it just, and I'm back there; I'm yelling "JAMES".

3708 BURTON was grabbing the radio. Um, we're just hittin' 33rd, BURTON's like

3709 "We need an ambulance at the location of 33rd", and I'm bailing outta the car.

3710 And as I'm bailin' out of the car, uh, because BURTON's like "We're at 33rd;

3711 we're at 33rd and", and I said, like, Clackamas, I believe it is. 'Cause that's how

3712 the cross-street sign just said. I mean, I didn't even know if the car was stopped

3713 when I bailed out. And, uh, and I ripped open the, uh, passenger side back door,

3714 pulled off the spit hood, and I knew instantly he wasn't breathing.

3715 **RODRIGUES:** Okay. I have read your statements in regards to, as it, in regards to the medical

3716 attention that was provided to Mr. CHASSE. What I'm going to do now is, I'm

3717 going to read some bulleted highlights, okay? And after I'm reading this, I

3718 would like you to either stop me at any point to either interject to add, clarify, or

3719 present anything that's inaccurate, or anything that you'd like to interject. Are,

3720 are you clear with...

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3721 **HUMPHREYS:** Absolutely.

3722 **RODRIGUES:** Okay. In regards to administering first aid, to include CPR, and all the facts
3723 associated with this aspect of the investigation, and again I'll give you an
3724 overview, and stop me at any time. After Deputy BURTON pulls over, you tell
3725 him to call for a Code, for medical. That's on page 39 of your interview. You
3726 opened the door; you grab him; you pull off his spit mask, and his eyes are
3727 closed. You administered a sternum rub, there's no response. You pulled him
3728 out of the car, place him on his back on the sidewalk. You do an ABC check.
3729 And can you briefly explain to me this ABC check?

3730 **HUMPHREYS:** It means airway, breathing, circulation. The ABC, A portion, pretty much, uh, I
3731 think I made that statement in the detectives interview, ABC check. But at that
3732 point it was primarily a B, C check. As far as the breathing, I could tell he
3733 wasn't breathing, because I just, I could see his chest wasn't moving. I
3734 immediately went to check his circulation. I, I still had gloves on my hand from
3735 being at jail, from handling him. Uh, I checked for a pulse; didn't get any pulse
3736 in his neck. And as far as the airway portion of the A, B, and C, Deputy
3737 BURTON was kneeling up by his head, and I said "Do we got a clear airway?"
3738 And BURTON made mention of the fact that he had some blood in his mouth,
3739 that Mr. CHASSE had some blood in his mouth, and actually, I think, I think
3740 Deputy BURTON said "Yeah, if, if he breathes, he's gonna spray it", or
3741 something. Or he's gonna spit it all over. And, uh, I told Deputy BURTON, I
3742 said "Okay, we need to", or I said something like "I'm gonna need to clear that
3743 airway." Just assuming that I was gonna go ahead and do a sweep. And, and
3744 BURTON was just, didn't even miss a beat, just reached down and did a sweep
3745 of Mr. CHASSE's mouth, clearing the airway. I don't know if got anything out
3746 or not. But, uh, and that's when I began CPR.

3747 **RODRIGUES:** Okay, now, was this before or after you handcuffed Mr. CHASSE? You did
3748 your ABC?

3749 **HUMPHREYS:** Oh, you mean unhandcuff?

3750 **RODRIGUES:** Yes, unhandcuff Mr. CHASSE.

3751 **HUMPHREYS:** No, he was still handcuffed when I was doing the check on him.

3752 **RODRIGUES:** Okay. And after your ABC check, from the detectives statement, you
3753 handcuffed, uncuffed Mr. CHASSE, and tilted his back to clear an airway, and it
3754 says here that BURTON does a finger sweep in CHASSE's airway. Now, is that
3755 you, or did he do the finger sweep?

3756 **HUMPHREYS:** He did the finger sweep.

3757 **RODRIGUES:** Okay, and then, you commence chest compressions, initially five, followed by
3758 five more. BURTON retrieves a mask, while you did more comp, I guess he
3759 retrieves a mask from the, was it from the trunk area of the patrol car, or...

3760 **HUMPHREYS:** Correct. I told Deputy BURTON, I said, I said "I gotta get some air in this guy.
3761 I need a mask." 'Cause I'm looking at Mr. CHASSE, and he's got blood all over
3762 his mouth. And I had, I said "You need to get me a mask. I got one in my bag."
3763 And BURTON is like, "I think I got one in my bag too." Or, no, he didn't. He
3764 said "I got one in my bag too." And he goes back to the car, and, uh, I'm doing

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3765 the compressions; BURTON's digging through his mask. It seemed like it took
3766 forever.

3767 **RODRIGUES:** And there's no response as far as from Mr. CHASSE?

3768 **HUMPHREYS:** No.

3769 **RODRIGUES:** And then, in your statement to detectives, you say that a bystander appears, and
3770 he gets an automated, or automatic external defibrillator, is that correct?

3771 **HUMPHREYS:** That's correct.

3772 **RODRIGUES:** Okay. You do an ABC check again, the, now, who set up the AED? Was it the
3773 bystander, or was it you, or whom?

3774 **HUMPHREYS:** It was the bystander.

3775 **RODRIGUES:** Okay, and just briefly, can you tell me what brief background did he tell you that
3776 he was qualified to do this, or...

3777 **HUMPHREYS:** He, uh, he's, he stops; he says "Do you need an AED?" And it took me a second
3778 to realize what that was. In fact, BURTON, who was standing back by the
3779 trunk, goes yes. And then I realized, oh, he's talking about one of the
3780 defibrillators. And, uh, it seemed like a second, and this guy's back. His house,
3781 I think, was just right on the corner, or something. It looked like he was out
3782 jogging. Um, and, uh, as he comes up with this box, I said "How are you
3783 trained?" And he goes "I used to sell these things." He said "They're real
3784 simple; they're self-explanatory; anybody can do it." And I said "Okay, what do
3785 you need?" And he says "I just need bare skin." And so I, I think I pulled back
3786 the shirt, ripped the shirt somehow, just to expose Mr. CHASSE's chest, and this
3787 guy, I mean, he's already pulling this thing out, and slapping these leads on Mr.
3788 CHASSE's chest, and it's in a manner that I can, I was 100% sure that this guy,
3789 yes, did indeed know how to use one of these. I mean, just how sure his
3790 movements were.

3791 **RODRIGUES:** Okay. And then you were advised, I guess the computer advises that a shock
3792 was not advised, is that correct?

3793 **HUMPHREYS:** That's correct.

3794 **RODRIGUES:** Okay, and then you continued your chest compressions, and while doing so, you
3795 advise the bystander to stay at the scene, is that correct?

3796 **HUMPHREYS:** That's correct.

3797 **RODRIGUES:** Okay. And then medical arrives, how soon? Estimate.

3798 **HUMPHREYS:** I have no idea. Three to four minutes into, five minutes into being called,
3799 somewhere around there.

3800 **RODRIGUES:** Okay. So when AMR arrived, did AMR and Portland Fire Bureau arrive?

3801 **HUMPHREYS:** Uh, I don't, I do not remember seeing a fire truck there, but I'm sure there had to
3802 be one. I know AMR was there. I believe they were there first.

3803 **RODRIGUES:** Okay. And did you advise them?

3804 **HUMPHREYS:** I did. I advised them that this uh, that he'd been seen prior at 18 and Everett.
3805 And they were, they were like, I mean, they went instantly to work. There wasn't
3806 even much discussion with them, and they never really asked me, they just went
3807 right to work on him.

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3808 **RODRIGUES:** Okay. And then who arrived on scene, or who did you speak to first, as far as a
3809 supervisor, or officers? Kinda briefly tell me what occurred right after AMR
3810 took over with this individual, Mr. CHASSE?
3811 **HUMPHREYS:** Um, I think the first _____ 'cause I got on the air, and I said I need a sergeant,
3812 you know, etc. And I believe the first sergeant was, if I can refer to the...
3813 **RODRIGUES:** Mm-hmm.
3814 **HUMPHREYS:** notes. I don't understand why it doesn't have a, oh, excuse me, Vic DODY, um,
3815 it was Sgt. DODY arrived on the scene first. I believe Gary MANOUGIAN,
3816 Officer MANOUGIAN was, uh, relatively quick behind him. Um, and then after
3817 that, I have no idea who else showed up. But, um, Sgt. DODY shows up. I
3818 believe he's the first one that I briefed. Um, told him, essentially, start to finish
3819 kinda what had happened. I even told him, I said to him "Hey, if this is an in-
3820 custody death, I know there's certain situations, as far as lawyers, and etc., but I
3821 want to give you", so made it very clear, "I'm briefing you as to what's
3822 happened up until now. You know, whatever goes, goes. But here's what
3823 happened." And pretty much gave him the start to finish.
3824 **RODRIGUES:** Okay.
3825 **HUMPHREYS:** I said you need to notify Sgt. NICE at Central, and that was, that was it. I mean,
3826 and then from there, he kinda took over.
3827 **RODRIGUES:** Okay. Now, you were served with a Communications Restriction Order by
3828 detectives on September 17, 2006. Did you discuss any aspect of the subsequent
3829 criminal investigation with anyone other than who was listed on the
3830 Communications Restriction Order, and these individuals are the criminal
3831 investigators, IAD investigators, Deputy City Attorneys assigned to the case,
3832 Deputy District Attorneys assigned to the, your case, your spouse, your clergy,
3833 your union representative, and/or your attorney, as well as you medical and/or
3834 psychological professional. Now, did you discuss this case with anyone other
3835 than these individuals that I have just stated to you?
3836 **HUMPHREYS:** No.
3837 **RODRIGUES:** Okay.
3838 **BARKLEY:** I have a quick, Sgt. BARKLEY, specifically, have you discussed any aspects of
3839 this internal investigation, or any aspects of this incident with Sgt. NICE since
3840 he was interview by IAD on Wednesday, November 14th, 2007?
3841 **HUMPHREYS:** No.
3842 **BARKLEY:** Okay.
3843 **RODRIGUES:** Now during the course of events occurring on September 17th, 2006, as it relates
3844 to the totality of events involving Mr. James CHASSE, did you at any time,
3845 observe, hear, or otherwise have knowledge of any Portland Police Bureau
3846 member engaging in conduct in violation of any state law, and/or Portland Police
3847 Bureau policy, to include any training guidelines?
3848 **HUMPHREYS:** No.
3849 **RODRIGUES:** Okay. Is there anything else you would like to add, present or clarify to me,
3850 regarding anything, or to Sgt. BARKLEY, regarding anything as it relates to this
3851 internal investigation?
3852 **KING:** Can we take a quick break before we...

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3853 **RODRIGUES:** Before he answers that?
3854 **KING:** Before he answers that, yeah.
3855 **RODRIGUES:** Okay. We'll go on break for probably the last time at 2125 hours.
3856 **RODRIGUES:** Okay, we're back on the record. The time now is 2127 hours.
3857 **KING:** I think we were wondering, just in closing, what, is there, is there a reason, do
3858 you know of a reason why the investigation's taken 15 months for us to get into
3859 this room? That's kind of one.
3860 **RODRIGUES:** Well, I'll let the lead investigator Michael BARKLEY answer that question.
3861 **BARKLEY:** Well, there's been a number of issues that have come up that has stalled the
3862 investigation, from the occurrence to date. And aside from that, I think
3863 probably, that's probably an issue that you probably want to address with the
3864 Chief's Office.
3865 **KING:** Yeah, I think, just in closing, just that's an observation. We've been ready and
3866 available to do an interview, you know, just as soon as the Grand Jury was over.
3867 And that this has taken as long as it has, has been probably an unnecessary
3868 delay, and been, been very difficult for Officer HUMPHREYS to wait all these
3869 months to get into this room to, to do this interview.
3870 **RODRIGUES:** Well, this will be my final question, and I asked Sgt. NICE the same, Officer
3871 HUMPHREYS, and I'm not ordering you to answer this question, but if you'd /
3872 like to maybe tell us how this investigation process, or how, how this ordeal has,
3873 has left you feeling. I mean, would you like to share any of that with us? I
3874 mean, has it inhibited your police work, in any way, or...
3875 **KING:** You know, given that this is going to go through other layers of review, it's
3876 probably those, where we are, we do have a feeling and opinion about that, and
3877 we'll probably share that information at a later date, and maybe in a different
3878 setting.
3879 **RODRIGUES:** Okay, is that all?
3880 **KING:** That is all.
3881 **RODRIGUES:** Okay. Interview concluded at 2129 hours.
3882
3883
3884 2006-B-0016trs-HUMPHREYS
3885 Transcribed 12/19/07; 9:30 AM Marilyn Cavallero



CITY OF PORTLAND, OREGON



Bureau of Police

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Rosanne M. Sizer, Chief of Police

1111 S.W. 2nd Avenue • Portland, OR 97204 • Phone: 503-823-0000 • Fax: 503-823-0342

Integrity • Compassion • Accountability • Respect • Excellence • Service

February 16, 2008

Mr. Jamie Marquez
4217 S.W. Corbett Avenue
Portland, OR 97239

Dear Mr. Marquez:

It is necessary Sergeant Rodrigues and I talk with you regarding the Mr. James Chasse Internal Affairs Division investigation. We have attempted to contact you several times.

Please call my office Monday through Friday, 6:00 a.m. to 2:00 p.m., at 823-0984.

Sincerely,

MICHAEL R. BARKLEY
Investigator
Internal Affairs Division

06b0016cnt2- marquez

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Integrity • Compassion • Accountability • Respect • Excellence • Service

February 16, 2008

Reverend Randall Stuart
2240 N.E. 130th Avenue
Portland, OR 97230

Dear Reverend Stuart:

It is necessary Sergeant Rodrigues and I talk with you regarding the Mr. James Chase Internal Affairs Division investigation. We have attempted to contact you several times.

Please call my office Monday through Friday, 6:00 a.m. to 2:00 p.m., at 823-0984.

Sincerely,

MICHAEL R. BARKLEY

Investigator

Internal Affairs Division

06b0016cnt2- stuart

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PORTLAND POLICE BUREAU
INTERNAL AFFAIRS DIVISION
Confidential Telephonic Taped Statement
Investigator Michael Barkley #8570

Interview Date: April 16, 2008
IAD #: 2008-B-0016
Complainant: Portland Police Bureau

Interviewed: Susan Dunaway

BARKLEY: This is Investigator Michael Barkley, #8570, with the Internal Affairs Division. The date and time are Wednesday, April 16th, 2008 at 0857 hours. I am calling SUSAN DUNAWAY, D-U-N-A-W-A-Y, Multnomah County Counsel representing Deputies BRET BURTON and THOMAS HOLLENBECK at 503-988-3138 regarding IAD case number 2006-B-0016 to schedule interviews for Deputies BURTON and HOLLENBECK.

?: County Attorneys.

BARKLEY: Yes, my name is Michael Barkley. I'm an investigator with Portland Police Bureau, Internal Affairs.

?: Yes, Mike.

BARKLEY: Yes, is SUSAN DUNAWAY there?

?: Uh, let's see if she is here. If not, um, let me see, is she coming in. I think so. Um, if she's not here, do you want to speak with her assistant, if that would help>

BARKLEY: That would be great.

?: Okay. Let me see first. Do you have a second? Let me check my calendar. She should be in. Hold on a minute.

BARKLEY: Okay.

?: She is not at her desk yet. I'm going to let you speak with her assistant. Can I, oh, she's on the phone too. Hold on just a minute, sir.

BARKLEY: Okay.

?: Um, I can have you leave a voice message, I can take a message for you, uh, what's your pleasure?

BARKLEY: Can I leave a voice mail for...

?: For SUSAN?

BARKLEY: ...SUSAN.

?: Sure, of course. Hold on.

BARKLEY: Thank you.

DUNAWAY: SUSAN DUNAWAY, extension 26212.

OPERATOR: Please leave a message after the tone.

BARKLEY: Ms. DUNAWAY, this is Michael Barkley. I'm an investigator with the Portland Police Bureau, Internal Affairs Division. It is Wednesday, April 16th, 2008 at 9:00 AM in the morning. I was calling to schedule an interview with Deputies BRET BURTON and THOMAS HOLLENBECK. If you could give me a call back, my direct office number is 503-823-0984. Thank you.

OPERATOR: Recording stopped. To record some more, press 5. To review your message, press 2. For more information, press star. You have stopped recording of the message.

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Portland Police Bureau / Dunaway

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50 Commands you can use are play 2, record 5, message options 70, delete 76, and send
51 79. Message left. To...

52 **BARKLEY:** The time is 0901 hours.

53 **BARKLEY:** This is Investigator Michael Barkley, #8570 with the Internal Affairs Division. The
54 date and time are Friday, April 18th, 2008 at 1016 hours. I am calling SUSAN
55 DUNAWAY, Multnomah County Counsel representing Deputies BRET BURTON
56 and THOMAS HOLLENBECK at 503-988-3138 regarding IAD case number 2006-B-
57 0016. Ms. DUNAWAY left a telephone message on Thursday, April 17th at 1454
58 hours, returning my call, which was on April 16th, 2008.

59 **?:** County Attorneys.

60 **BARKLEY:** Yes, this is Michael Barkley. I'm with the Portland Police Bureau, Internal Affairs...

61 **?:** Hello.

62 **BARKLEY:** How are you doing?

63 **?:** Fine.

64 **BARKLEY:** Is SUSAN DUNAWAY in?

65 **?:** She is, Mike, hold on.

66 **BARKLEY:** Thank you.

67 **DUNAWAY:** Hello.

68 **BARKLEY:** Is this SUSAN DUNAWAY?

69 **DUNAWAY:** Yes, it is.

70 **BARKLEY:** This is Michael Barkley.

71 **DUNAWAY:** Hi.

72 **BARKLEY:** How you doing?

73 **DUNAWAY:** I'm fine.

74 **BARKLEY:** Well, I was advised to coordinate with you the interview with Deputies BRET
75 BURTON and THOMAS HOLLENBECK.

76 **DUNAWAY:** Okay, now how soon did you want to do those?

77 **BARKLEY:** Uh, it depends on what your schedule looks like and their schedule.

78 **DUNAWAY:** Okay, I haven't been able to get a hold of them yet. Um, my schedule next week is
79 particularly bad.

80 **BARKLEY:** Okay.

81 **DUNAWAY:** But the next week isn't quite as bad. So what I'm, if you've got something available
82 the week of the 28th, I was going to try to set it up with you first and then see if I can
83 coordinate with them.

84 **BARKLEY:** Okay. I just know that I'm going to be unavailable on the 29th, but Monday, April
85 28th; Wednesday, April 30th; and then Thursday, May 1st; and Friday, May 2nd I'm
86 available.

87 **DUNAWAY:** Okay. Now, with BRET, um, I'm assuming we can do this during his regular working
88 hours.

89 **BARKLEY:** Yes.

90 **DUNAWAY:** Okay, all right. And that it wouldn't be a type of thing where he'd have to come in on
91 his day off.

92 **BARKLEY:** No.

93 **DUNAWAY:** Okay.

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94 **BARKLEY:** What, both with HOLLENBECK and with, I, I don't know what your arrangements
95 are with the County, but with Officer BURTON, who now works for Portland Police
96 Bureau, we do not pay overtime for them to come in to be interviewed. So, it would
97 have to be during his regular work hours.

98 **DUNAWAY:** Okay.

99 **BARKLEY:** And however you schedule it with Deputy HOLLENBECK, that's fine with me. But
100 typically mornings are best for me.

101 **DUNAWAY:** Mornings.

102 **BARKLEY:** Yeah, I get in here at 5:00 to 5:30 every morning. So, if we could do it sometime in
103 the morning, like maybe 9:00, 10:00, and I'm not sure what Officer BURTON's
104 schedule is right now.

105 **DUNAWAY:** Yeah, his, his keeps on changing every time I talk to him, because he's still on
106 probation.

107 **BARKLEY:** Right.

108 **DUNAWAY:** Right.

109 **BARKLEY:** So, if he's like working a graveyard shift or an afternoon shift, we have to do it during
110 his, his shift hours.

111 **DUNAWAY:** Okay. All right. I think he is, he's pretty consistently has been that shift that starts
112 like at 2:00 in the afternoon.

113 **BARKLEY:** Okay.

114 **DUNAWAY:** Yeah. I don't know what you call it. We would call it swing, I think, but...

115 **BARKLEY:** Yeah. Same thing.

116 **DUNAWAY:** ...yeah, okay. All right. So, um, all right, so I'll let, I'll let them know and let, um,
117 Deputy HOLLENBECK's supervisors know.

118 **BARKLEY:** Okay. And so now you'll coordinate the date and the time with each of them?

119 **DUNAWAY:** Yes.

120 **BARKLEY:** Okay. And you're going to be present during the interview, correct?

121 **DUNAWAY:** Right.

122 **BARKLEY:** Okay. Anything you need beforehand or, I'm going to be sending them out a notice.
123 So, but I won't send out one to HOLLENBECK or I could, and I'll just send it through
124 to you confirming the date and time.

125 **DUNAWAY:** Okay.

126 **BARKLEY:** Now...

127 **DUNAWAY:** That sounds good.

128 **BARKLEY:** ...what, what is your, what is your, your address there?

129 **DUNAWAY:** 501...

130 **BARKLEY:** 501...

131 **DUNAWAY:** ...SE Hawthorne...

132 **BARKLEY:** ...SE Hawthorne...

133 **DUNAWAY:** ...Suite 500...

134 **BARKLEY:** ...number 500...

135 **DUNAWAY:** ...97214.

136 **BARKLEY:** ...214. Okay. Depending on when I get the dates and the times from you, I may just
137 go ahead and walk it over to you so that you can get it to HOLLENBECK and

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138 BURTON. So I will either mail it to you. Now is that, does it go to the County
139 Counsel, but, or just...
140 DUNAWAY: County Attorney's Office.
141 BARKLEY: The County Attorney. Okay. And that's Room, Suite 500.
142 DUNAWAY: Right.
143 BARKLEY: Okay.
144 DUNAWAY: Yes. Now, do you mind if we do them over here?
145 BARKLEY: If that's works for you, that's fine with me.
146 DUNAWAY: That would be great. I'd really appreciate it.
147 BARKLEY: Yeah, no.
148 DUNAWAY: I spent three months over in downtown for those depositions and I'm trying to catch up.
149 I've got three more months coming up, so, I would really appreciate it.
150 BARKLEY: Yeah, no, that's fine. Now, are, are you, just out of curiosity, are you, are you done
151 with all the depositions on the case?
152 DUNAWAY: We're done with the first round of depositions.
153 BARKLEY: The first round.
154 DUNAWAY: Yeah, the first 54.
155 BARKLEY: First what?
156 DUNAWAY: 54.
157 BARKLEY: 54?
158 DUNAWAY: Uh-huh. I think 52, 54.
159 BARKLEY: And you have more.
160 DUNAWAY: We have more.
161 BARKLEY: And these are just County employees?
162 DUNAWAY: No, this is County, City, AMR.
163 BARKLEY: Wooo.
164 DUNAWAY: And we haven't even gotten to take our depositions yet or even talked about, um, we'll
165 have another round after the July through September round, which will be the round
166 of experts. So...
167 BARKLEY: So you have a long haul on this.
168 DUNAWAY: We have a very long haul yet on this. It's a very big case.
169 BARKLEY: When, when are they suspecting that this is going go to trial?
170 DUNAWAY: The trial? Uh, we have a, a trial date of September 22nd, 2009.
171 BARKLEY: 2009?
172 DUNAWAY: Yes. Uh-huh.
173 BARKLEY: Okay.
174 DUNAWAY: If we don't, if we don't get any, you know, set-overs.
175 BARKLEY: Now, this is, this is a long one then.
176 DUNAWAY: It's a life event for all of us.
177 BARKLEY: Yeah, career, a career event.
178 DUNAWAY: Uh-huh. Yes, it is.
179 BARKLEY: Okay, perfect. I'll tell you what. Yeah, we can do it at your office, like I said with
180 BURTON as long as we do it while he is working. I just adjust my shift and we can
181 do both of these interviews in your office.

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182 **DUNAWAY:** Okay. How, how long, that, that would be one of the questions, how long on each do
183 you think?
184 **BARKLEY:** You know, I would suspect that an hour to two hours.
185 **DUNAWAY:** For both of them?
186 **BARKLEY:** For each person.
187 **DUNAWAY:** Really!
188 **BARKLEY:** And it, it, you know what? It depends on how fast it goes.
189 **DUNAWAY:** All right.
190 **BARKLEY:** It could be, and I'm just giving you a ballpark, I mean, I...
191 **DUNAWAY:** 'Cause Tellis me you only had seven questions for HOLLENBECK.
192 **BARKLEY:** Let me look at his right now.
193 **DUNAWAY:** Yeah.
194 **BARKLEY:** I've not looked at these for some time. Okay, I'm looking at BURTON's. And I've
195 got, on BURTON, I've got 89 questions.
196 **DUNAWAY:** Okay.
197 **BARKLEY:** And then on, let's see, HOLLENBECK, I have a total of 18 questions.
198 **DUNAWAY:** Okay. All right.
199 **BARKLEY:** And then, and, and those can change. You know, it, those, those questions are if, if
200 either one of them have answered a question that I have written down, that I don't ask,
201 so, you know, one, one question really can go ahead when they answer one question, it
202 could actually answer like three or four questions.
203 **DUNAWAY:** Right, right, right.
204 **BARKLEY:** But that's just to go ahead and cover everything to make sure that I don't forget what
205 we're talking, but do I think I might ask all those questions? No.
206 **DUNAWAY:** Okay.
207 **BARKLEY:** Just typically what happens is you say, can you give me your background in law
208 enforcement. Well, I may have two or three other questions right after that in case
209 they don't say, you know, like when I got hired, you know, this particular date and I
210 got promoted on this particular date and my responsibilities, if they don't ask those
211 things, or answer them, then I'll ask them.
212 **DUNAWAY:** Right, got you.
213 **BARKLEY:** So...
214 **DUNAWAY:** Okay.
215 **BARKLEY:** Yeah, the numbers might sound a little out there, but they're typically, you know, I'll,
216 you know, I'll go ahead and have maybe say twenty questions.
217 **DUNAWAY:** Right.
218 **BARKLEY:** But only end up asking like, you know, ten or less.
219 **DUNAWAY:** Okay.
220 **BARKLEY:** Because they, they answered the questions when, when a question is asked, they may
221 cover, you know, three or four or five questions that I have already written down.
222 **DUNAWAY:** Okay. All right. Okay. Well, what I'll do is, um, I will call BRET in a little while and
223 then I'm going to send out an email to the Chief Deputy of Corrections to set up the
224 thing for, for HOLLENBECK.

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225 **BARKLEY:** Okay. Now do, let me give you my email address. 'Cause that might be easier for
226 you and I to, to do the email thing rather than...

227 **DUNAWAY:** Okay.

228 **BARKLEY:** Mine is Mbarkley@portlandpolice.org.

229 **DUNAWAY:** One word, Portland Police.

230 **BARKLEY:** Yup.

231 **DUNAWAY:** Yeah.

232 **BARKLEY:** And it Mbarkley@portlandpolice, one word, .org.

233 **DUNAWAY:** Okay.

234 **BARKLEY:** Okay, thank you very much.

235 **DUNAWAY:** All right. Okay. 'Bye, 'bye.

236 **BARKLEY:** 'Bye, 'bye.

237 **BARKLEY:** Concluded at 1026 hours.

238 **BARKLEY:** This in Investigator Michael Barkley #8570 with the Internal Affairs Division. The
239 date and time are Monday, April 28th, 2008 at 0834 hours. I am calling SUSAN
240 DUNAWAY, Multnomah County Counsel representing Deputies BRET BURTON
241 and THOMAS HOLLENBECK at 503-988-3138 regarding IAD case number 2006-B-
242 0016.

243 **?:** County Attorneys.

244 **BARKLEY:** Yes, this is Michael Barkley. I'm calling for SUSAN DUNAWAY.

245 **?:** Okay, now, I think, if I'm not mistaken, let me look at an email she just sent me. Do
246 you have a second?

247 **BARKLEY:** Yup.

248 **?:** SUSAN DUNAWAY. SUSAN, come on SUSAN, pop up here on my little calendar.
249 Yes, from Portland Police?

250 **BARKLEY:** Yes.

251 **?:** She wants me to give you her cell number.

252 **BARKLEY:** Okay. Hold on a second, please.

253 **?:** That's fine. I've got to pull it out.

254 **BARKLEY:** Okay. What is that?

255 **?:** SUSAN DUNAWAY's cell number is 503...

256 **BARKLEY:** Uh-huh.

257 **?:** ...936...

258 **BARKLEY:** ...936...

259 **?:** ...5534.

260 **BARKLEY:** ...5534.

261 **?:** Right.

262 **BARKLEY:** Okay. I will give her a call.

263 **?:** Thank you, sir.

264 **BARKLEY:** Thank you very much.

265 **?:** 'Bye, 'bye. You're welcome.

266 **BARKLEY:** 'Bye, 'bye.

267 **?:** 'Bye.

268 **BARKLEY:** I will call SUSAN DUNAWAY on her cell phone, 503-936-5534.

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269 **OPERATOR:** Your call has been forwarded to an automatic voice message system. 503-936-5534 is
270 not available. To leave a callback number, press 5.

271 **BARKLEY:** This is Michael Barkley with the Portland Police Bureau, Internal Affairs Division.
272 It's a little after 8:30 in the morning on Monday, April 28th. If you could give me a
273 call back, I'd appreciate it. My direct office telephone number is 503-823-0984 and
274 also my email is Mbarkley@portlandpolice, all one word, .org. If you could let me
275 know what dates are available to interview Deputies BRET BURTON and THOMAS
276 HOLLENBECK, I'd appreciate it. Thank you.

277 **OPERATOR:** If you are satisfied with your message, press 1. To send your message, thank you,
278 your message, goodbye.

279 **BARKLEY:** The time is 0838 hours.

280 **BARKLEY:** The following is a telephone message left by SUSAN DUNAWAY.

281 **OPERATOR:** First message.

282 **DUNAWAY:** Hi, Michael. This is SUSAN DUNAWAY returning your call. Um, what I'm
283 concerned about is whether or not you've got my emails. Um, I'll try to keep my
284 phone in my pocket so I, I don't miss you if you call back. Uh, but, uh, I, I know that I
285 had tentatively set up, uh, BURTON's for May 8th. Um, at home working, getting
286 ready for a trial. And I don't have access to my emails. I did send you an email and I
287 can't remember if I set up HOLLENBECK's for the 30th or the 1st. I think I set it up
288 for the Thursday. Uh, but we hadn't scheduled a time, so that's what I was concerned
289 about. Um, if you could give me a call later, that would be good. Thanks, 'bye.

290 **OPERATOR:** End of message. Sent today at 9:45 AM. New message from phone number 936-
291 5534, 52 seconds.

292 **BARKLEY:** This is Investigator Michael Barkley, #8570 with the Internal Affairs Division. The
293 date and time are Monday, April 28th, 2008 at 1348 hours. I am calling SUSAN
294 DUNAWAY on her cell phone, 503-936-5534.

295 **DUNAWAY:** Hello.

296 **BARKLEY:** Hello, is this SUSAN DUNAWAY?

297 **DUNAWAY:** Yes, it is.

298 **BARKLEY:** This is Michael Barkley.

299 **DUNAWAY:** Hi.

300 **BARKLEY:** How are you?

301 **DUNAWAY:** I'm fine. How are you?

302 **BARKLEY:** Good. First of all, I did not receive any of your emails.

303 **DUNAWAY:** I had a feeling when I didn't hear back from you that something had happened.

304 **BARKLEY:** Nope had, hadn't received any of them.

305 **DUNAWAY:** Huh, okay. Um, I don't know. Uh, last week, I had to wind up getting a new
306 computer 'cause I was having problems with it, so it could have been related to that.
307 Or who knows, I mean...

308 **BARKLEY:** Okay.

309 **DUNAWAY:** ...yeah, I have no idea. But I have sent you one, two emails, one in regards to a day for
310 BURTON and then one for HOLLENBECK, but, um, I didn't hear back. So I knew
311 something was wrong. Um, how is May 8th then for BURTON?

312 **BARKLEY:** Okay, May 8th is a Thursday.

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313 DUNAWAY: Right.
314 BARKLEY: Okay. That will be, it will work for me.
315 DUNAWAY: Okay. And...
316 BARKLEY: And what time?
317 DUNAWAY: Uh, well he, I think he starts his shift at 2:30.
318 BARKLEY: Okay. So you want to make it 3:00?
319 DUNAWAY: Okay.
320 BARKLEY: Okay. 3:00 on Thursday, May 8th.
321 DUNAWAY: Okay.
322 BARKLEY: Okay, and that will be up here on the 12th floor of the Justice Center, Internal Affairs?
323 Or you wanted to do it at your office.
324 DUNAWAY: Yeah, let's do it in our office.
325 BARKLEY: Okay.
326 DUNAWAY: Do you mind?
327 BARKLEY: Nope.
328 DUNAWAY: I, I have to go over there for some of his other things, and I'm, it, the, this case is
329 causing me to have to spend an awful lot of time in, in downtown.
330 BARKLEY: Okay.
331 DUNAWAY: So, I'm, I'm in, in between stage between deposition sessions, trying to catch up, and
332 it's tight.
333 BARKLEY: Okay, well, we'll do it at your office.
334 DUNAWAY: I, I'm, I'm in the Portland Building.
335 BARKLEY: You're in the Portland Building.
336 DUNAWAY: _____ Portland Building, the Multnomah building.
337 BARKLEY: Oh, right, you're on...
338 DUNAWAY: It used to be the...
339 BARKLEY: ...you're around Hawthorne.
340 DUNAWAY: Yeah.
341 BARKLEY: Okay. Perfect.
342 DUNAWAY: Right.
343 BARKLEY: Now, HOLLENBECK, what are we looking there?
344 DUNAWAY: Uh, hang on one second. Okay? Let me, let me...
345 BARKLEY: Yeah.
346 DUNAWAY: ...let me look at my calendar. Um, how is Thursday?
347 BARKLEY: This Thursday?
348 DUNAWAY: Yeah.
349 BARKLEY: Okay, let's see. That would be the 30th, or excuse me, May 1st?
350 DUNAWAY: Yes.
351 BARKLEY: Okay. Let's see what I've got for May 1st. Let me check real quick. Okay, Thursday,
352 Thursday, Thursday. Okay. And what, what hours does he work?
353 DUNAWAY: I think he's working swing, um, so he starts at 3:30.
354 BARKLEY: Okay. I've got an appointment at 4:00 that I can't get out of. What else have you got
355 available?

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356 **DUNAWAY:** I don't know, 'cause I'm going to have to, um, I better get back to him and his
357 Captain.
358 **BARKLEY:** Okay.
359 **DUNAWAY:** That was, that was the best day for them. I will, I will make sure I get a hold of, of his
360 Captain first thing in the morning.
361 **BARKLEY:** Okay, yeah. Um, as far as we've got, we've got it set for Thursday the 8th. And you
362 say he starts to work at what time, HOLLENBECK?
363 **DUNAWAY:** No, um, that's, that's BURTON. BURTON starts his...
364 **BARKLEY:** BURTON, excuse me.
365 **DUNAWAY:** ...BURTON starts his shift at 2:30.
366 **BARKLEY:** Okay, so...
367 **DUNAWAY:** So it will be 3:00 for...
368 **BARKLEY:** So 3:00 in your office on...
369 **DUNAWAY:** Right.
370 **BARKLEY:** ...Thursday...
371 **DUNAWAY:** On the 8th.
372 **BARKLEY:** ...May 8th.
373 **DUNAWAY:** Right.
374 **BARKLEY:** And that whole week, May 5th, Monday, through the 9th, I've got nothing else
375 scheduled.
376 **DUNAWAY:** Okay. All right.
377 **BARKLEY:** So...
378 **DUNAWAY:** ...Okay, so then we'll, why don't we plan on, um, let's see...
379 **BARKLEY:** Or Friday the 2nd works, May 2nd.
380 **DUNAWAY:** ...let's, okay. All right. Let, that's good to know then. And maybe what we could do
381 is, is do it on the 8th.
382 **BARKLEY:** We could do that if you'd like. If that works for you...
383 **DUNAWAY:** How, how long, how do, how long do you think HOLLENBECK's will be?
384 **BARKLEY:** Uh, his will be probably be shorter. 'Cause we just want to know what he saw, what
385 he heard, down in the jail.
386 **DUNAWAY:** Like 45 minutes?
387 **BARKLEY:** Well, I'd say, my estimate would be if we figured an hour for each of them...
388 **DUNAWAY:** Okay, well why don't we try to do them back-to-back and then you only have to make
389 one trip.
390 **BARKLEY:** Okay, perfect. And so if, if you want to get back with me, let me know if Thursday,
391 May 8th, works for HOLLENBECK along with BURTON. That would be great.
392 **DUNAWAY:** Yeah, let's try, let's, that makes sense.
393 **BARKLEY:** And then you figure out which one you want to do first or, we already got BURTON
394 set for 1500 hours. If you want to do the other one say at 1630 hours. If that works,
395 then...
396 **DUNAWAY:** Okay.
397 **BARKLEY:** ...we'll do that. So you just let me know if that, that works.
398 **DUNAWAY:** Okay. All right.
399 **BARKLEY:** Okay. Well, thank you very much.

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400 **DUNAWAY:** Okay, okay. 'Bye, 'bye.

401 **BARKLEY:** The time is 1354 hours.

402 **BARKLEY:** The following is a message that was left by SUSAN DUNAWAY.

403 **OPERATOR:** Message, press seven.

404 **DUNAWAY:** Hi, Michael. This is SUSAN DUNAWAY over in County Attorney's office. And,
405 um, I'm calling about the CHASSE interviews. Um, I just got off the phone in, in
406 setting up the interview of HOLLENBECK. Um, we can do that on the 8th. Um, the
407 only thing is HOLLENBECK should probably go first before BRET, um, or the
408 County will be going into overtime. So let's do HOLLENBECK at, at 3:00 and, um,
409 and let's do, uh, BRET at, uh, 3:45. Um, I'm going to see BRET today, so, um, if he
410 can confirm that that will work, I can tell him the time when I see him today. Um, I
411 am at 503-988-3138. Thanks, Michael. 'Bye.

412 **OPERATOR:** End of message sent yesterday at 8:56 AM. New message from an outside caller. 52
413 seconds. To erase this message...

414

415 2006-B-0016TRS-DUNAWAY

416 Transcribed 050508/1039 C. Yeager

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PORTLAND POLICE BUREAU
INTERNAL AFFAIRS DIVISION
Confidential Taped Statement
Sgt. Michael Barkley #8570|Sgt. Derrick Rodrigues #37149

Interview Date: May 8, 2008
IAD #: 2006-B-0016
Complainant: Portland Police Bureau
Interviewed: Multnomah Co. Deputy Sheriff Thomas Hollenbeck #38036

BARKLEY: This is Investigator Michael BARKLEY #8570 with the Internal Affairs Division, and Sgt. Derrick RODRIGUES #37149, who's assigned to the Personnel Division. The date and time are Thursday, May 8th, 2008, at 1510 hours. We are interviewing Multnomah County Deputy Sheriff Thomas HOLLENBECK #38306, at Multnomah County Attorney's Office, at 501 SE Hawthorne Blvd., Room 500, Portland, Oregon 97214. Also present is Miss Susan DUNAWAY, Multnomah County Attorney. Deputy HOLLENBECK is a witness regarding IAD Case No. 2006-B-0016, the in-custody death of Mr. James CHASSE, which occurred on Sunday, September 17th, 2006 at approximately 1718 hours, at the 1300 block of NW Everett Street. Prior to the interview beginning, Deputy HOLLENBECK had reviewed related documents, specifically his Multnomah County Sheriff's Office Information Report, Portland Police Bureau Special Report, in which he gave an in-depth statement to detectives, and the Civil Deposition with Mr. Thomas STEENSON on January 23rd, 2008. Do you have any documents or a notebook regarding this incident?

HOLLENBECK: No.

BARKLEY: Okay. You just have to speak up so we make sure we get this on here.

HOLLENBECK: All right.

BARKLEY: The first question I have for you: have you been provided a copy and/or have you, prior to today, reviewed interview questions prepared by the Portland Police Bureau Internal Affairs Division?

HOLLENBECK: No.

BARKLEY: Okay, regarding the in-custody death of Mr. James CHASSE on Sunday, September 17th, 2006, at 1904 hours, would you provide the background of your law enforcement experience, including your employment on Sunday, September 17th, 2006?

HOLLENBECK: Um, I've been with the county since August 23rd of 1999, uh, employed as a deputy - corrections deputy.

BARKLEY: So, you started with the Multnomah County as a deputy - when?

HOLLENBECK: August 23rd.

BARKLEY: August 23rd...

HOLLENBECK: 1999.

BARKLEY: And did you have any prior experience before that within law enforcement?

HOLLENBECK: No.

BARKLEY: Okay. On Sunday, September 17th, 2006, please explain your duties and responsibilities at the Multnomah County Detention Center.

HOLLENBECK: I was working as a Utility Deputy in the intake. Um, my duties were to search-- pat down inmates that came in, into custody.

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50 **BARKLEY:** Okay. And anything else besides that?
51 **HOLLENBECK:** Uh, no.
52 **BARKLEY:** So, you don't process them after that, after you'd searched 'em?
53 **HOLLENBECK:** What do you mean by process?
54 **BARKLEY:** Well, do you take them from any other points throughout? There's a process of
55 booking people.
56 **HOLLENBECK:** Well, yes, I mean, booking--booking them back into reception, just down in the
57 basement--while they're down in the basement.
58 **BARKLEY:** Okay, on Sunday, September 17th, 2006, please explain the circumstances
59 involving Mr. CHASSE and your involvement.
60 **HOLLENBECK:** Um, when he came in, I went out to the intake sally port to help bring him into
61 the booking counter, and, uh, we, uh--I handed Deputy HUBERT and
62 McELHANEY, we went out there, and the, uh--I handed the, uh, BURTON a
63 spit sock, and then the other officers and deputies, we got him out of the car, and
64 then, uh, he was hobbled so he couldn't walk, 'cause his feet were together. So
65 we picked him up and carried him into the--into an isolation cell inside the
66 booking counter - the reception. And then, uh, I held his feet going in, and once
67 we got into the isolation cell, I continued to hold his feet, and somebody else cut
68 off the--the restraint, and, um, he was unhandcuffed, and then, uh, everybody
69 backed out of the cell.
70 **BARKLEY:** Okay, let me ask you, prior to Mr. CHASSE arriving, were you aware that there
71 was a telephone call made to Multnomah County Detention Center requesting
72 assistance from Multnomah County deputies...
73 **HOLLENBECK:** Yes.
74 **BARKLEY:** with Mr. CHASSE?
75 **HOLLENBECK:** Yes.
76 **BARKLEY:** So, you were aware of that?
77 **HOLLENBECK:** Yes.
78 **BARKLEY:** Okay, what information were you given, or were you aware of?
79 **HOLLENBECK:** Um, the best I can remember, I think they just said they called ahead and said
80 that we were gonna need to have, uh, help getting somebody out of the car.
81 **BARKLEY:** Okay. So, nothing beyond that?
82 **HOLLENBECK:** Not that I remember.
83 **BARKLEY:** Okay. When Officer HUMPHREYS, Deputy BURTON, and Mr. CHASSE
84 arrived in the sally port of MCDC, were yourself and the other deputies already
85 in the sally port when they arrived, or did they arrive and you went out?
86 **HOLLENBECK:** They arrived and we went out.
87 **BARKLEY:** Okay. And was there any time lag between the time that they arrived - Officer
88 HUMPHREYS, Deputy BURTON, and Mr. CHASSE in the sally port - was
89 there any time lag between their arrival and when yourself and the other three
90 deputies went into the sally port?
91 **HOLLENBECK:** I don't remember.
92 **BARKLEY:** Well, were you standing there? Did you see them drive in?
93 **HOLLENBECK:** I don't remember.

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94 **BARKLEY:** Okay. What was your location--how did you become aware that they arrived, if
95 you weren't in the sally port?
96 **HOLLENBECK:** Um, I was up at the booking counter, but I don't remember the whole timeframe.
97 **BARKLEY:** Okay. I believe that you had stated earlier in a deposition, that you were there
98 when Mr. CHASSE was removed from the police vehicle and was able to stand
99 upright - is that correct?
100 **HOLLENBECK:** Yes.
101 **BARKLEY:** Okay. And what side of the vehicle were you standing on - the police vehicle?
102 **HOLLENBECK:** Um, when they pulled him out, I was on the, uh--I was on the driver's side.
103 **BARKLEY:** And Mr. CHASSE was removed on which side?
104 **HOLLENBECK:** The passenger side.
105 **BARKLEY:** Okay. And how was it that you were able to see that Mr. CHASSE was able to
106 stand upright?
107 **HOLLENBECK:** 'Cause I walked around the car.
108 **BARKLEY:** Okay.
109 **HOLLENBECK:** And he was standing up.
110 **BARKLEY:** Do you recall, in your deposition, saying that you were able to see Mr.
111 CHASSE's head over the top of the police vehicle?
112 **HOLLENBECK:** Yes.
113 **BARKLEY:** Okay, that's a yes?
114 **HOLLENBECK:** Yes.
115 **BARKLEY:** Okay. Considering that Mr. CHASSE was handcuffed and hobbled, with the
116 hobbles' nylon strap going around his ankles and through the chain of the
117 handcuffs, how would it be that Mr. CHASSE would have been able to stand
118 upright?
119 **HOLLENBECK:** It was all the way out, so the--[clears throat] I mean, the--it was fully extended,
120 so...
121 **BARKLEY:** So, there was a lot of distance?
122 **HOLLENBECK:** Yes.
123 **BARKLEY:** And Mr. CHASSE was carried from the sally port into the booking facility
124 because he was able to walk - is that correct?
125 **HOLLENBECK:** Yes.
126 **BARKLEY:** Okay. Can you explain, for clarification, if he was able to stand up, because the
127 nylon hobble strap had been stretched out its full length, why was he unable to
128 walk?
129 **HOLLENBECK:** Well, the deputies helped pull him out of the car and stood him up.
130 **BARKLEY:** Okay. But why was he--why was Mr. CHASSE unable to walk from the police
131 vehicle into the booking facility itself?
132 **HOLLENBECK:** Because it was--the hobble was tight around his legs to where his ankles were
133 together.
134 **BARKLEY:** Okay. So what happened from the time - okay, so, there were four of you who
135 carried Mr. CHASSE in - correct?
136 **HOLLENBECK:** Yes.
137 **BARKLEY:** And do you remember who had the feet, and who had the arms?

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138 **HOLLENBECK:** Not off the top of my head.
139 **BARKLEY:** Okay. What did you have?
140 **HOLLENBECK:** I had his legs.
141 **BARKLEY:** You had his legs? Did you observe, or are you aware of any officer or deputy
142 that used physical force directed at Mr. CHASSE, either prior to Mr. CHASSE's
143 arrival at MCDC or while at MCDC?
144 **HOLLENBECK:** Other than carrying him in, no.
145 **BARKLEY:** You saw no physical force being applied toward Mr. CHASSE?
146 **HOLLENBECK:** Um-hmm, no.
147 **BARKLEY:** Okay, and you--did you hear of any physical force being directed at Mr.
148 CHASSE by any officers prior to his arrival there at MCDC?
149 **HOLLENBECK:** Um...
150 **BARKLEY:** In conversations. Once he was there, did you overhear any officer or deputy...
151 **HOLLENBECK:** Officer HUMPREYS said they had used force to--but I don't remember any
152 specifics.
153 **BARKLEY:** Okay. You don't remember his description of how much force was used?
154 **HOLLENBECK:** No.
155 **BARKLEY:** When you were deposed, you had - the date of your deposition was on January
156 23rd, 2008 - do you recall telling Mr. STEENSON that Officer HUMPHREYS
157 had made a statement that he had tackled CHASSE?
158 **HOLLENBECK:** I don't remember.
159 **BARKLEY:** Okay. While Officer HUMPRHEYS, and/or Deputy BURTON were at MCDC,
160 did either of them advise you or any other deputies or nurses of the struggle that
161 occurred at the 1300 block of NW Everett Street?
162 **HOLLENBECK:** Um, I believe HUMPHREYS said that he had, uh, bitten one of the sergeants
163 and attempted to bite him.
164 **BARKLEY:** Anything else?
165 **HOLLENBECK:** That's all I remember.
166 **BARKLEY:** Uh, do you recall either Officer HUMPHREYS, and/or Deputy BURTON,
167 advising any of the personnel there at MCDC, that Mr. CHASSE had stopped
168 breathing while at the 1300 block of NW Everett Street?
169 **HOLLENBECK:** I think so, but I don't remember off the top of my head.
170 **BARKLEY:** Okay. And referring to your information report that you submitted on Sunday,
171 September 17th, 2006, I need to clarify some statements that you made in there.
172 When you arrived in the sally port, you wrote, quote "CHASSE was sitting in
173 the back of their car with his handcuffs behind his back, and his ankles secured
174 with a nylon hobble restraint." Did you observe Mr. CHASSE fall onto the rear
175 floor of the police vehicle?
176 **HOLLENBECK:** I didn't see him, but I heard.
177 **BARKLEY:** How did you hear it?
178 **HOLLENBECK:** I was standing by, and I heard him--heard him roll off.
179 **BARKLEY:** You were standing outside the vehicle and you heard him roll off the seat?
180 **HOLLENBECK:** Yes.

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181 **BARKLEY:** Okay. And when you heard him roll off the seat, did you look inside the
182 vehicle?
183 **HOLLENBECK:** Yes.
184 **BARKLEY:** And was he on the floor?
185 **HOLLENBECK:** Yes.
186 **BARKLEY:** Was there any deputies or officers inside the vehicle at the time he rolled off the
187 seat?
188 **HOLLENBECK:** No.
189 **BARKLEY:** So, he was in there by himself?
190 **HOLLENBECK:** Yes.
191 **BARKLEY:** Did you notice whether or not he was seat-belted in?
192 **HOLLENBECK:** No, I did not.
193 **BARKLEY:** Okay. Also you wrote, quote "The PPB officer unhooked CHASSE's seatbelt,
194 and McELHANEY...
195 **HOLLENBECK:** McELHANEY.
196 **BARKLEY:** "McELHANEY started helping CHASSE get his feet out of the right side of the
197 car. McELHANEY and HUBERT and the MCSO deputy pulled CHASSE from
198 the car, because he was not complying with their orders." Do you recall what
199 the orders were that Mr. CHASSE wasn't...
200 **HOLLENBECK:** I...
201 **BARKLEY:** complying with?
202 **HOLLENBECK:** I don't remember.
203 **BARKLEY:** When Mr. CHASSE was pulled from the police vehicle, was he ever dropped
204 and/or physically forced to the ground?
205 **HOLLENBECK:** No.
206 **BARKLEY:** You wrote, quote "Once out of the car, McELHANEY, HUBERT, and the
207 MCSO deputy and I carried CHASSE into the isolation cell, and placed him on
208 the ground." Can you describe the manner in which the four of you carried Mr.
209 CHASSE?
210 **HOLLENBECK:** Um, I carried a leg, and the, you know, we each had either a leg or an arm, and
211 we carried him in.
212 **BARKLEY:** Okay, so there was a deputy or an officer on each leg, carrying each leg, and also
213 each arm, now was that, do you recall, the arms, were they carrying him by the
214 arms, or under the armpits?
215 **HOLLENBECK:** Under an armpit; upper arm.
216 **BARKLEY:** Okay. Was Mr. CHASSE ever dropped, or physically forced to the ground
217 while he was being carried?
218 **HOLLENBECK:** No.
219 **BARKLEY:** You wrote, quote "While carrying CHASSE in, he was yelling and kicking at
220 us." End of quote. What was Mr. CHASSE yelling?
221 **HOLLENBECK:** Um, it was just nothing that made sense.
222 **BARKLEY:** At any time, did Mr. CHASSE ever complain about being in pain, or any injuries
223 that he sustained?
224 **HOLLENBECK:** No.

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225 **BARKLEY:** You wrote "Medical was called to look at Mr. CHASSE" - end of quote. Why
226 was medical called to examine Mr. CHASSE?
227 **HOLLENBECK:** Um, 'cause he had some blood on his face, and then, um, while we were un-
228 handcuffing him he stopped moving.
229 **BARKLEY:** Okay, and the blood on his face, by reading the reports, this would've been
230 blood that soaked through the spit sock?
231 **HOLLENBECK:** Yes.
232 **BARKLEY:** So, did you ever see Mr. CHASSE's face to see the source of the blood?
233 **HOLLENBECK:** No.
234 **BARKLEY:** Was it a fair amount of blood?
235 **HOLLENBECK:** Not that I remember.
236 **BARKLEY:** Okay. Now, when you said that Mr. CHASSE stopped moving, was it that he
237 simply stopped moving, or was it that he stopped breathing?
238 **HOLLENBECK:** I--I didn't notice.
239 **BARKLEY:** You wrote, after CHASSE was removed from the cell, and carried to the police
240 vehicle, quote "CHASSE rolled off the seat onto the floor, and the PPB officer
241 picked him up and placed him on the seat." So, are you saying that Mr.
242 CHASSE fell off the rear seat of the police vehicle when he arrived, and then
243 when he was leaving?
244 **HOLLENBECK:** No, it was just when he was leaving.
245 **BARKLEY:** Just the one time?
246 **HOLLENBECK:** The one time.
247 **BARKLEY:** Okay. When did you notice whether or not Mr. CHASSE was in a sitting or
248 lying position prior to rolling on the floor?
249 **HOLLENBECK:** Did not.
250 **BARKLEY:** Okay. Do you know what part of Mr. CHASSE's body struck the vehicle floor?
251 **HOLLENBECK:** I do not.
252 **BARKLEY:** Was it hard enough that it caused you to divert your attention to the vehicle?
253 **HOLLENBECK:** It just sounded like he rolled off the seat.
254 **BARKLEY:** Did it sound like it was--it was a fairly significant sound?
255 **HOLLENBECK:** No.
256 **BARKLEY:** Can you describe Mr. CHASSE's demeanor and behavior, from the time he
257 arrived at MCDC until he was transported from MCDC?
258 **HOLLENBECK:** Um, he was just kinda incoherent; couldn't really understand what he was
259 saying.
260 **BARKLEY:** Was he combative, aggressive?
261 **HOLLENBECK:** Um, just other than the kicking, I mean, and shaking while we were carrying
262 him, he didn't--he wasn't saying anything specific.
263 **BARKLEY:** Can you describe the demeanor and behavior of Officers HUMPHREYS, Deputy
264 BURTON, and the other MCDC deputies, from the time Mr. CHASSE arrived
265 until he left? Was there anything that indicated that their demeanor and behavior
266 was unusual?
267 **HOLLENBECK:** No. It was just very standard, routine.
268 **BARKLEY:** So, no aggressive behavior...

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269 **HOLLENBECK:** No.
270 **BARKLEY:** by either of the officers or the deputies?
271 **HOLLENBECK:** No.
272 **BARKLEY:** Okay. Well, that's all I have. Is there anything you wish to add, clarify, and/or
273 produce regarding the in-custody death of Mr. CHASSE that we haven't
274 covered?
275 **HOLLENBECK:** No.
276 **BARKLEY:** Miss Susan DUNAWAY, is there anything that you would care to address?
277 **DUNNIWAY:** No.
278 **BARKLEY:** Okay, our interview is concluded at 1529 hours.
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281
282 2006-B-0016trs-HOLLENBECK
283 Transcribed 5/12/08; 10:30 AM Marilyn Cavallero

PORTLAND POLICE BUREAU
INTERNAL AFFAIRS DIVISION
Confidential Taped Statement
Sgt. Michael Barkley #8570|Sgt. Derrick Rodrigues #37149

Interview Date: May 8, 2008
IAD #: 2006-B-0016
Complainant: Portland Police Bureau
Interviewed: Officer Bret Burton #43860

BARKLEY: This is Interval Affairs Division Investigator Michael BARKLEY #8570 and Personnel Division Sgt. Derrick RODRIGUES #37149. The date is Thursday, May 8th, 2008. It is 1606 hours. We are at the Multnomah County Attorney's Office at 500 SE Hawthorne Blvd., Room 500. Persons present are Officer Bret BURTON #43860, PPA representative Robert KING #21075, and Mrs. Susan DUNAWAY, a Multnomah County Attorney. It's in regards to IAD Case No. 2006-B-0016 and PPB Case No. 2006-84962. Officer BURTON has been advised that the conduct of any bureau member present on Sunday, September 17th, 2006 at 1718 hours, at the 1300 block of NW Everett Street, is the subject of this investigation. Officer BURTON has reviewed information necessary to be reasonably apprised of the nature of the allegations of the complaint. Officer BURTON has been informed that he is a witness in the case, and that Captain John TELLIS is in charge of the investigation. Officer BURTON: I am ordering you to answer all questions fully and truthfully. If you fail to respond fully and truthfully, you may be disciplined up to and including dismissal. Do you understand?

BURTON: Yes.

BARKLEY: Prior to going on the record, Officer BURTON reviewed related documents, specifically his transcribed statement with the Portland Police Bureau detectives, and the civil deposition with Mr. Thomas STEENSON, which was on January 9th, 2008. Do you have a notebook or any related material, documents regarding this incident that you would like to provide?

BURTON: Do I? No.

BARKLEY: Okay. First, Officer Bret BURTON is currently a police officer employed with the Portland Police Bureau. However, on Sunday, September 17th, 2006, Officer BURTON was, in fact, employed as a Deputy Sheriff with the Multnomah County Sheriff's Office, and assigned to the Transit Police Division. Officer BURTON was assigned as a partner with Portland Police Bureau Officer Christopher HUMPHREYS #32784. The first question: have you been provided a copy, and/or have you, prior to today, reviewed interview questions prepared by the Portland Police Bureau Internal Affairs Division?

BURTON: No.

BARKLEY: Okay. Please describe your background information related to law enforcement experience prior to and with the Portland Police Bureau.

BURTON: Uh, my law enforcement experience began when I was hired by the Multnomah County Sheriff's Office January 2nd, and 2004. Um, prior to that, I'd been on one ride-along that was part of the hiring process. I attended the Basic Police Academy at Monmouth, and then, uh, completed the that program at Multnomah

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50 County. So I was, um, employed for about, I think, 2 ½ years - a little over 2 ½
51 years at the time of the incident.

52 **BARKLEY:** And when were you hired at the Portland Police Bureau?
53 **BURTON:** June 14th of 2007.

54 **BARKLEY:** And you've attended the Portland Police Bureau Advanced Academy?
55 **BURTON:** Yes.

56 **BARKLEY:** On September 17th, 2006, were you CIT - Crisis Intervention Team trained?
57 **BURTON:** No.

58 **BARKLEY:** Prior to September 17th, 2006, had you received any specific training related to
59 identification of persons who are mentally ill and/or suffering from mental
60 disorders?
61 **BURTON:** Uh, it's possible I received some training, uh, at the Basic Police Academy, but
62 specifically, I can't recall.

63 **BARKLEY:** Prior to September 17th, 2006, had you received any specific training related to
64 identifications of persons who are under the influence of alcohol and/or drugs?
65 **BURTON:** Yes.

66 **BARKLEY:** And what--what did that entail?
67 **BURTON:** Uh, just basically academy courses. Uh, I think there was a few hours on DRE
68 kinda stuff; uh, some mental illness overview. I don't remember the specific
69 classes. It was a few years ago, but, um, and that stuff was covered.

70 **BARKLEY:** On Sunday, September 17th, 2006, what was your assignment?
71 **BURTON:** Uh, my assignment was, uh, we were working the downtown district, transit. I
72 was working a two-person car with Officer HUMPHREYS. 1772 was our
73 **BARKLEY:** So, you were assigned to the Tri-Met Police Division?
74 **BURTON:** Correct.

75 **BARKLEY:** And you were working with Officer Christopher HUMPHREYS that night?
76 **BURTON:** Yes.

77 **BARKLEY:** And who was driving, and who was the passenger?
78 **BURTON:** I was driving.

79 **BARKLEY:** And Officer HUMPHREYS was the passenger?
80 **BURTON:** Yep.

81 **BARKLEY:** Please explain what occurred at NW Everett Street at 18th Avenue, involving
82 Sgt. NICE's intoxicated subject, and as that related to Mr. CHASSE.
83 **BURTON:** Sure. CHRIS and I were driving down Burnside westbound, uh, crossing the
84 405, or about there. And we heard Sgt. NICE go out with a drunk subject at 18th
85 and Everett. And so we responded as cover, since we were just a few blocks
86 away. I was driving, and we turned down, uh, 18th - so, northbound on 18th, and
87 - um, Everett's a one-way street going eastbound - so, we had to go sort of
88 around the block to get back, uh, so we could cover the sergeant. And, uh, as we
89 drove past Everett on 18th, on the corner of 18th of Everett, uh, we saw Mr.
90 CHASSE standing there. Um, that's when--the first time I'd ever seen Mr.
91 CHASSE. Um.

92 **BARKLEY:** And he was standing on the northwest corner?
93 **BURTON:** Yes.

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94 **BARKLEY:** And what were your observations of Mr. CHASSE at that time?
95 **BURTON:** He was standing there, uh, sort of peculiar. Uh, it was not a bus stop; not a
96 crosswalk and he was standing there. Um, it just sort stuck out. He was, uh,
97 sorta shuffling, maybe, or moving his hands. He just looked like, uh--he just
98 looked like he was--it was odd that he was standing there. Um, and I--I'm not
99 sure if CHRIS or I ever actually verbalized a remark, but it was my impression
100 that we were both aware of him. And, uh, then we drove past to go cover the
101 sergeant. So, took a couple of left turns and pulled in front of the building that -
102 on Everett, uh, west of 18th - and covered the sergeant. And as we were
103 covering, uh, Sgt. NICE, I was looking, uh, eastbound on Everett, um,
104 periodically, just looking around, and I could see Mr. CHASSE, um, standing
105 there. And, uh, I ended up following him with my eyes as, uh, he walked away.
106 **BARKLEY:** And which direction did he walk?
107 **BURTON:** Eastbound on Everett.
108 **BARKLEY:** And was he on the north or south side, as he walked eastbound?
109 **BURTON:** Uh, he crossed the street to the south side at some point. I'm not exactly sure
110 where that was, but it was within a few blocks--as you're going over the 405, uh,
111 I believe he was on the south side of the street. It was a long time ago, but--and
112 then, uh, he proceeded on the south side of the street, uh, eastbound.
113 **BARKLEY:** Do you recall if anything was said between you and Officer HUMPHREYS
114 when you initially saw Mr. CHASSE on the corner?
115 **BURTON:** As we drove past the first time?
116 **BARKLEY:** Right.
117 **BURTON:** Uh, you know, I don't remember if we actually said anything, or--I don't
118 remember.
119 **BARKLEY:** Did you, and/or Officer HUMPHREYS, discuss with Sgt. NICE anything
120 regarding Mr. CHASSE from the time you initially observed him until the time
121 you cleared covering Sgt. NICE?
122 **BURTON:** Uh, I don't remember discussing Mr. CHASSE with Sgt. NICE. I remember me
123 and CHRIS talking about it, um, as we sorta cleared cover, and got back into our
124 car, like, hey, where'd that guy go, kinda thing.
125 **BARKLEY:** Okay, when--and your deposition which was taken on January 9th, 2008 with Mr.
126 Thomas STEENSON, you had--made a comment on page 116. You stated that
127 you observed Mr. CHASSE as you drove past him, and then you were out of the
128 vehicle, and Mr. CHASSE was a half a block away. And later on, during the
129 deposition on page 128, lines 14 through 17, on page 129, you had stated that
130 you had discussed Mr. CHASSE with Officer HUMPHREYS, and Sgt. NICE
131 was present. Do you recall that?
132 **BURTON:** I'm sorry, your--your question was, do I recall...
133 **BARKLEY:** Do you recall--I'd asked you originally if you discussed with Sgt. NICE the
134 circumstances surrounding Mr. CHASSE.
135 **BURTON:** Right.
136 **BARKLEY:** And if you look at page 128, line 14 through page 129, line 17, you stated during
137 your deposition that you, in fact, did discuss Mr. CHASSE with Sgt. NICE and

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138 Officer HUMPRHEYS. So, I'm asking you if you recalled what exactly was
139 discussed.

140 **BURTON:** Let me just take a moment and...

141 **BARKLEY:** Okay.

142 **BURTON:** Okay, um, and I said here on page 128, lines 17 - I don't--don't remember the
143 exact conversation; it was a fairly casual conversation. Um, it's possible that,
144 uh, we mentioned to Sgt. NICE that we were going to go contact Mr. CHASSE.
145 Um, I don't remember what was said. Um, we were also discussing other
146 things, um, so, it's--it's possible.

147 **BARKLEY:** Do you recall what you and Officer HUMPHREYS discussed with each other
148 while in the police car, regarding Mr. CHASSE, after he had left the location and
149 you had cleared the call with Sgt. NICE at 18th and NW Everett?

150 **BURTON:** Um, yeah. Uh, from what I remember, as we got back into the car, and we
151 started driving, it was like "Hey, did you see, uh, where that guy went?" And it
152 was like "Yeah, I think he went eastbound on Everett." And we discussed the
153 possibilities of, you know, he might have a warrant because, uh, CHRIS told me
154 that, um, at some point, Mr. CHASSE had looked up and--and, uh, seemed
155 startled by the fact that there was police officers standing a half a block away.
156 I'm not sure if it was 'cause he saw the lights on our car, 'cause we were
157 blocking--or blocking traffic at that point. We were covering the sergeant, and I
158 had the, I think the first stage overheads on, so the, you know, the red and blues
159 were going. But CHRIS said something about "Yeah, he saw--he saw us
160 standing there, and he took off. It looked like he turned around, saw the police,
161 and decided he didn't want to be in the area kind of thing." So, it was a
162 possibility he had--um, a lot of possibilities - um, he had a warrant, or drugs, or
163 was intoxicated, or, um, all kinds of stuff.

164 **BARKLEY:** So, these are the things that you and Officer HUMPHREYS were discussing in
165 the car once you left NW 18th and Everett?

166 **BURTON:** Yeah. And, once again, it was a fairly casual conversation. It was like "Did you
167 see where that guy went? Yeah, he saw us and took off. Okay, well, I think he
168 might be down there" kind of thing. Um, we didn't go into, you know, we
169 didn't break it down step by step: well, this is a possibility; this is a possibility.
170 But we both knew that it was possible, uh, I think. I can't speak for CHRIS. I
171 knew it was possible that the things I just said.

172 **BARKLEY:** Okay. So, you described Mr. CHASSE as acting in a peculiar manner. What
173 was so peculiar about Mr. CHASSE's demeanor or behavior?

174 **BURTON:** Uh, at some--it's--it's difficult to articulate. Um, as we drove past him the first
175 time there, uh, 18th and Everett on the northwest corner, uh, his, uh, his physical
176 mannerisms; his gesturing, um - and I--I can't even tell you exactly what he was
177 doing, but he--he stuck out, um, to me, and--and maybe to us, uh, as, uh, acting
178 strange. And it's--it's hard to put that into words. But, uh, he stuck out, and it
179 was someone that, uh, I kept my eye on as far as being the cover officer, because
180 he was a half a block away, and I was looking in that direction. I was just sorta
181 watching him, uh, off and on, as we were talking to this--uh, this drunk kid.
182 And, uh, it's sorta hard to put into words, but he was just out there, just strange.

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183 **BARKLEY:** Okay, so given Mr. CHASSE's peculiar, strange behavior, has the behavior that
184 you've just described caused you to contact other individuals that were
185 exhibiting the same quote, "peculiar", end quote, strange behavior in the past?
186 **BURTON:** Sure.
187 **BARKLEY:** So when was it that you and Officer HUMPHREYS actually decided to contact
188 Mr. CHASSE? Was it when you drove past him? Was it when you were at 18th
189 and Everett? Was it when you were leaving 18th and Everett? When was it that
190 you decided that you wanted to contact him?
191 **BURTON:** Um, it's difficult to say the specific point in time. We got back into the car, and
192 we were sorta discussing, uh, where he had gone, and I think we were also
193 discussing going to get some food or coffee, or something. So, it was just like,
194 well, my attitude was, from what I remember, well, if we see him, we'll go and
195 talk to him, but if we don't, you know, we won't. So we went down, and I think
196 when we spotted him, it was like, oh, there he is, and that's when the decision
197 was made we're going to go and talk to him.
198 **BARKLEY:** Okay. From the time that you cleared the call at NW Everett and 18th, and you
199 decided that you wanted to contact Mr. CHASSE, can you explain your legal
200 justification in contacting Mr. CHASSE?
201 **BURTON:** Um, it was sort of, uh, an evolving situation. Um, there was sort of a number of
202 different things, uh, possible outcomes of our contacting Mr. CHASSE. Uh, the
203 first of which, um, based on his--his behavior, uh, possible--uh, a detox
204 situation, possible warrant if he left the scene, um, when he saw the police were
205 present. Um, possible that, uh, he needed to talk to Project Respond, or
206 something. Um, possible that he had, uh, drugs in his possession. There was a
207 lot of possibilities.
208 **BARKLEY:** Okay, but getting back to the question...
209 **BURTON:** Mm-hmm.
210 **BARKLEY:** regarding legal justification. From the time you passed by Mr. CHASSE - you
211 assist Sgt. NICE at 18th and NW Everett, and then you leave - you decide that
212 you're going to contact Mr. CHASSE. Regarding your legal justification, do
213 you believe that you had reasonable suspicion, probable cause, or that your
214 contact with Mr. CHASSE was going to be mere conversation? That's what I'm
215 referring to...
216 **BURTON:** Okay.
217 **BARKLEY:** legal justification.
218 **BURTON:** Right. Um, I think our--my initial intent was, uh, as far as--as following him to
219 contact him, was just to talk to--to talk to him; to contact him. When we pulled
220 our car over, and we was standing next to the tree, uh, with something in his
221 hands, uh, hunched over next to the grate, uh, in the sidewalk where the tree is, it
222 looked like he was dumping something, or, uh, maybe getting rid of drugs, or
223 whatever it was. Um, and it was, as we pulled over, um, I believe, uh, we had
224 reasonable suspicion at least, at that point, uh, to stop him, and talk to him about
225 that.

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226 **BARKLEY:** Okay, so prior to you observing Mr. CHASSE's behavior next to the tree in the
227 1300 block of NW Everett - prior to that, you had--your legal justification was to
228 engage him in mere conversation - is that what you're saying?

229 **BURTON:** Yeah, in accordance with, like, a welfare check, or something like that. Um, and
230 then maybe do a--I mean, it was sort of evolving. It was--it's--um, it's difficult
231 to say almost two years later, but it was, uh--we knew, uh, or I knew that I
232 wanted to contact Mr. CHASSE. And, uh, when we saw him by the tree, uh,
233 fidgeting with something in his hands, um...

234 **BARKLEY:** At that point, it changed from...

235 **BURTON:** It...

236 **BARKLEY:** a mere conversation to - are you saying reasonable suspicion or probable cause?

237 **BURTON:** Reasonable suspicion.

238 **BARKLEY:** Okay.

239 **RODRIGUES:** This is Sgt. RODRIGUES. I guess, prior to seeing him at the tree, did you have
240 any legal justification to approach, to detain, to stop Mr. CHASSE for any
241 reason?

242 **BURTON:** Uh, I don't think so. Um, it's possible CHRIS said, uh, formulated something,
243 um, and not articulated to me. It all was sort of happening.

244 **RODRIGUES:** You personally?

245 **BURTON:** Um, we didn't sit down and discuss it. Me, personally - no.

246 **RODRIGUES:** Yeah. Okay.

247 **BURTON:** He was--he was walking - it might've been a pedestrian violation, uh, to talk to
248 him about, but, uh, no.

249 **RODRIGUES:** Okay, thank you.

250 **BARKLEY:** Okay, please explain what occurred, involving Mr. CHASSE in the 1300 block
251 of NW Everett Street. If you can go from the point where you see him standing
252 at the tree and you decide to stop the car - where you stopped, and what you did,
253 and only to the point where Mr. CHASSE then ends up on the sidewalk at 13th
254 and Everett.

255 **BURTON:** Yeah. Um, 13th and Everett, uh, on 13th, and we're--we're west of--or we're on
256 Everett - I'm sorry - west of 13th, and, uh, there's several parking spots that lead
257 up to the curb there, uh, to the corner of 13th and Everett. And then there's a sort
258 of an entryway into the building, like a--a door, um, and the sidewalk goes down
259 so you can enter. That's where I parked the car, and...

260 **BARKLEY:** Excuse me, would that be in mid-block?

261 **BURTON:** It would be in mid-block, yeah.

262 **BARKLEY:** Okay.

263 **BURTON:** So, mid-block, south side of the street, facing eastbound. Um, CHRIS is on the
264 passenger side, and he got out of the passenger's door. Um, I got outta the
265 driver's side door. And then I walked around the front of the patrol car,
266 between, uh, the patrol car, and the legally parked car in front of it. Um, and Mr.
267 CHASSE's at the tree. I-I whistled or--or said something to, uh, to get Mr.
268 CHASSE's attention so he could look up and see us - the police officer or
269 Deputy Sheriff, uh, was there to talk him, um, and then we can, uh, take it from
270 there. Um, at that point, uh, and it's--it's hard to remember exactly, but at some

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271 point, he turns around and, um, looks startled, and then, uh--or panicked, and
272 then turns and starts running eastbound on Everett on the sidewalk. Um, CHRIS
273 and I chased him to the corner, and, uh, at that point, uh, CHRIS collided with
274 him and they went down, uh, on the sidewalk into, uh, the street - the
275 intersection with 13th, um, 6, 7 feet, somewhere in there, actually onto the
276 ground. Um, at that point, Sgt. NICE appeared and, um, we all started to try and
277 restrain Mr. CHASSE to take him into custody.

278 **BARKLEY:** Okay, so, to back up, you--you parked - you're driving the police vehicle...
279 **BURTON:** Yes.

280 **BARKLEY:** You park it mid-block between 13th and 14th on Everett, facing eastbound. Is
281 your car parked parallel with the curb or is it at an angle toward the curb?
282 **BURTON:** Parallel with the curb, I believe.

283 **BARKLEY:** Okay. And so, how - distance-wise - how much distance did you have from
284 where you actually stopped and from then when you saw Mr. CHASSE? Did
285 you see him back at 14th, standing next to the tree?
286 **BURTON:** Uh, I-I don't remember. That's where I parked, obviously. We'd parked
287 because we had seen him. Um, but I'm sure exactly at what point in the
288 roadway.

289 **BARKLEY:** Okay. Would you say you--you would've had time, or Officer HUMPHREYS
290 would've had time to advise radio that you were going out at that location to
291 make contact with Mr. CHASSE?
292 **BURTON:** I don't remember. It'd be hard to say. It all happened very quickly, I know that.
293 As soon as we got out of the car, it was a matter of seconds before, uh,
294 everybody was running.

295 **BARKLEY:** Okay, but when you get out of the car, Mr. CHASSE had his back towards you
296 and Officer HUMPHREYS, and he didn't see you until you whistled. So, once
297 again, do you think you had enough time to advise BOEC that you were going to
298 be out with a subject at that location?
299 **BURTON:** It's difficult to say. It's possible.

300 **BARKLEY:** Okay, is there a reason why you did not?
301 **BURTON:** No specific reason.

302 **BARKLEY:** Do you typically advise radio?
303 **BURTON:** Yes.

304 **BARKLEY:** Okay. And so, when you see Mr. CHASSE, he's got his back to you, he's
305 standing next to the tree; you said he sorta bent over, and it looked like he had
306 something in his hand - what were your observations, your perceptions, your
307 thoughts as to what Mr. CHASSE was doing?
308 **BURTON:** Uh, I thought it was very likely that he was dumping drugs, uh, throwing a crack
309 rock, or something down into the grate, so we wouldn't see it, uh, before we
310 contacted him.

311 **BARKLEY:** Did he look like a crack user?
312 **BURTON:** Difficult to say. What's a crack user look like?
313 **BARKLEY:** Did he look like he was homeless?
314 **BURTON:** It's possible. I never met him before.

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315 **BARKLEY:** Did you believe at that time that he was at the tree, that he was committing, or
316 about to commit a crime?
317 **BURTON:** Yes.
318 **BARKLEY:** And what crime would that have been?
319 **BURTON:** Uh, possession of a controlled substance.
320 **BARKLEY:** Did you believe that Mr. CHASSE was either urinating or exposing himself?
321 **BURTON:** Um, like I said, it was all happening--it all happened within a matter of seconds.
322 It's a possibility; definite possibility. 'Cause he was bent over in that manner.
323 Could've been zipping up; could've been... But it was--it was, uh, sort of an
324 evasive posture he was taking; his trying to shield--he looked like he was--he
325 was doing something.
326 **BARKLEY:** Okay, did you or Officer HUMPHREYS, besides whistling at him to get his
327 attention, did you or Officer HUMPHREYS say anything to Mr. CHASSE, from
328 the time he was at the tree, until he was forced to the ground at 13th and Everett?
329 Did you say anything?
330 **BURTON:** I think, uh, CHRIS said "stop" or "stop, police", or something like that.
331 **BARKLEY:** Did Mr. CHASSE say anything back to the two of you, or to anyone else? Was
332 he yelling?
333 **BURTON:** Uh, well, he was yelling once we were all on the ground, but, um, I-I don't
334 remember.
335 **BARKLEY:** And how fast was Mr. CHASSE? Was he jogging, running, sprinting?
336 **BURTON:** He was sprinting. He was--he was going fast.
337 **BARKLEY:** And how about yourself and Officer HUMPHREYS?
338 **BURTON:** We were all sprinting.
339 **BARKLEY:** So, this was a full-out run?
340 **BURTON:** Yes.
341 **BARKLEY:** Okay, now at this point, can you explain the legal justification for the foot
342 pursuit? Did you have reasonable suspicion, probable cause that a person, Mr.
343 CHASSE, had committed, or was about to commit a crime or a violation?
344 **BURTON:** We had the reasonable suspicion, uh, in my mind, and then in CHRIS's mind.
345 Um, and CHRIS and I began to ran at--began to run at the same time, so, um, I
346 think CHRIS, uh, yelled "stop." So, you have reasonable suspicion, and then,
347 uh, interfering, uh, with a police officer, lawful order to stop. Um, and it all
348 happened in, like I said, a matter of seconds. And, uh, then once, uh, once we're
349 on the ground, then he's resisting arrest.
350 **BARKLEY:** Did you or Officer HUMPHREYS advise BOEC that you were in a foot chase?
351 **BURTON:** No.
352 **BARKLEY:** Why not?
353 **BURTON:** Uh, it all happened too fast - um, we just wanted him - to get it out over the air.
354 **BARKLEY:** Okay, so, Mr. CHASSE was chased for a half a block - is that correct?
355 **BURTON:** Yeah, about--about half of a block.
356 **BARKLEY:** And all three of you are in a sprint?
357 **BURTON:** Yeah.

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358 **BARKLEY:** Okay. Now--now that you are a Portland Police Officer, opposed to a
359 Multnomah County Sheriff's Deputy, and you went through Portland Police
360 Bureau Advanced Academy and you've been working the street now, for how
361 long - for Portland?
362 **BURTON:** Uh, well, like a month or two before I went to the Advanced. And then, uh, I got
363 out--I graduated from the Advanced Academy, I think, in November - so, six
364 months; six, seven months.
365 **BARKLEY:** Do you believe the foot chase was within the Portland Police Bureau guidelines
366 established in the Manual of Policy and Procedure?
367 **BURTON:** Yes.
368 **BARKLEY:** Why?
369 **BURTON:** Um, we had a reasonable suspicion to stop him, I believe. Uh, and, uh, he, uh,
370 disobeyed a lawful order to stop. Um, or a clear police presence, he ran, um,
371 knowing we were there to contact him.
372 **BARKLEY:** Do you believe the foot pursuit of Mr. CHASSE was consistent with the
373 established guidelines at the Training Division?
374 **BURTON:** I do.
375 **BARKLEY:** And why?
376 **BURTON:** Um, [pause] I don't see how it violated the poli - I don't have the policy in front
377 of me - I don't see how it violated the policy in any way.
378 **BARKLEY:** Can you describe the manner and technique utilized by Officer HUMPHREYS
379 to quote, "force" - and I said force 'cause you used that in your depositions, and-
380 -or your deposition, and also in your statement to Portland Police Bureau
381 Detectives - that Mr. CHASSE was forced to the ground by Officer
382 HUMPHREYS. Can you explain how that technique was used by Officer
383 HUMPHREYS?
384 **BURTON:** Not in any detail. Um, I wasn't...
385 **BARKLEY:** Excuse me - it's on page 9 of the transcript, and also page 39, and then also the
386 deposition, page 156. But you clearly describe Officer HUMPHREYS'
387 technique as forcing Mr. CHASSE to the ground. So, if you can describe that
388 technique...
389 **BURTON:** Sure.
390 **BARKLEY:** that you observed.
391 **BURTON:** Well, I'll refer to my previous statements, um, and say that, uh, I wasn't paying
392 any particular note to, uh, the technique; hand placement, 'cause it was all
393 happening very fast. Uh, it was sort of evolving. I wasn't, uh, sorta critiquing,
394 um, Officer HUMPHREYS on his technique. Um, we were all running the same
395 direction, which is eastbound. Officer HUMPHREYS had a couple of steps on
396 me, and, uh, contacted Mr. CHASSE, uh, physically contacted him with his
397 body, and then they fell down. Um, I don't know, uh, if CHRIS's hands went
398 around Mr. CHASSE; if he pushed Mr. CHASSE; if it was to show--I don't--I
399 was behind him. Um, and I don't know, uh, where CHRIS landed, uh, if it was
400 on him, or next to him, or, uh, it's real difficult to say.

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401 **BARKLEY:** Okay, so, when you're--you're running eastbound along the south sidewalk of
402 Everett, toward 13th Avenue, Mr. CHASSE, is he running what would be in the--
403 between the two of you, but in front of you?
404 **BURTON:** Even that's sorta difficult to say. I-I kinda see where you're getting at.
405 **BARKLEY:** Well, are you--are you running on one side of Mr. CHASSE, and Officer
406 HUMPHREYS is running on the other side, which would place Mr. CHASSE in
407 the middle?
408 **BURTON:** Uh, not exactly. Um, I was coming around the front of the police car; CHRIS is
409 already out on the sidewalk, um, when Mr. CHASSE began to run. And, uh, so
410 it was Mr. CHASSE and then CHRIS, and then a few feet back was me. I'm not
411 sure how we were staggered, as far as alignment, but I was behind CHRIS, and
412 presumably not directly behind him. I was probably a little bit to the side. I'm
413 not sure which side it was.
414 **BARKLEY:** So...
415 **BURTON:** And that might've changed as we ran.
416 **BARKLEY:** So, would your observation of the exact technique used by Officer
417 HUMPHREYS to, as you say, force Mr. CHASSE to the ground, would that be
418 based on that we're interviewing you now 20 months after the incident, or would
419 it be that you were in a position so as not to have a clear observation of what
420 actually took place, or was your attention diverted to something else?
421 **BURTON:** Uh, well, I was--I was in posi--I was behind CHRIS. Um, I'm sure there was a
422 lot of better vantage points if you wanted to document exactly, uh, the technique
423 that was used by CHRIS to take Mr. CHASSE to the ground. Um, I was--my
424 view was not obstructed, uh, apart from being behind both of them. Um, and
425 like you said, it has been 20 months, but, um, even if, uh, it happened yesterday,
426 it'd be very hard for me to say exactly who put whose hands where, and who fell
427 where, in sorta the heat of the moment of a foot pursuit, uh, and then a
428 prolonged sorta struggle with the guy on the ground. It's hard to--I filled out use
429 of force reports on other incidents, and it's--it's sometimes difficult to say
430 exactly, uh, you know, the--the chain of events. My adrenalin is going, and, um,
431 you're running down the street, and there's, you know, people and traffic, and all
432 that stuff. There's many considerations.
433 **BARKLEY:** Okay, when Mr. CHASSE and Officer HUMPHREYS hit the sidewalk - and
434 they were - we already know that we were sprinting - so, once they hit the
435 sidewalk, you say they ended up actually in the street of 13th - was that--did they
436 actually slide on the sidewalk, or was it they went down and... Was there any
437 movement once they hit the cement?
438 **BURTON:** Uh, I would--I would think so. I don't know exactly if they slid and rolled, or,
439 um, or what. They ended up on 13th, though.
440 **BARKLEY:** Okay, do you know if Mr. CHASSE landed on his front, back or--or side?
441 **BURTON:** No.
442 **BARKLEY:** Do you know if Officer HUMPHREYS landed on his front, back or side?
443 **BURTON:** No.
444 **BARKLEY:** Do you know if Officer HUMPHREYS, in fact, landed on top of Mr. CHASSE,
445 or partially on top of Mr. CHASSE?

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446 **BURTON:** I don't know.
447 **BARKLEY:** Okay, so what occurred between Mr. CHASSE and Officer HUMPHREYS
448 immediately after they hit the ground? What interaction took place?
449 **BURTON:** Uh, we began - we began giving him verbal commands. Uh, we tried to take
450 him into custody and put handcuffs on him. Um, we put his hands behind his
451 back. Sgt. NICE showed up, uh, within a few seconds, and, uh, CHRIS had one
452 of his arms, uh, Sgt. NICE had the other one of his arms, and they sorta directed
453 me "hey, get his feet." So, I was down at his feet trying to, uh, control his feet.
454 **BARKLEY:** Okay, and how would you describe Mr. CHASSE's behavior and demeanor,
455 from the time he was tackled, until the time he was transported to MCDC?
456 **BURTON:** Uh, incredibly combative. Uh, very, uh, sorta furious-strong. Um, just, uh,
457 really aggressive.
458 **BARKLEY:** Was he very flexible?
459 **BURTON:** Yes.
460 **BARKLEY:** Was he screaming and yelling?
461 **BURTON:** He was.
462 **BARKLEY:** And what he screamed and yelled, was it something that you understood?
463 **BURTON:** No.
464 **BARKLEY:** Did you understand anything of what he was screaming or yelling?
465 **BURTON:** No, uh, especially during the struggle, um, it was--it was more of a growl, kinda.
466 **BARKLEY:** At any point, did you observe Mr. CHASSE's pants being wet in the front, and it
467 appeared to be that he urinated on himself?
468 **BURTON:** Yes.
469 **BARKLEY:** Can you describe your behavior and demeanor, from the time Mr. CHASSE was
470 tackled to the ground, and then he was transported to MCDC?
471 **BURTON:** My demeanor and...
472 **BARKLEY:** Behavior. Were you angry, or did you feel like you were out of control...
473 **BURTON:** No.
474 **BARKLEY:** Did you feel like you wanted to hurt somebody?
475 **BURTON:** No, not at all. Um, we were just trying to sort of, uh, get handcuffs on him, and
476 protect ourselves at the same time. And, uh, it was a pretty intense, uh, period
477 when we were trying to put handcuffs on him. We had to call, uh, for another
478 car because the three of us - we're all, uh, I think, probably, uh, larger than
479 average people - weren't able to control, uh, Mr. CHASSE. Um, I was
480 concerned, uh, on sort of a number of fronts. I was only able to get a, like, one
481 latex glove, like, half-way on before, uh, uh, he went to the ground. And so I
482 was, uh, basically, uh, bare-handed on his, uh, wet skin, and wet, um, jeans.
483 Um, so I was--I wanted to get him into custody so I could, uh, sort of, uh, clean
484 myself. Um, also, he was--he was biting, um, snapping and biting--bit, uh, Sgt.
485 NICE. And we were in sort of, uh, 13th and there's cars coming and going. Um,
486 so I was concerned, uh, about the situation. I was never angry. I was never, uh,
487 out of control.
488 **BARKLEY:** Okay, how was Officer HUMPHREYS' behavior and demeanor, directed toward
489 Mr. CHASSE, from the time he was tackled until he was transported to MCDC?

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490 **BURTON:** Uh, similar to mine - just, uh, concerned, but not angry; um, never out of
491 control; very professional.

492 **BARKLEY:** How about Sgt. NICE's behavior and demeanor?

493 **BURTON:** The same.

494 **BARKLEY:** Did you actually see Mr. CHASSE bite Sgt. NICE?

495 **BURTON:** I never--I didn't. I don't think I actually saw the bite that he had landed on Sgt.
496 NICE's leg. I saw him snapping at both, uh, the sergeant and, uh, Officer
497 HUMPHREYS. And then, at some point, I think it was at 13th and Everett, uh,
498 Sgt. NICE had pulled up his pant leg to, like, inspect his lower leg, and there
499 was a clear bite-mark on his--sort of his calf area.

500 **BARKLEY:** Starting with yourself, can you describe all the physical force that was used by
501 yourself, directly at Mr. CHASSE?

502 **BURTON:** Yeah, and I'll try to refer to my reports too. Um...

503 **BARKLEY:** If you look at pages 10 through 11 of your transcription.

504 **BURTON:** So, once we were all on the ground at 13th and--13th and Everett, I attempted to
505 physically control his legs. Uh, he was kicking and flailing pretty violently.
506 Um, very flexible. At--at one point, um--or at several points, he was able to sort
507 of bend his body so his--so his sorta pelvis was facing the ground, or vice-versa,
508 and then, um, his upper body was doing the opposite. So, he was able to, uh, get
509 his arms underneath him as, uh, Sgt. and Officer HUMPHREYS were trying to
510 get physical control of his arms to put his hands behind his back. We're all
511 issuing verbal commands, uh, "stop resisting", um, "put your hands behind your
512 back." Um, let's see, um, at one point, uh, I removed my Taser from my holster,
513 and put the red dot, uh, at some point on--somewhere on his body, and told him
514 "if you don't stop resisting, you're going to get tasered", or something along
515 those lines.

516 **BARKLEY:** So, did you, in fact, warn Mr. CHASSE that you would tase him?

517 **BURTON:** Yes, I did.

518 **BARKLEY:** And were you intending to use the probes, or a dry-stun?

519 **BURTON:** Uh, I, in fact, did dry-stun him, so that--that was my, I guess, eventual intent.
520 Just a matter of him flailing around so violently, I wasn't sure where the probes,
521 uh, would land. Um, so I ended up, uh, removing the cartridge from the Taser,
522 and then dry-stunning him.

523 **BARKLEY:** Do you recall punching Mr. CHASSE once or more in the back?

524 **BURTON:** Yes.

525 **BARKLEY:** And whereabouts on the back did you strike him?

526 **BURTON:** Uh, it would be difficult to say; he's moving around so much.

527 **BARKLEY:** Lower back, middle back, upper back?

528 **BURTON:** Uh, I don't--I don't know.

529 **BARKLEY:** Now, when you struck him, did--was it with a closed fist?

530 **BURTON:** It was, yes.

531 **BARKLEY:** And did you use your right index finger knuckle for pain compliance in the ribs?

532 **BURTON:** I did.

533 **BARKLEY:** And was that on the side of the ribs?

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534 **BURTON:** Uh, that's hard to say too, but, yes, side to back.
535 **BARKLEY:** And what physical force did you--did you use any other physical force that you
536 can recall?
537 **BURTON:** No.
538 **BARKLEY:** Okay, Officer HUMPHREYS, do you recall any physical force that he used on
539 Mr. CHASSE?
540 **BURTON:** Um, apart from reviewing transcripts of stuff, um, at the time, I was focused on
541 getting his legs under control. Um, I wasn't paying real close attention; uh, I
542 wasn't watching their actions. Um, so I-I don't know specifically what--what
543 use of force they had.
544 **BARKLEY:** Okay, do you recall observing Officer HUMPHREYS strike Mr. CHASSE once
545 or twice in the face?
546 **BURTON:** I don't remember that.
547 **BARKLEY:** Do you recall observing Sgt. NICE strike Mr. CHASSE with a closed fist in the
548 shoulder/head area?
549 **BURTON:** No.
550 **BARKLEY:** Do you recall Sgt. NICE using an arm-bar?
551 **BURTON:** No.
552 **BARKLEY:** Do you recall Sgt. NICE kicking Mr. CHASSE in the upper chest?
553 **BURTON:** No.
554 **BARKLEY:** Do you recall Sgt. NICE kneeling on Mr. CHASSE's back?
555 **BURTON:** No.
556 **BARKLEY:** So, to get back to the kicking, you don't recall any officer, including Sgt. NICE,
557 present there, kick or kicking Mr. CHASSE?
558 **BURTON:** Correct, I don't remember anyone kicking Mr. CHASSE.
559 **BARKLEY:** Did you either observe or hear of any officer who caused broad-based blunt
560 force trauma to Mr. CHASSE?
561 **BURTON:** Did I - I'm sorry, did I hear about anybody...
562 **BARKLEY:** Yeah, did you either observe, personally, or have you ever heard of any officer
563 who caused broad-based blunt force trauma to Mr. CHASSE, such as falling on
564 him, jumping on him, dropping him onto the ground...
565 **BURTON:** No. Uh, obviously, there's been a lot of discussion and--about, um, CHRIS's,
566 uh, forcing Mr. CHASSE to the ground, and speculation that mighta caused
567 some sort of broad-based blunt force trauma to Mr. CHASSE. I-I can't speak to
568 that. I don't know exactly how they landed. Um, apart from that, the only sort
569 of broad force--blunt force that was used was, uh, in the process of me and
570 CHRIS, uh, trying the CPR on Mr. CHASSE...
571 **BARKLEY:** That was at 33rd...
572 **BURTON:** And Clackamas...
573 **BARKLEY:** Correct, and Clackamas. Okay, when you were interviewed by detectives, you
574 stated that you believed Mr. CHASSE was under the influence of drugs. Why
575 did you feel that Mr. CHASSE was under the influence of drugs, opposed to the
576 possibility that he was suffering from mental illness?

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577 **BURTON:** Uh, 'cause of the way he fought. He was, uh, incredibly strong for his, uh, sort
578 of build, and his pain compliance was off the charts. He didn't flinch at the
579 Taser. Uh, I've been tasered myself, and it hurts, and he didn't--he didn't even
580 seem to notice it. Um...

581 **BARKLEY:** There was no reaction by Mr. CHASSE to being tased?

582 **BURTON:** He just kept fighting. No, there was no--there was no sign that--that it even
583 happened. Um...

584 **BARKLEY:** How many times did you cycle the Taser?

585 **BURTON:** Uh, there's a report somewhere - a few times, apparently. And I'm not sure if it
586 was contacting his skin the entire time - he's moving around so much - but, um,
587 somewhere there's the--the Taser printout - a few times.

588 **BARKLEY:** So, while you're fighting him, did you ever think that there was possibility that
589 Mr. CHASSE was suffering from a mental illness?

590 **BURTON:** That's not what I was thinking at the time.

591 **BARKLEY:** Who handcuffed Mr. CHASSE?

592 **BURTON:** Um, I don't recall specifically. I think it was CHRIS's handcuffs that were used.

593 **BARKLEY:** But you don't recall who put the handcuffs on?

594 **BURTON:** No, I don't.

595 **BARKLEY:** Okay, do you recall who placed the hobble on Mr. CHASSE?

596 **BURTON:** Uh, I think it was a combination of, uh, a few of us. I'm not sure who--who held
597 the hobble as it was placed over his--his legs, but, uh...

598 **BARKLEY:** Do you recall the hobble being placed on Mr. CHASSE, and then an Officer
599 there at the scene directing the hobble be repositioned, because of the manner in
600 which it was originally placed?

601 **BURTON:** I don't remember that.

602 **BARKLEY:** Okay, when the hobble was placed, can you describe how--how it was cinched
603 up, or was it applied loosely, so he was able to have the entire length of the
604 nylon strap to stand up? Or was it cinched so that his ankles were pulled up
605 closer to his handcuffs?

606 **BURTON:** I don't remember the degree to which it was cinched up.

607 **BARKLEY:** Okay. Do you recall who searched Mr. CHASSE?

608 **BURTON:** Uh, I remember I searched his backpack, looking for identification. Um, I think
609 CHRIS mighta searched him, uh, either on the ground or in the car - I don't
610 remember.

611 **BARKLEY:** Okay. What position was Mr. CHASSE placed in? Was he placed on the side,
612 or back, or stomach, as it relates to positional asphyxia?

613 **BURTON:** Asphyxia.

614 **BARKLEY:** Yeah.

615 **BURTON:** Uh, while he's in the street, or in the car?

616 **BARKLEY:** In the street.

617 **BURTON:** Uh, on the side. We were--we were aware of that, and I think he was on the
618 right side.

619 **BARKLEY:** What caused the Code 3 medical to be requested? What was occurring with Mr.
620 CHASSE to cause that?

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621 **BURTON:** Um, Sgt. NICE requested that, and I'm not sure what was, uh, his exact reason.
622 Uh, I'm sure you've spoken to him about that. Um, uh, the use of the Taser,
623 combined with, uh, the prolonged, uh, physical struggle, and then, um, I think
624 there was some concern that he mighta lost consciousness.

625 **BARKLEY:** Did you ever see Mr. CHASSE lose conscious?
626 **BURTON:** I don't know if--if he was unconscious. I know he was--he went from fighting
627 with us, uh, for quite a while, to, um, once he was secured in handcuffs - I'm not
628 sure if he was hobbled; I think he mighta been hobbled at that point - he--he
629 sorta went quiet. So I don't know if he was recovering, uh, if he was
630 unconscious, if he was resting for, uh...

631 **BARKLEY:** Was there any point that you felt that, based on your observations, that Mr.
632 CHASSE had stopped breathing, and was unconscious?
633 **BURTON:** Not conclusively. I don't--no, I was doing other stuff too. I wasn't just sitting
634 there watching him.

635 **BARKLEY:** Who arrived first? Was it the Portland Fire Bureau, or was it AMR?
636 **BURTON:** Uh, that's difficult to say. In reviewing my initial, uh, detectives' interview
637 transcripts, uh, I think it was my impression that, uh, I-I spoke a lot about it with
638 Portland Fire, and, um, I'm not sure I even mentioned it to AMR. So I'm not
639 sure who got there first.

640 **BARKLEY:** Did Mr. CHASSE remain handcuffed and hobbled while he was checked by
641 medical personnel, or did you put the handcuffs off and hobble?
642 **BURTON:** I believe he remains, uh, restrained in handcuffs and the hobble. Uh, it's a
643 possibility that they, while they were evaluating him - while medical's
644 evaluating him, that they might've...

645 **BARKLEY:** Do you recall...
646 **BURTON:** I don't remember that though.
647 **BARKLEY:** Do you recall Mr. CHASSE's behavior and demeanor while the medical
648 personnel were present?
649 **BURTON:** Um, I believe he became combative again. 'Cause I think they had a difficult
650 time getting his, you know, his vitals and all that stuff, initially. I don't
651 remember, specifically.

652 **BARKLEY:** Did any of the officers present provide any medical assistance to Mr. CHASSE,
653 prior to medical arriving?
654 **BURTON:** I don't think so.

655 **BARKLEY:** Was Mr. CHASSE's medical condition continuously monitored by officers at
656 the location?
657 **BURTON:** We were standing by, uh, with him. There was always an officer with him, you
658 know, 10 feet. Um, after he was so, uh, aggressively combative, and biting and
659 kicking, and, uh, screaming, uh, I don't think anybody was, you know, going to
660 kneel down, and, uh, count his heart-rate or anything like that. But we were
661 there standing next to him, monitoring...

662 **BARKLEY:** So, was Mr. CHASSE ever left alone?
663 **BURTON:** No.
664 **BARKLEY:** Did you, or other officers, advise medical responders of the physical force used
665 on Mr. CHASSE, and the circumstances involving Mr. CHASSE, with regards

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666 to being forced to the ground, tackled, possible associated injuries from being
667 forced to the ground or tackled, such as a possible head injury, chest injury, and
668 was medical advised that he had been tasered?
669 **BURTON:** I believe so. I wasn't acting in sort of the liaison with medical. Uh, I was doing
670 other stuff, including, uh, cleaning my hands, um, and getting them in gloves.
671 Um...
672 **BARKLEY:** So, okay...
673 **BURTON:** I don't know the specific conversation that occurred.
674 **BARKLEY:** Let me back up, did you ever...
675 **BURTON:** No.
676 **BARKLEY:** advise medical?
677 **BURTON:** I don't think so.
678 **BARKLEY:** Do you know, first-hand, if any other officers did?
679 **BURTON:** No.
680 **BARKLEY:** Okay. Do you feel that it would've been important to advise Portland Fire
681 Bureau and AMR medical personnel of the circumstances surrounding--the
682 totality of the circumstances involving Mr. CHASSE?
683 **BURTON:** Yes. And that's why I'm confident that that conversation occurred.
684 **BARKLEY:** By someone?
685 **BURTON:** By somebody.
686 **BARKLEY:** But you don't know specifically by who?
687 **BURTON:** Correct.
688 **BARKLEY:** Okay. Are you aware of any medical personnel, either from AMR or from the
689 Portland Fire Bureau that recommended that Mr. CHASSE be transported to a
690 hospital?
691 **BURTON:** No.
692 **BARKLEY:** Were there any medical opinions communicated to you or other officers that
693 you're aware of, regarding Mr. CHASSE's vital signs, and/or potential medical,
694 mental health conditions?
695 **BURTON:** Was there any information they conveyed to...
696 **BARKLEY:** To you, or that you know was relayed to another officer.
697 **BURTON:** Yeah, they told us his vitals were normal.
698 **BARKLEY:** And do you remember who that was? Was that from AMR, the male or the
699 female; or from Portland Fire Bureau?
700 **BURTON:** I'd be speculating. I don't recall specifically. But it was--it was clear to us that
701 his--his--he was fine.
702 **BARKLEY:** And he was well enough, in their opinion, to be transported to jail, opposed to
703 the emergency room.
704 **BURTON:** Absolutely.
705 **RODRIGUES:** This is Sgt. RODRIGUES. Now, was this communicated to you, or did you--
706 was this somehow communicated to you by the other officers there?
707 **BURTON:** Um, I think we were all sorta standing down there, sorta seeing what the verdict
708 was from medical. And they said "yeah, he's fine." And I don't remember who--
709 -which AMR person said it...

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710 **RODRIGUES:** Mm-hmm.
711 **BURTON:** And if that was directed to somebody standing next to me, and I overheard it, but
712 it was clear to me, from medical, um, that he was fine to be transported.
713 **BARKLEY:** Okay. At this point, what criminal charges were pending, as they related to Mr.
714 CHASSE.
715 **BURTON:** Sure. Um, CHRIS and I discussed that as we transported him to jail, as far as,
716 um, interfering with a police officer, uh, resist arrest. Um, and we had a blue
717 sheet ready. I'm not sure if you have a copy of that, but those were the charges
718 we...
719 **BARKLEY:** So--so, okay, so you have two charges. You have interfering with a police
720 officer...
721 **BURTON:** Mm-hmm.
722 **BARKLEY:** Correct?
723 **BURTON:** Correct.
724 **BARKLEY:** Okay, explain your legal justification for that charge.
725 **BURTON:** That would be the--the disobeying a lawful order to stop...
726 **BARKLEY:** As he's running down the sidewalk?
727 **BURTON:** Right. Uh, the resist arrest, um, and then, uh, there was also some discussion as
728 far as, um, a substance we found. Uh, CHRIS had something that coulda been,
729 uh - and it's really hard for me to say specifically now - but something that
730 coulda been crack. Um, I had gone back and looked by the tree, and found what,
731 uh, what looked like bread crumbs. Me, and I think I had mentioned to a Central
732 officer, and we looked at it together. Um, it's all pretty foggy right now. But,
733 um, so, there was some--probably some discussion about that.
734 **BARKLEY:** But did you charge him with possession of a controlled substance?
735 **BURTON:** No, I don't believe that was placed on the blue sheet.
736 **BARKLEY:** So, your--your charges that he was to be booked for were two things.
737 **BURTON:** I'll refer to the--I don't have the custody report in front of me. I mean, that
738 would be--I don't remember exactly.
739 **BARKLEY:** Okay.
740 **BURTON:** There was--there was...
741 **BARKLEY:** But the resist arrest is because of what took place...
742 **BURTON:** Oh, and assaulting a public safety officer, as well, 'cause he bit Sgt. NICE. So,
743 that was probably on there too.
744 **BARKLEY:** Okay. Okay, did AMR and the Portland Fire Bureau personnel clear the location
745 prior to, or after Mr. CHASSE was removed from 13th and Everett, and taken to
746 the police car? Were they still present, or not?
747 **BURTON:** I don't remember.
748 **BARKLEY:** Okay. Was Mr. CHASSE taken back to your police vehicle, which is parked in
749 mid-block, between 13th and 14th, or was your police vehicle moved to the corner
750 of 13th and Everett?
751 **BURTON:** He was carried back to where the car was parked.

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752 **BARKLEY:** Okay, explain that. That's a half block that you're carrying somebody. Why--
753 why would you opt to carry a grown man half a block, opposed to moving the
754 police car to your location and putting him in the police car?
755 **BURTON:** I don't know. Um, there was a lot of police cars there, uh, by the time we
756 actually moved him to a police car from the street - after medical was gone, and
757 all that stuff - it could've been just a matter of, uh, traffic. You have several
758 police cars parked up in that area of 13th and Everett. Ours is parked back there,
759 and we're going to be doing the transport, and maybe it wasn't thought of really
760 clearly. It was just, okay, let's get him in the car, and let's get him to jail, kinda
761 thing.
762 **BARKLEY:** So, you don't recall anybody, or are you thinking that the better option would've
763 been just to move the police car to 13th and Everett, put Mr. CHASSE in the
764 police car there, opposed to carrying him a half block?
765 **BURTON:** I don't remember there being a discussion.
766 **BARKLEY:** Okay. How many people--how many officers carried Mr. CHASSE?
767 **BURTON:** Uh, 3 to 4.
768 **BARKLEY:** And do you recall what body part you had in carrying Mr. CHASSE?
769 **BURTON:** I don't think I carried him back to the car. I think I was--I think I had his
770 backpack.
771 **BARKLEY:** You took the lighter load?
772 **BURTON:** Yes.
773 **BARKLEY:** Okay, were you ever concerned by carrying Mr. CHASSE a half block to your
774 police vehicle, opposed to moving your police vehicle to 13th and Everett, that
775 Mr. CHASSE would be further injured, or just by carrying him in that manner,
776 he would be injured?
777 **BURTON:** No, at that point, I didn't think he was injured. Apart from, I think he had some
778 blood coming out of his mouth, um, but it was just, like, a cut lip or something.
779 Medical had just left and said that he was fine, so, uh, we didn't think he was in
780 any danger.
781 **BARKLEY:** Do you know which officers carried Mr. CHASSE? We know you had the
782 backpack.
783 **BURTON:** Uh, I don't recall specifically.
784 **BARKLEY:** Okay, once you were at the police vehicle, Mr. CHASSE was - do you recall
785 how he was placed? Okay, he's handcuffed; he's got a hobble on, and there's
786 not a great deal of slack in the hobble - is that correct?
787 **BURTON:** I don't remember what amount of slack was...
788 **BARKLEY:** Okay. How do you--do you know how he was placed in the car?
789 **BURTON:** He was placed, uh, on his--I think it was his left side with his head with his head
790 towards the driver's side door.
791 **BARKLEY:** Okay, was he then placed in a sitting position and seat-belted, or was he laid--
792 left in a lying position?
793 **BURTON:** Uh, sort of, I think, like, a half reclined-type position with, uh, his left side
794 contacting, uh, the seats, and then, um, just the way the--the seats are in the back
795 of the Portland cars, with the molded plastic. Um, we weren't able to sit him up,
796 'cause of the hobble, and he wasn't able to lay down, so he was just sorta...

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797 **BARKLEY:** Was he ever seat-belted in?
798 **BURTON:** I don't remember. I think a seatbelt was used, maybe to prevent him from
799 rolling over onto his stomach, but...
800 **BARKLEY:** You don't recall Mr. CHASSE rolling over, or falling under the floor of the
801 police car?
802 **BURTON:** Uh, not during transport, maybe, uh, as we were trying to, uh, take Mr. CHASSE
803 out of the back at booking, he mighta fallen down in the well, just 'cause you're-
804 -you have such a way extended out in front of you, as you're trying to remove
805 somebody.
806 **BARKLEY:** Okay, was--was there any force used by any officers once Mr. CHASSE was
807 picked up and carried to the police car, or at the police car prior to leaving?
808 **BURTON:** No.
809 **BARKLEY:** Was there a change in demeanor or actions of any of the officers present?
810 **BURTON:** No.
811 **BARKLEY:** Okay. While Mr. CHASSE was transported to the Multnomah County Center,
812 was he monitored the entire way?
813 **BURTON:** Yes.
814 **BARKLEY:** And who was driving?
815 **BURTON:** I was.
816 **BARKLEY:** And Officer HUMPHREYS continuously monitored Mr. CHASSE?
817 **BURTON:** Yep.
818 **BARKLEY:** And what was Mr. CHASSE's demeanor or behavior while being transported?
819 **BURTON:** It's hard for me to recall, um, specifically. He went from, uh, aggressive and
820 yelling, uh, or growling, um, to very quiet, uh, several times in the course of our
821 interaction with him that afternoon. And, uh, I'm not sure what--what exactly he
822 was doing as we drove the however many blocks to jail.
823 **BARKLEY:** I'm gonna ask you, from the time Mr. CHASSE hit the sidewalk at 13th and
824 Everett, until you got to NE 33rd and Clackamas, did he ever complain of any
825 injuries or specific pains?
826 **BURTON:** No.
827 **BARKLEY:** So, MCDC was called, and they - you requested assistance and a spit hood when
828 you arrived - is that correct?
829 **BURTON:** Uh, I'm not sure exactly when the spit hood--if we got it--maybe we got it when
830 we were down there. But, yeah, we requested assistance. I think we told them -
831 I had called down, actually, on my Nextel, um, prior to us leaving 13th and
832 Everett. I called down to booking and said hey, we have a--you know, Mr.
833 CHASSE was heading down there - I don't remember my exact words - but,
834 basically he's--he's hobbled and aggressive, and we're coming down so expect
835 us.
836 **BARKLEY:** And so did you request assistance getting him out of the car?
837 **BURTON:** Yes.
838 **BARKLEY:** Okay. Did you drive Mr. CHASSE directly to MCDC without stopping or
839 diverting any other direction?
840 **BURTON:** Correct. Yes.

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841 **BARKLEY:** When you arrived at MCDC, were the MCDC deputies outside in the sally port
842 waiting, or did they come out once you parked your car in the sally port?
843 **BURTON:** I don't remember, but they were there pretty quick.
844 **BARKLEY:** Did you ever have any time alone, of any significant time, with Mr. CHASSE in
845 the sally port?
846 **BURTON:** No.
847 **RODRIGUES:** I have a question - this is Sgt. RODRIGUES. You answered that Mr. CHASSE
848 never complained of any injuries. Well, did Mr. CHASSE ever communicate or
849 say anything discernible; anything that you could understand at any time?
850 **BURTON:** Uh, not really. I think, at one point, when he was at 13th and Everett in the back
851 of the police car, uh, and we were trying to figure, uh, who he was. And I think
852 at some point he said his last name, or maybe to the medical out there said his
853 last name, or his first name. And then he asked for his backpack at some point.
854 Um, so he was able to talk to us, you know. He was able to form words, maybe
855 limited, but that's about the extent of any sort of real conversation.
856 **RODRIGUES:** Okay.
857 **BARKLEY:** Okay, can you describe how Mr. CHASSE was removed from the police vehicle
858 once you were in the sally port? What did you do, and what did everybody do?
859 **BURTON:** Sure. Um, I went around to the driver's side door - the back door on the driver's
860 side. Opened the door, and had the spit hood - I think a deputy was with me -
861 um, and we were gonna put the spit hood on him. And so I, uh, tried a couple of
862 times to put the spit hood on him, and he was moving his head around. Um, he
863 had become aggressive again, and I was concerned about getting bit. Um, so I,
864 with a gloved hand, like, held his--his head down, uh, to the seat, and then, um,
865 was able to, uh, very quickly get the spit hood over his head. Uh, that's...
866 **BARKLEY:** So, how was he actually physically removed from the car?
867 **BURTON:** Uh, through the passenger's side door.
868 **BARKLEY:** So, you're--you're on the driver's side, along with another deputy...
869 **BURTON:** Mm-hmm.
870 **BARKLEY:** And so was he just simply pulled out from the...
871 **BURTON:** Pulled out, yeah.
872 **BARKLEY:** Okay. And your transcript with the Portland Police Bureau Detectives, on page
873 24, you made a reference here: "I think he" - referring to CHASSE - "might have
874 bumped his head on the way out on the doorframe, just because he was
875 squirming around." Do you recall that?
876 **BURTON:** Yeah, I think as I pulled him out--uh, you know, it's awkward getting someone
877 out of the car, and I think he might've bumped his head. It was nothing real
878 significant. It was just like him moving around quite a bit, and, uh, people trying
879 to pull him out of the car. It was--it wasn't a substantial blow to his head or
880 anything. It was just a bump.
881 **BARKLEY:** Now, Mr. CHASSE striking his head on the door, on the frame of the vehicle,
882 was that caused by Mr. CHASSE, or was that caused by an officer or a deputy
883 striking his head against the frame?
884 **BURTON:** I'd say mostly by Mr. CHASSE.
885 **BARKLEY:** When you say mostly...

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886 **BURTON:** Well, it's a combination - they're pulling him, so they have some sort of
887 physical, you know...

888 **BARKLEY:** Right, but did you ever observe an officer or a deputy force his head into the
889 frame?

890 **BURTON:** Oh, absolutely not.

891 **BARKLEY:** Okay. From that point, until Mr. CHASSE is transported from the sally port, did
892 you ever observe Mr. CHASSE be dropped to the concrete floor of the sally port,
893 or inside the booking facility?

894 **BURTON:** No.

895 **BARKLEY:** While in the sally port was there any type of physical force used by anyone,
896 including Multnomah County deputies, directed to Mr. CHASSE?

897 **BURTON:** No.

898 **BARKLEY:** Can you describe the manner in which Mr. CHASSE was carried into the intake
899 isolation room, given that he was handcuffed and hobbled?

900 **BURTON:** Yeah, he was, uh, carried, I think, by four people. Um, someone grabbed his
901 right arm, someone grabbed his left arm, someone grabbed his left and right leg,
902 and they just carried him in that way. So he was facing the ground during that...

903 **BARKLEY:** Did anybody drop him?

904 **BURTON:** No.

905 **BARKLEY:** Were you carrying the backpack, or Mr. CHASSE?

906 **BURTON:** Uh, neither. I think I probably had some property. The backpack, I think, 'cause
907 of the size of it, it was probably going to go into the property room, so it
908 wouldn't go into the booking. And, uh, yeah, so I was--I was probably just
909 carrying, like, paperwork.

910 **BARKLEY:** Okay, while Mr. CHASSE's being carried - okay, and this both in and out of the
911 intake facility - did he ever complain of any injuries?

912 **BURTON:** No.

913 **BARKLEY:** What took place in the isolation cell?

914 **BURTON:** Uh, he was placed in there and, um, handcuffs were taken off, I believe. 'Cause
915 we had to put 'em back on. Uh, the hobble was cut off and, uh, there was some
916 discussion as to, like, whether jail was going to take him or not. And, um, at one
917 point, a corrections deputy called for medical to come down to the isolation cell.

918 **BARKLEY:** And why was that?

919 **BURTON:** I think there was a concern that he might've stopped breathing or lost
920 consciousness, or both.

921 **BARKLEY:** So, were you there present when that possibility of him stopping to breathe or
922 losing consciousness occurred?

923 **BURTON:** I was in the room.

924 **BARKLEY:** Were you...

925 **BURTON:** I wasn't standing right next to him; I wasn't observing him, but I was--I had
926 sorta stepped back, and was thinking about forms, and thinking about whatever.
927 And they started calling medical, so I was aware of it.

928 **BARKLEY:** Did you observe him stop breathing?

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929 **BURTON:** No, and it's--it's difficult to see into those cells, and there's a lot of people
930 milling around, so I don't--I don't--I don't think I saw him.

931 **BARKLEY:** Did Mr. CHASSE have blood that would've been soaking through the spit hood
932 that you observed?

933 **BURTON:** He did. Um, he was bleeding, like I said, from his--his lip or mouth, and it was--
934 it's a white, mesh, uh, spit hood, so there was, uh, some blood that had pooled in
935 the spit hood.

936 **BARKLEY:** Did Mr. CHASSE say anything at all while he was in this isolation cell?
937 Complain of injuries, anything of that nature?

938 **BURTON:** Not--not that I heard.

939 **BARKLEY:** Okay, at any point - so, you say that deputies had requested the medical, which
940 in this case, turned out to be what, one or two nurses?

941 **BURTON:** Uh, it sounds like two females came down in white coats, looking at my
942 transcript. A couple ladies came down, that were obviously nurses.

943 **BARKLEY:** Did they ever go into the cell?

944 **BURTON:** I don't remember.

945 **BARKLEY:** Okay. Did you, or Officer HUMPHREYS, ever explain to the medical
946 personnel there - the two nurses at MCDC - of what had transpired prior at 13th
947 and Everett, and especially that he had stopped breathing there?

948 **BURTON:** [Sigh] I don't remember that specific conversation, but it's like what we were
949 talking about with AMR and Portland Fire at 13th and Everett, it's a conversation
950 that I'm pretty sure took place, 'cause it's an important conversation to have. I
951 don't remember who said it. Uh, it's likely that I would mention something.
952 Uh--it--it's difficult to say. He was obviously, um, uh, hobbled and, uh, you
953 know, it was a deal, so it's--I'm sure we explained what had happened, and why
954 he was there, uh, in the course of, you know...

955 **BARKLEY:** But do you recall yourself explaining any of that?

956 **BURTON:** Uh, no, not specifically.

957 **BARKLEY:** And do you recall, specifically, Officer HUMPHREYS explaining to medical
958 personnel what had taken place prior to your arrival?

959 **BURTON:** Not specifically.

960 **KING:** Can we please take a break?

961 **BARKLEY:** Would you like to take a break?

962 **BURTON:** Sure.

963 **BARKLEY:** Okay. We'll be going off the record. It is 1717 hours.

964 **BARKLEY:** Okay, we're back on the record. It is 1734 hours. When MCDC personnel
965 decided that they would not accept Mr. CHASSE, because he would need to be
966 medically examined, did anyone recommend or suggest requesting an ambulance
967 to MCDC?

968 **BURTON:** Uh, not that I remember.

969 **BARKLEY:** Did you?

970 **BURTON:** No.

971 **BARKLEY:** Why not?

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972 **BURTON:** Uh, at that point, it was, uh, the second time medical personnel had been with
973 Mr. CHASSE - the first time at 13th and Everett, where, uh, they had cleared him
974 and told us that he was fine to be transported; his vitals were normal. Uh, he
975 hadn't complained of any specific injury. Um, in fact he was pretty quiet, other
976 than when he was being combative when we were physically, uh, carrying him
977 or--or contacting him. Uh, so it--it was, uh, the second time at--at the jail. Um, I
978 wasn't watching what the nurses had done, or how they made their evaluation,
979 but, um, it was my belief or understanding at the time, that he wasn't in any
980 imminent danger.

981 **BARKLEY:** Okay, but do you know if the medical personnel at MCDC were aware that this
982 was the second time he had lost consciousness?

983 **BURTON:** I'm not sure how many times he'd lost consciousness. Um, I didn't
984 communicate that to 'em. I'm not sure if he lost consciousness at 13th and
985 Everett. Um, that'd be very difficult for me to say. And I wasn't watching him
986 in the isolation cell, and I can't speak to, you know, if he was conscious or not,
987 or if he was just quiet, or what his condition was in that cell.

988 **BARKLEY:** Okay, can you please describe how Mr. CHASSE was re-handcuffed and leg
989 chains applied?

990 **BURTON:** Yeah, from my--my memory, he was, uh, laying in the cell, and then, uh, we
991 approached to put the handcuffs back on him. I--there was--it probably took 4 or
992 5 of us to get handcuffs back on him. He became very aggressive again; uh,
993 tried to resist, uh, being placed in handcuffs. I was down near his feet, I think,
994 um, and we used CHRIS's handcuffs again. And, um, the hobble that he was
995 brought in, uh, with, had been cut off; the nylon had been cut, so we couldn't use
996 that. And I don't think there was a hobble in the room, so, uh, the corrections
997 deputy came up with these leg chains. Uh, so we elected to put the leg chains
998 on; figured that it probably allow him more, uh, room for movement.

999 **BARKLEY:** Okay, I'm gonna draw your attention to your transcription, page 25, with the
1000 Portland Police Bureau Detectives, in which you say, and I'll read into the
1001 record: "We re-handcuffed him, and used leg irons, basically to, uh, handcuffs
1002 for his ankles, and then, uh, what, like a foot and a half of, uh, chain, so that he
1003 was able to walk." Do you recall that statement?

1004 **BURTON:** I recall that statement.

1005 **BARKLEY:** Okay. So, if he was able to walk, why was he then carried from the holding cell
1006 inside the booking facility out to your police vehicle in the sally port?

1007 **BURTON:** Uh, wow, as far as his ability to walk, I think that's more of a theoretical ability.
1008 He would be able to walk, as most people would with, uh, the leg chains - I
1009 guess they're called. Um, as opposed to no one's able to walk on hobbles. It
1010 doesn't mean we were gonna let him walk, um, or that it was a good idea to have
1011 him walk, since he was so combative. Um, and I'm not sure if he was, uh,
1012 willing to walk. So, uh, the decision was made - I'm not sure by whom - uh, but
1013 it was to carry him back out to the police car. Um, I can't say, you know, what
1014 factors, specifically, at that time - who said what, and who made that decision,
1015 and all that. But, uh, I think, you know, eventually, if we--at the hospital, he
1016 would've been able to walk, um, in leg chains, theoretically.

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1017 **BARKLEY:** Okay. On that point, do you recall why, if he was able to walk, he was once
1018 again carried? And this dovetails into the original question back at 13th and
1019 Everett, in which he's handcuffed; he's hobbled, and he's carried a half a block
1020 to your police car, instead of having the police vehicle come to you. Do you
1021 recall why, if he was able to walk, he was once again carried from inside the
1022 booking facility to the police car?

1023 **BURTON:** Well, you're presuming that he was able to walk. I'm not sure if he was
1024 physically able to walk, or if he was, uh--'cause he had been so incredibly
1025 combative, aggressive, and uncooperative, um, it doesn't seem very likely to me
1026 that he would be willing to stand up and walk out on his own. Um, that
1027 definitely was not his demeanor at the time. As far as explaining that
1028 statement...

1029 **BARKLEY:** Yeah, that's what I'd like you do.

1030 **BURTON:** I don't know the--you're able to walk, and most people are able to walk in--in
1031 leg chains.

1032 **BARKLEY:** So...

1033 **BURTON:** Most people...

1034 **BARKLEY:** Explain your--your--'cause you say in the next sentence "if he'd be able to walk,
1035 but it's not gonna, uh, restrict his access like a hobble would." So, are you
1036 saying he was able to walk, or he wasn't able to walk?

1037 **BURTON:** I don't know if he was able to walk or not.

1038 **BARKLEY:** Well, explain this--this statement. I'm not--I'm not understanding what you're
1039 saying. Let's go off the record.

1040 **BARKLEY:** Okay, it's 1731 hours. We're back on the record. Officer BURTON just
1041 reviewed the entire paragraph of his transcribed statement with Portland Police
1042 Detectives, page number 25. So, are you able to explain, in better detail, what
1043 you mean by your own statement here that Mr. CHASSE was able to walk, but
1044 on the other hand a decision was made to carry him?

1045 **BURTON:** Yeah, I-I can't speak if he was able to walk or not. He'd been very
1046 uncooperative, and I think the decision was made to carry him, uh, as opposed to
1047 attempt to have him walk because he was so uncooperative, and it was easier for
1048 us to physically carry him back to the car, uh, as opposed to, uh, having a very
1049 uncooperative person walk.

1050 **BARKLEY:** So, you stated that Mr. CHASSE was placed in the backseat, and what position
1051 was he placed in to prevent positional asphyxia?

1052 **BURTON:** Uh, he was placed on his side. Uh, once again, you know, I'll have to refer to
1053 my notes.

1054 **BARKLEY:** If you go to pages 33 through 44, you stated that Mr. CHASSE--you did not
1055 recall if Mr. CHASSE was seat-belted, and you stated that Mr. CHASSE
1056 remained on his back, right side. Does that help you?

1057 **BURTON:** Yeah, that's--that's how he was positioned.

1058 **BARKLEY:** And so when you left the--when the left MCDC, was Mr. CHASSE ultimately
1059 seat-belted in or not?

1060 **BURTON:** Uh, I didn't fasten his seatbelt in front of him, uh, per my statements on page 34,
1061 my detectives' transcripts. Uh, and I don't remember exactly, uh, if Officer

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1062 HUMPHREYS used a seatbelt, but the way he was laying, he didn't look like he
1063 was in danger of, uh, of rolling onto his stomach. Plus, uh, CHRIS was
1064 watching him as I drove.

1065 **BARKLEY:** Okay, and so when you're driving, is Officer HUMPHREYS seated regular in
1066 the passenger seat, or is he seated at an angle to monitor Mr. CHASSE?

1067 **BURTON:** He was seated at an angle so he could look over...

1068 **BARKLEY:** So it was continuous monitoring of Mr. CHASSE?

1069 **BURTON:** Yes.

1070 **BARKLEY:** Okay. Considering of all of the different types of physical force that you've
1071 already described that had been used on Mr. CHASSE, was there any other
1072 physical force used from the very beginning, besides what you've described to
1073 33rd and Clackamas, by anyone else, whether it be a Portland Police Officer or a
1074 Multnomah County Sheriff's Deputy?

1075 **BURTON:** No.

1076 **BARKLEY:** What was Mr. CHASSE's overall behavior and demeanor, from the time you left
1077 MCDC, until you arrived at 33rd and Clackamas?

1078 **BURTON:** Uh, I think he was--he was quiet, as we left, uh, the jail.

1079 **BARKLEY:** And did yours, or Officer HUMPHREYS' overall behavior and demeanor
1080 change, as it relates to Mr. CHASSE, from the time you left MCDC until you
1081 arrived at 33rd and Clackamas?

1082 **BURTON:** Our demeanor?

1083 **BARKLEY:** Yeah. Was it pretty consistent?

1084 **BURTON:** Yes.

1085 **BARKLEY:** Did any--either one of you get angry or upset, or...

1086 **BURTON:** No, we became very concerned, uh...

1087 **BARKLEY:** Where did you become concerned at?

1088 **BURTON:** Uh, once Officer HUMPHREYS, uh, told me he couldn't tell if Mr. CHASSE
1089 was breathing in the back of the car.

1090 **BARKLEY:** And where was that at?

1091 **BURTON:** It was, uh--I refer to my, uh, statements, um...

1092 **BARKLEY:** Was it on I-84?

1093 **BURTON:** It was somewhere between, uh, Morrison Bridge, going onto I-84, uh, Grand
1094 Avenue overpass that, uh, Lloyd Center area - that whole stretch of road.

1095 **BARKLEY:** Okay. And what happened once you and Officer HUMPHREYS determined
1096 that it appeared that Mr. CHASSE wasn't breathing?

1097 **BURTON:** Um, it was clear that we had to pull over, and, uh, check on him. And so I
1098 turned the lights and siren on, and I drove to the first exit on I-84 eastbound,
1099 which is, uh, 33rd Avenue. And, uh, pulled up the ramp and took an immediate
1100 right, southbound on 33rd, and stopped at the first safest spot we could stop,
1101 which is, uh, Clackamas, uh, sidewalk on the west side of the street. And, uh,
1102 jumped out of the car, um, put on--I think put on gloves, and we came around to
1103 the--to the door. Opened the door and, uh, began evaluating Mr. CHASSE to
1104 see if he was breathing. Um, then we radioed, uh, immediately that we needed a
1105 Code 3 medical in a few seconds.

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1106 **BARKLEY:** Okay, did you request Code 3 medical while you were on I-84, or did you wait
1107 until you got to 33rd and Clackamas?
1108 **BURTON:** Uh, I requested Code 3 medical at 33 and Clackamas.
1109 **BARKLEY:** So, there was no request for medical until you actually stopped at 33rd and
1110 Clackamas.
1111 **BURTON:** Well, that's correct, and that's--it all--you know, and that's--I'm not sure of the
1112 time span there, but it's a matter of seconds. It's, um...
1113 **BARKLEY:** And what was your reasoning for not stopping the police car on I-84?
1114 **BURTON:** I-84 on that stretch is incredibly dangerous - there's not much of a shoulder
1115 there, and really steep walls, so that would have been out of the question. And I
1116 think part of it was, well, where are we going to stop, and what exactly, you
1117 know, how are we going to do this. And by the time we got there, it was like
1118 let's check on him, so it all happened really fast; it was evolving pretty rapidly.
1119 **BARKLEY:** Now, when you left MCDC you stopped and you spoke with Sgt. Jose
1120 GONZALES at the top of the ramp. After you left Sgt. GONZALEZ, did you
1121 stop anywhere between the top of the ramp of MCDC and NE 33rd and
1122 Clackamas?
1123 **BURTON:** No.
1124 **BARKLEY:** And so once you stopped at 33rd and Clackamas, you got of the car, you--what
1125 observations did you make of Mr. CHASSE?
1126 **BURTON:** Uh, Mr. CHASSE appeared to not be breathing. Uh, so, uh, we--we called for
1127 Code 3 medical, uh, removed him from the car, removed his handcuffs, removed
1128 the, uh - I'm not sure if the spit hood was on at that point...
1129 **BARKLEY:** Refer to your transcript with the Portland Police Detectives, page 31.
1130 **BURTON:** Does it specifically say about the spit hood? Is that what you're...
1131 **BARKLEY:** No, you had stated that Mr. CHASSE wasn't breathing; that he was turning blue;
1132 he had no pulse.
1133 **BURTON:** Right. He was unconscious, um, so like I said, we took him out of the car, uh,
1134 we're checking his pulse, uh, medical was on the way, so, um, I, uh, I checked
1135 his airway, uh, to make sure that his airway wasn't obstructed, and...
1136 **BARKLEY:** And how did you do that?
1137 **BURTON:** Uh, I opened his mouth, um, I was--he was on his back. Uh, I was near his head,
1138 and I had, uh, you know tilted his, uh, head in the position they teach you in
1139 CPR class. Uh, so, his jaw opens. Um, I could see into his mouth, and there
1140 was, uh--there was blood in his mouth, so, uh, with my finger I tried to, uh,
1141 check to see if there was, um, anything besides the blood in the mouth that might
1142 be obstructing his airway. And, um, several times I used my finger as a hook
1143 and just sort of, uh, removed the blood from his mouth.
1144 **BARKLEY:** And did you have a protective glove on?
1145 **BURTON:** I did.
1146 **BARKLEY:** And did Officer HUMPHREYS then request medical to step it up?
1147 **BURTON:** He did.
1148 **BARKLEY:** Did you ever locate a breathing mask for CPR?

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1149 **BURTON:** No, I tried to. Um, I could--I couldn't find it in my bag, and, uh, I tried to look
1150 for one in--in CHRIS's, and there was--couldn't find it.

1151 **BARKLEY:** Were you able to provide a defibrillator?

1152 **BURTON:** Yes.

1153 **BARKLEY:** And was that defibrillator used?

1154 **BURTON:** Um, it was--I think it was administered. I'm not sure if it actually, uh, you
1155 know, did a shock on Mr. CHASSE, but they--they attempted to use it.

1156 **BARKLEY:** What did you and Officer HUMPHREYS discuss between the time medical
1157 arrived and detectives arrived at the scene? Anything pertaining to this whole
1158 scenario that we'd just gone through?

1159 **BURTON:** No, uh, not really. The Southeast officers arrived, uh, pretty quickly. Officer
1160 MANOUIGIAN and, uh, Sgt. DODY, and they, uh, made sure that we were
1161 separate.

1162 **BARKLEY:** Okay. So, between the time that you requested medical, and the time the
1163 detectives arrived, you're saying that you did not discuss the circumstances or
1164 the facts with Officer HUMPHREYS?

1165 **BURTON:** I'm not saying we didn't have any verbal contact with each other, but we didn't--
1166 it was mostly geez, what's going on, kind of thing. It wasn't anything
1167 substantial.

1168 **BARKLEY:** Did your conversation have anything to do with, like, any strategy as to what
1169 happened, strategizing as to a story; anything to influence what you've already
1170 told us today?

1171 **BURTON:** No, absolutely not.

1172 **BARKLEY:** Okay, between the time of the incident and the Grand Jury, did you and Officer
1173 HUMPHREYS discuss this situation and circumstances, between the two of
1174 you?

1175 **BURTON:** No.

1176 **BARKLEY:** And last question: Did you observe or hear of any actions by officers who were
1177 present that caused you any concerns, or violated Portland Police Bureau policy
1178 and procedure, including training guidelines?

1179 **BURTON:** No.

1180 **BARKLEY:** Is there anything that you wish to add, clarify, and/or produce regarding the in-
1181 custody death of Mr. CHASSE?

1182 **BURTON:** Not at this time.

1183 **BARKLEY:** Mrs. Susan DUNAWAY, is there anything you wish to care to address?

1184 **DUNAWAY:** I just want to ask a couple of questions. And Officer BURTON, you said that
1185 when you pulled over at about 13th and Everett, that when you - and correct me
1186 if I'm misrepresenting the way you testified - that you believe that you had
1187 reasonable suspicion to stop and talk to Mr. CHASSE - is that right?

1188 **BURTON:** That's right.

1189 **DUNAWAY:** But then you also said that when you took him into custody and to the jail, that
1190 there were charging documents that included interference with police activities,
1191 assault on public safety officer, resisting arrest. At--at what point did you - or

CONFIDENTIAL TAPED STATEMENT

IAD #2006-B-0016

PPB / BURTON

May 8, 2008

Page 28

1192 did you ever form reasonable suspicion--I mean, probable cause, in terms of
1193 those particular charges?
1194 **BURTON:** Yes.
1195 **DUNAWAY:** Okay. At what point did you form a probable cause to believe that Mr.
1196 CHASSE had committed the crime of interference with police activities?
1197 **BURTON:** Uh, once he began to run.
1198 **DUNAWAY:** Okay. And what about resisting arrest? At what point did you form probable
1199 cause to believe he had committed that crime?
1200 **BURTON:** When he began to use physical force to try to, uh, overcome our placing him into
1201 custody.
1202 **DUNAWAY:** And the final--the final charge of assaulting a public safety officer?
1203 **BURTON:** That had to do with, uh, Sgt. NICE being bitten in the leg.
1204 **DUNAWAY:** Okay. That's all I had.
1205 **BARKLEY:** Anything from Robert KING, the PPA representative?
1206 **KING:** Just a question. At the time that this occurred, were you a Multnomah County
1207 Sheriff's Deputy?
1208 **BURTON:** Yes.
1209 **KING:** And earlier, one of the questions had to do with the Police Bureau foot pursuit
1210 policy. At the time that this incident occurred, you had not read or been trained
1211 on the Police Bureau's foot pursuit policy, is that true?
1212 **BURTON:** That's true.
1213 **KING:** And there was one other question in the course of the interview about broad-
1214 based, blunt force trauma, and that's a medical description that arises from the
1215 medical examiner's report. Do you feel that you, on the basis of your
1216 experience, can make--arrive at a conclusion about whether or not any force that
1217 was used caused broad-based, blunt force trauma?
1218 **BURTON:** No.
1219 **KING:** Okay. That's all I have.
1220 **BARKLEY:** Okay, if there's nothing else, then the interview is concluded at 1755 hours.
1221
1222
1223 2006-B-0016trs-BURTON
1224 Transcribed 5/15/08; 1:30 PM Marilyn Cavallero

CONFIDENTIAL



Bureau of Police

Portland, Oregon

INTER-OFFICE MEMORANDUM

DATE: July 30, 2008

TO: Darnel Benshoof
Review Board Coordinator

FROM: Captain John A. Tellis *JT*
Internal Affairs Division

SUBJ: REVIEW BOARD CASES (Sustained, Controverted, and / or Officer Involved Shooting)

IAD # 2006-B-0016

Bureau Member: Sergeant Nice #26853 / Officer Humphreys #32784
Complainant: Portland Police Bureau (Chasse case)

- SUSTAINED** - A sustained finding has been recommended, and it is requested that this case go to the Review Level Committee for final determination.
- CONTROVERTED** - A recommended finding has been controverted, and it is requested that this case go to the Review Level Committee for final determination.
- OFFICER INVOLVED SHOOTING** – Evaluation of incident (Policy violations / Training deficiencies / etc.)
- NEGLIGENT DISCHARGE** - Evaluation of incident (Policy violations / Training deficiencies / etc.)

A copy of the pertinent reports from the original case file have been provided. The original file and tapes are located in the Internal Affairs Division.

A copy of the IAD history for each principal officer is included.

Once the review has been completed and decisions determined please notify IAD by a memorandum of the final determination, listing the violation(s) as they pertain to each Bureau member involved.

c: Independent Police Review (RU Findings/Worksheet/Checklist)
Captain (RL memo/RU Findings/Worksheet/Checklist)

9-15-08



CITY OF PORTLAND, OREGON



Bureau of Police

Tom Potter, Mayor

Rosanne M. Sizer, Chief of Police

1111 S.W. 2nd Avenue • Portland, OR 97204 • Phone: 503-823-0000 • Fax: 503-823-0342

Integrity • Compassion • Accountability • Respect • Excellence • Service

September 15, 2008

TO: Captain John Tellis
Internal Affairs Division

FROM: Assistant Chief Lynnae Berg

SUBJECT: IAD Findings 2006-B0016

After a review of the case file and Commander Henderson's findings, I concur with her recommended findings with one exception. I do agree that Officer Humphreys had probable cause to believe that James Chasse had urinated in public, violating 14.A.40.030, however, I find the use of the knock down technique to be inconsistent with training and out of policy.

Please set this case for the Use of Force Board.

Lynnae C. Berg
Assistant Chief
Operations Branch

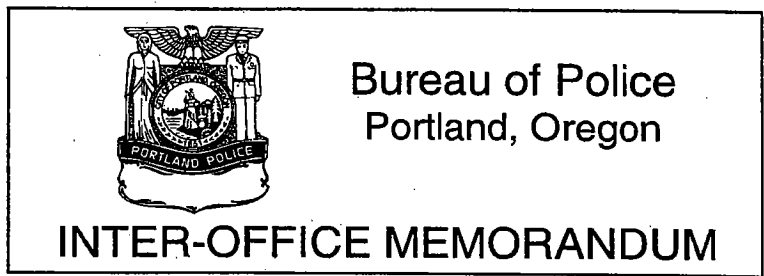
COPY

Community Policing: Making the Difference Together
An Equal Opportunity Employer

DATE: November 3, 2008
TO: Captain John Tellis
Internal Affairs Division

FROM: SMA Darmel Benschop
Review Board Coordinator

SUBJ: Use of Force Review Board



The Use of Force Review Board met on October 1 and October 2, 2008, to review the following case:

PPB Case #06-84962
(IAD #2006-B-0016)

~~Sergeant Kyle Nice~~
Officer Chris Humphreys

Directive 1010.20 – Use of Physical Force
In Policy

Directive 630.15 – Foot Pursuit
In Policy

Directive 612.00 – Radio Use
In Policy

Directive 1051.00 – Taser (Post Medical)
Sergeant Nice – Sustained
Officer Humphreys - Exonerated with a Debriefing

DATE: November 3, 2008
TO: Captain John Tellis
Internal Affairs Division
FROM: SMA Darmel Benschop
Review Board Coordinator
SUBJ: Use of Force Review Board



Bureau of Police
Portland, Oregon

INTER-OFFICE MEMORANDUM

The Use of Force Review Board met on October 1 and October 2, 2008, to review the following case:

PPB Case #06-84962
(IAD #2006-B-0016)

Sergeant Kyle Nice

~~**Officer Chris Humphreys**~~

Directive 1010.20 – Use of Physical Force
In Policy

Directive 630.15 – Foot Pursuit
In Policy

Directive 612.00 – Radio Use
In Policy

Directive 1051.00 – Taser (Post Medical)
Sergeant Nice – Sustained
Officer Humphreys - Exonerated with a Debriefing

**PORTLAND FIRE BUREAU
PRE-HOSPITAL CARE REPORT**

ALARM NO.: FP06045181
INCIDENT DATE: 09/17/2006
RESPONSIBLE UNIT: E03

PATIENT NAME: DOE, JOHN	SSN:	DOB:	AGE: 45
PT. ADDRESS: NW 13TH AV & NW EVERETT ST PORTLAND, OR 97209	SEX: M Weight: 60 kg	PHONE:	
RESPONSIBLE PARTY:	PT. PHYSICIAN:		
INCIDENT ADDRESS: NW 13TH AV & NW EVERETT ST	APT #:		
CITY/STATE/ZIP: PORTLAND, OR 97209			
REASON FOR DISPATCH: UN1: UNCONSCIOUS/1ST RESP	CALL RECEIVED:		

INCIDENT SITE: CITY/COUNTY/STREET	MCI:	MPS:	N/A: X	PT. #: 1
RESP. UNITS: E03, M306	AID BEFORE ARRIVAL: NONE			
TIMES: DISPATCHED: 17:23	ENROUTE: 17:24	ON SCENE: 17:26	WITH PATIENT: 17:27	CLEAR: 17:41
TOTAL SCENE TIME(MINS): 15	EXTRICATION TIME(MINS):			
PT. WAS TRANSPORTED: YES	BY:	LEVEL OF SERVICE: ALS		
TO:	RECEIVED BY:			
REFUSAL:				
VEHICULAR	PROTECTIVE DEVICES:			
PT. WAS:	IN/ON:	INVOLVED WITH:		

ENTERED INTO TRAUMA SYSTEM: NO	TIME OF ENTRY:	TRAUMA ID:
ENTRY CRITERIA:		
PAST MEDICAL HISTORY: UNKNOWN		
CURRENT MEDICATIONS: UNKNOWN		
ALLERGIES: NONE		

INTERVENTION

TIME: 17:27	PERFORMED BY: KOPPY, WILLIAM H
<u>LOC</u>	
[ALERT: Y] [ORIENTATION TO EVENT: N] [ORIENTATION TO PERSON: N] [ORIENTATION TO PLACE: N] [ORIENTATION TO TIME: N]	
<u>SKIN</u>	
[COLOR: NORMAL] [HYDRATION: DRY] [TEMPERATURE: NORMAL]	
TIME: 17:30	PERFORMED BY: M306,
<u>VITALS</u>	
[SP02 SATURATION %: 98%] [PULSE RATE: 100] [PULSE RHYTHM: REGULAR] [PULSE QUALITY: STRONG] [RESP RATE: 18]	
[RESP RHYTHM: REGULAR]	

000541

PORTLAND FIRE BUREAU
PRE-HOSPITAL CARE REPORT

ALARM NO.: FP06045181
INCIDENT DATE: 09/17/2006
RESPONSIBLE UNIT: E03

TIME: 17:31	PERFORMED BY: M306,
NIBP [BP SYSTOLIC: 110] [BP DIASTOLIC: 73]	
TIME: 17:33	PERFORMED BY: M306,
BLOOD GLUCOSE [VALUE (MG/DL): 119]	

NARRATIVE

SUBJECTIVE: APPROX. 45 Y/O MALE INVOLVED IN ALTERCATION WITH POLICE. POLICE OFFICER ON-SCENE INDICATED THAT SAW PT. STANDING ON SIDEWALK AND WHEN HE SAW POLICE HE RAN. POLICE OFFICER INDICATED THEY CHASED PT. AND WHEN THEY CAUGHT UP TO HIM HE BEGAN TO FIGHT WITH POLICE. OFFICER STATED PT. WAS VERY COMBATIVE AND ATTEMPTED TO BITE 2 DIFFERENT OFFICERS. OFFICER STATED PT. CONTINUED TO FIGHT EVEN AFTER HE WAS TAZERED. AMR MEDIC STATED OFFICERS INDICATED THEY FOUND UNSPECIFIED AMOUNT OF COCAINE IN PT.'S POSSESSION. PT. DID NOT RESPOND TO ANY QUESTIONS THROUGHOUT. POLICE INDICATED THEY WANTED PT. EVALUATED AND IF PT.'S VITALS WERE WITHIN NORMAL LIMITS THEY WOULD TRANSPORT HIM TO JAIL.

OBJECTIVE: UPON ARRIVAL AMR ON-SCENE WITH PIC. PT. LAYING ON GROUND HANDS CUFFED BEHIND BACK AND HOG TIED. AIRWAY CLEAR, SMALL LACERATIONS TO BOTH LIPS WITH MINOR BLEEDING, VARIOUS SMALL ABRASIONS TO HEAD AND BOTH ARMS WITH MINOR BLEEDING, NO OTHER VISIBLE TRAUMA NOTED. PT. WITH PURPOSEFUL MOVEMENT TO ALL EXTREMITIES. PT. WAS RATHER COMBATIVE AND UNCOOPERATIVE THROUGHOUT.
NOTE> E3 ADVISED THE 2 POLICE OFFICERS WHO WERE BITTEN BY PT. TO FOLLOW THEIR BUREAU POLICY FOR EXPOSURES AND TO SEEK MEDICAL ATTENTION AS NEEDED.

ASSESSMENT: POSSIBLE SYMPTOMS SECONDARY TO DRUG USE AND VARIOUS SMALL ABRASIONS AND LACERATIONS SECONDARY TO ALTERCATION.

PLAN: ASSIST AMR AS NEEDED, ABC'S, PT. EXAM, AMR WITH VITALS, O2 SAT, BLOOD SUGAR CHECK, POLICE CARRIED PT. TO POLICE CAR, AMR MEDIC EXPLAINED REFUSAL INFO TO POLICE OFFICER ON-SCENE, POLICE OFFICER SIGNED REFUSAL FORM, E3 CLEARED, END.

RESPONSIBLE UNIT PERSONNEL: KOPPY, WILLIAM H - MALLOY, BRIAN P - REEB, DONALD E - SZALAY, GARY A		
PIC: M306	TIME OF PIC TRANSFER:	
MEMBER MAKING REPORT: KOPPY, WILLIAM H	TITLE: LTRE	DATE: 09/17/2006
ADDITIONAL INFORMATION BY:	TITLE:	DATE:

000542

INFORMATION FORM

Name: John Doe Date of Birth: _____
Run Number: _____ Date: 9-17-06

PLEASE READ AND KEEP THIS FORM!

This form has been given to you because you do not want treatment and/or transport by Emergency Medical Services. Your health and safety concern us. Please remember the following:

1. Your condition may not seem as bad as it actually is. Without treatment your condition could become worse.
2. Our help cannot replace treatment by a doctor. You should obtain treatment by going to an Emergency Department, or by calling your doctor. You may be seen at an Emergency Department without an appointment.
3. If you change your mind or your condition becomes worse call 9-1-1. Don't wait.
4. If the box has been checked, you have been advised to go by ambulance to a hospital for treatment.
5. If the box has been checked, we have discussed your condition with a doctor who approved this advice.
6. Other: In police custody

I have received a copy of this information sheet.

Patient or Guardian Signature: [Signature] Date: 9/17/06

I. PATIENT OR GUARDIAN ASSESSMENT

1. Oriented to: Person? Yes No Place? Yes No
Time? Yes No Event? Yes No
2. Altered level of consciousness? Yes No
3. Head injury? Unknown Yes No
4. Alcohol, drug ingestion, or psychiatric impairment? Unknown Yes No
5. Does the person understand advice given and risks of refusal? Yes No

II ON-LINE MEDICAL CONTROL

- Not indicated
- Contacted
- Unable to contact. Explain: _____

III PATIENT ADVICE (check each advice given)

- Self-care instructions: Abrasions Burns Diabetic Reaction
- Lacerations Seizure Sprains/Strains
- Ambulance transport needed Further harm could result without medical treatment.

IV DISPOSITION

- Patient would not accept Information Form
- Refused all EMS services Refused field treatment Refused transport
- In care or custody of other agency Agency: PPB
- In care or custody of relative or friend Name: _____ Relation: _____

EMT Signature: Tami Hergert Date: 9-17-06

ATTACH TO PATIENT CARE REPORT

000543

PREHOSPITAL CARE REPORT

OR - Multnomah

Case #: 3087261

County Run #: RP0609171244

Pt # 1 of 1

Unit ID: 306

Date: 9/17/2006

DISPATCH INFORMATION

Time Received: 17:23:04
Time Dispatched: 17:23:18
Time Enroute: 17:23:39
Time On Scene: 17:25:50
Time at Pt Side: 17:26:10
Time To Hosp: .
Time At Hosp:
Time Cleared: 17:41:59

Incident Location: Street or Highway
NW 13 AV&NW EVERETT ST, PORTLAND,
OR

Initial Mode: CODE 3
Final Mode: CODE 3

First in:

Nature of Call: UN1 Uncons_Not BR_Abnorm BR

PATIENT DEMOGRAPHICS

Name: doe, john
Address:
City, State, Zip:
Phone: (000) 000-0000
SSN: 000-00-0000

D.O.B.: 01/01/1961
Ethnicity: White
Physician:
Employer:
Responsible Party: doe, john

Age Estimated
Age: 45 years Months: Days:
Sex: Male Weight:
Triage Tag :
Phone: (000) 000-0000

NARRATIVE

Special Study

45 year old Male in police custody. He saw police on the street and took off running several blocks until caught, he then fought with police, was cuffed and hobbled and then became extremely quiet. Police thought he may have passed out, he came to quickly. Police are requesting that we check for any life threatening vital signs before they take him to jail.

Pt is lying quietly on sidewalk, rr 18 -20, opens eye but isn't talking to us. VS within normal limits. Attempted blood glucose and pt began fighting and yelling, he was held for the test which was normal. Police refusing transport for pt in their custody. Advised VS were normal but pt was probably on some sort of drug. Police acknowledged this and signed refusal.

CC none

PRIMARY ASSESSMENT: Toxicological -- Illicit Drug(s).

HISTORY OF PRESENT ILLNESS

Chief Complaint: none

HPI:

Mechanism of Injury:

Safety Equipment:

Contributing Factors:

Environmental Factors:

Factors Affecting Delivery Of Care:

PAST MEDICAL HISTORY

History: None Stated.

Allergies: Unknown.

000715

Medications: None Stated.

CLINICAL IMPRESSION

Primary Assessment: Toxicological -- Illicit Drug(s)
Secondary Assessment

TRAUMA TRIAGE

CRAMS Score:
Physiological Criteria:
Anatomic Criteria :
Mechanism :
Discretionary Criteria:
Paramedic Judgment:

PATIENT FINDINGS

PTA Time: By:

Pt. Position: N/A
Blood Pressure: N/A / N/A
Pulse: Rate: N/A, Regularity: N/A, Strength: N/A, Location: N/A
Skin: Color: N/A, Temp: N/A, Moisture: N/A, Cap Refill: N/A

Cardiac Rhythm

Rate: N/A
ECG: N/A
Ectopy: N/A

12Lead Interpretation:
N/A

GCS
Eyes: N/A
Verbal: N/A
Motor: N/A
Total:

Level of Consciousness
Respond To: N/A
Pupils: N/A

Respiratory
Rate: N/A
Effort: N/A
Depth: N/A
SAO2: N/A

ETCO2
CO2 Value: N/A
CO2 Color: N/A
Lung Sounds
Right: N/A
Left: N/A

Acuity: N/A Comments:

PHYSICAL FINDINGS

Head Neg
Face neg, not pinpoint, lips bloody
Neck Not Assessed
Chest neg
Back Not Assessed
Arm (s) abrasions on elbows
Abdomen Not Assessed
Pelvis Not Assessed
Leg (s) Neg
Skin pale warm dry
Neuro Exam Not Assessed

TREATMENT AND RESPONSE

PTA	Time	Medic	Procedure
<input type="checkbox"/>	1728	Hergert, Tamara,AMR	Vital Sign/ECG - BP: 110 / 73 , Pulse 100 . Respirations: 18 .
<input type="checkbox"/>	1730	Hergert, Tamara,AMR	Blood Glucose - 119 mg/dL.

000716

TIENT DISPOSITION

Disposition: Treated -- Refused Tra
Est Time Death: 0
Mode of Transport:
Air Request By:
Reason For Air:
Destination Decis:
Hosp Divert From:

Receiving Hospital:
Other Hospital:
Personal Items:
First Respond Assist:
Base Hospital: MRH
Base Hosp Contact:
Base Contact Time:

MD Consult:
Base Phycsian:
Transport Priority:
Change In Priority:
MileageScene:
Mileage Hospital:
Total Mileage: 0.00

Physician Order:

1st Attendant: Hergert, Tamara, A 2nd Attendant: Stucker, Kevin, AMR 3rd Attendant: Hospital Signature:

Number: 109859
Certification:

Number: 127291
Certification:

000717

9/17/2006

PATIENT UNABLE TO SIGN

Patient doe,John

is unable to sign because

The following representative's signature on behalf of the patient does not constitute acknowledgement of financial responsibility for the services rendered to the patient.

Date: 9/17/2006

By:

Relationship to Patient:

Address:

PATIENT UNABLE TO SIGN/NO REPRESENTATIVE AVAILABLE

Patient doe,John

is unable to sign because

No patient representative is available/willing to sign on behalf of the patient. The following representative's signature on behalf of the patient does not constitute acknowledgement of financial responsibility for the services rendered to the patient.

Date: 9/17/2006

By :

Name of Medical Transport Personnel:

PersonelTitle:

Name of Operation Site:

Multnomah AMR

9/17/2006

PATIENT UNABLE TO SIGN

Patient doe,John

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The following representative's signature on behalf of the patient does not constitute acknowledgement of financial responsibility for the services rendered to the patient.

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Name of Medical Transport Personnel:

PersonelTitle:

Name of Operation Site:

Multnomah AMR

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Internal Affairs Division Worksheet

Page 2

Allegations

1. Officers Humphreys and Burton, and Sergeant Nice, may have been untruthful about their use of force in the Chasse case (2008-B-0016). (CONDUCT)

Investigator Comments

Exhibits

CONFIDENTIAL

Internal Affairs Division Worksheet

Page 2

Applicable directives: 310.50 Truthfulness, 310.00 Conduct, and 330.00 Internal Affairs Complaint Investigation Process

Allegations

1. Officers Humphreys may have been untruthful about the use of force in the Chasse case (2008-B-0016).
(CONDUCT)

Investigator Comments

Exhibits

IAD # 2008-B-0039 PPB # _____ DATE RECEIVED October 31, 2008
 Assign as IAD To: BARKLEY RECEIVED BY Captain John Tellis
 Assign as SERVICE COMPLAINT To: _____

COMPLAINANT INFORMATION

COMPLAINANT Portland Police Bureau DOB _____ SEX _____ RACE _____
 ADDRESS _____ DAYTIME PHONE _____
 CITY / STATE / ZIP _____ BUSINESS PHONE _____
 LOCATION / OCCURRED _____
 DATE / TIME OCCURRED _____

CO-COMPLAINANT / WITNESS INFORMATION

COMPLAINANT / WITNESS _____ DOB _____ SEX _____ RACE _____
 ADDRESS _____ DAYTIME PHONE _____
 CITY / STATE / ZIP _____ BUSINESS PHONE _____

NARRATIVE

Members Involved

Officer Chris Humphreys #32784 – Transit Police Division

Witness

Officer Bret Burton #43860 – Multnomah County Sheriff's Deputy assigned to Transit Police Division (Currently employed with the Portland Police Bureau and assigned to Central Precinct)

Incident Overview

During the interviews with Detectives or Internal Affairs investigators, Officers Humphreys was untruthful or withheld information about the force used to take James Chasses into custody.

IAD CASE CLOSURE INFORMATION

DATE CLOSED / INITIALED For IAD Captain's Use				ALLEGATION CATEGORIES		FINDING / DISPOSITION CATEGORIES	
ALLEGATION CORRESPONDS TO ALLEGATIONS / ISSUES TO BE INVESTIGATED				#1	Force	Adm	Admin Complaint
Allegation	Officer / DPSST #	Allegation Category	Finding Category	#2	Control Techniques	B	Exonerated
1.	Chris Humphreys #32784	#3		#3	Conduct	B-d	Exonerated w/debriefing
				#4	Disparate Treatment	C	Unproven
				#5	Courtesy	C-d	Unproven w/debriefing
				#6	Procedure	D	Sustained
				<i>SHOOTINGS ONLY</i>		E	Declined
				JP	Justified – In Policy	M	Miscellaneous
				JV	Justified – Policy Violation	S	Suspended
				JT	Justified – Tactical Improvement	SC	Service Complaint
				NJ	Not Justified		

CONFIDENTIAL

Internal Affairs Division Worksheet

Page 2

Applicable directives: 310.50 Truthfulness, 310.00 Conduct, and 330.00 Internal Affairs Complaint Investigation Process

Allegations

1. Officers Humphreys may have been untruthful about the use of force in the Chasse case (2008-B-0016).
(CONDUCT)

Investigator Comments

Exhibits

(CHRONOLOGICAL RECORD)

IAD #	2008-B-0039
--------------	-------------

Date Complaint Received:	11/03/08	Complainant:	PPB	Assigned:	Michael Barkley #8570
Date	Time	Action			
05/27/2009		Assigned by Captain DAVID FAMOUS #22521--- reference I.A.D. Case #2006-B-0016			
06/01/2009	1100 hours	Meet with Captain FAMOUS and Lieutenant ERIC SCHOBER #13702 regarding case review			
06/01/2009	1248 hours	Left a message with RITA for Ms. SUSAN DUNAWAY , Multnomah County Counsel, @ 503-988-3138 to call me			
06/01/2009	1251 hours	RITA called and explained Ms. DUNAWAY was unavailable			
06/01/2009	1300 hours	Left a message with RITA for Ms. DUNAWAY to call me			
06/01/2009	1416 hours	Ms DUNAWAY left a message to call her			
06/02/2009	0939 hours	Left a message on Ms. DUNAWAY's voice mail to call me			
06/02/2009	1023 hours	Ms. DUNAWAY called and we agreed Officer BRET BURTON would be interviewed with her present on Monday, 06/08/2009 @ 0600 hours			
06/02/2009	1200 hours	Met with Captain FAMOUS and we agreed to change Officer BURTON to a witness due to his employment as a Multnomah County Deputy at the time			
06/02/2009		Mailed and e-mailed Interview Notice to Officer BRET BURTON for Monday, 06/08/2009 @ 0600 hours			
06/08/2009	0630 hours	Interviewed Officer BRET BURTON . Persons present: Sergeant SCOTT WESTERMAN , PPA President, Mr. MICHAEL STAROPOLI , PPA attorney, and Ms. SUSAN DUNAWAY , Multnomah County Counsel			
06/14/2009		I.A.D. Investigation Completed			
06/15/2009		Copy of I.A.D. CASE FILE HAND DELIVERED TO CITY ATTORNEY's OFFICE via COURT ORDER			

IPR/IAD CHECKLIST

IPR Case Number: 2008-B-0039

DATE/INITIAL	IPR SECTION ONLY																																		
	COMPLAINT RECEIVED	IS CO WILLING TO MEDIATE?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Maybe <input type="checkbox"/> Not Asked																																
	SIGNATURE LETTER MAILED:		DATE RECEIVED:																																
	INTAKE PROCESS COMPLETED – Case Submitted to IPR Director																																		
	DIRECTOR'S CASE DECISION Action:	<input type="checkbox"/> Resolved at Intake <input type="checkbox"/> Decline <input type="checkbox"/> Refer to IAD <input type="checkbox"/> IAD w/ IPR <input type="checkbox"/> IPR <input type="checkbox"/> Mediation <input type="checkbox"/> Referral <input type="checkbox"/> PPB Unsworn	DIRECTOR'S COMMENTS																																
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	Copy of Summary Investigative Report to IPR																																		
	To RU Manager – For Case Review / Recommended Finding																																		
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	CASE CLOSED (Disposition Letter Sent to IPR) / RESOLVED (Administrative or Service Complaint)																																		
	DATE OF REVIEW LEVEL MEETING (If Sustained)																																		

DATE/INITIAL	IPR CASE REVIEW SECTION		
	DATE CASE RECEIVED FROM IAD		
	DIRECTOR'S REVIEW DECISION		
	IF NOT SUSTAINED: Letter to complainant with notice of appeal. Notice given to member through IAD.		
	IF SUSTAINED: Letter to complainant.		
	CLOSING LETTER TO IAD		
	FINDINGS APPEALED? <input type="checkbox"/> Yes <input type="checkbox"/> No		
	IF APPEALED: <input type="checkbox"/> Appeal Accepted <input type="checkbox"/> Appeal Not Accepted		
	IF ACCEPTED, ATTACH APPEALS CHECKLIST		

**PORTLAND POLICE BUREAU
DETECTIVE DIVISION
CONFIDENTIAL
TAPED STATEMENT TRANSCRIPTION**

Case #06-84962

February 4, 2009

Page 1

Austria: Okay, this is Sergeant Rich Austria from the Detective Division and today's date is January 4, 2009. The time is 1504 hours. This is the time set aside, scheduled for follow-up interview of Officer Christopher Humphreys, DPSST # 32784 in regard to a death investigation where JAMES CHASSE died on September 17th, 2006. The case referenced here is Portland Police case number 06-84962. Uh, present in this interview is Officer Christopher Humphreys and his attorney, STEVE MYERS, spelled M-Y-E-R-S. This interview is being conducted in the small conference room of the Detective Division. Um, this interview today is being recorded. Is that okay with you, Officer Humphreys?

Humphreys: It is.

Austria: Mr. MYERS, is that okay with you?

Myers: It is.

Austria: Um, the purpose of this interview is to address a comment made by Officer Humphreys on a jail recording that was obtained from the Multnomah County Jail Booking area when Mr. CHASSE was brought in on September 17th, 2006. Um, Officer Humphreys, are you aware that there are several recordings of that jail um, tape if you will, um, from that day? Uh, some that were on DVD and there is also one from the uh, Portland Tribune that was someone made by the Portland Tribune, along with Mr. STEENSON?

Humphreys: I am.

Austria: Okay. Have you, um, so you know which recording, the recordings I'm talking about then, right?

Humphreys: I believe so, yes.

Austria: Um, have you viewed the recordings? Specifically the one from the Portland Tribune? Um, that's, it's not a DVD but it's um, online through the Portland Tribune that has captions of comments that were made in the jail setting?

Humphreys: No, I have not.

Austria: Oh you haven't so you have not seen that one. Have you seen the other ones that don't entail um, captions? But you've seen the videotape?

Humphreys: Yes, I have.

Austria: Okay. Alright. Um, on the videotape specifically, the one that pertains to the Portland Tribune, I know you didn't, you said you didn't see it, um, there is um, a caption on there during one portion while you're in the jail setting that says, and it appears from that caption that you say, "We tackled uh, we tackled him," in reference to uh, Mr. CHASSE. Um, in looking at the videos that you saw, did you recall making that uh, that comment?

Humphreys: I've reviewed the tape that I saw, I can't detect clearly if anyone used the word "tackle."

Austria: Okay. Um and how many times would you say that you saw that video tape?

Humphreys: (sigh) I believe twice.

Austria: Okay. I've seen the video tape and I'm not gonna argue with you as far as whether you can make it out or not. When it's broken down, it does appear that um, on the video tape you make a comment that says, "We tackled him." Um, who you make it to, it's hard to decipher who you make it to and whether um, it's in response to a question but there is a comment that you make that says we tackled him. Um, like you said, you don't recall making that comment?

Humphreys: I don't, no.

Austria: Okay. Um, Mr. STEENSON, doing his deposition, I think he also asked you the question if you recall, um, you remembering telling anybody at jail um, that you tackled Mr. CHASSE and I think your response during that deposition to Mr. STEENSON was, "I don't recall if I did or not" so would you say that's basically the same recollection that you have now?

Humphreys: That's correct, yes.

Austria: Okay. Um and so your response still is you just don't recall making that and you couldn't make out from the video tape that you did say that?

Humphreys: That's correct, yes.

Austria: Okay. Um, in looking at the video, I guess it says, I mean it's obvious that you say it. I'm gonna ask you I guess the best way to ask this is um, it shows that you say it.

Humphreys: Okay.

Austria: Would there be, could you explain maybe why you would've said something like that or what you may have meant by saying something like that?

Humphreys: If I used the word "tackle," on the jail video or any other setting, um it was simply meant as a characterization of the way that I caused Mr. CHASSE to go down to the ground, um, by knocking him off balance, by using my forearms.

Austria: Okay.

Humphreys: You know, general characterization versus an explanation within context at the time.

Austria: Okay so in telling me this, you also kind of describe in your body, how you ended up knocking him to the ground. I think you had two hands up, almost like a blocking motion. not one of hands out like you were grabbing, grasping, wrapping, but more of a blocking type of hand motion?

Humphreys: That's correct, yes.

Austria: So that's kind of your definition of how you, how you explain him going down to the ground?

Humphreys: Yeah, that's correct. Yes.

Austria: Okay. Um, Question here, when you arrived in jail with Mr. CHASSE, did any of the jail personnel ask you to provide any kind of detailed statement, any kind of detailed description of your actions um with Mr. CHASSE?

Humphreys: Um, not that I recall. No.

Austria: Okay. Um, you've taken a bunch of folks to jail before, right.

Humphreys: That's correct, yes.

Austria: Are you aware of any jail policy, any Bureau policy that asks you to detail your actions or a description of what you did when you take somebody into jail that's required before you can complete that booking process?

Humphreys: No. I'm not.

Austria: Okay. So going back to that, that kind, to that communication that took place in jail, um, what would you describe that communication between you, the individuals in jail, and maybe even Officer Burton while you were there in the jail setting?

Humphreys: How would I describe it?

Austria: Yeah.

Humphreys: I'd, banter is basically the best word and I mean just had, I mean that's the way I would describe it.

Austria: Okay so you weren't providing any kind of detailed explanation to anybody there, trying to explain your actions or trying to describe exactly what happened um, earlier with Mr. CHASSE?

Humphreys: No.

Austria: Okay. Um, The. and I'm gonna. and again I'm gonna keep referring to this, you know, this comment, "we tackled him." In the Grand Jury, um, do you recall using the word "tackle" to describe your actions to the Grand Jury?

Humphreys: I don't, no. I don't recall.

Austria: Okay. Um, I might clarify that. In as far as recall, you don't remember whether you did or you, I didn't use that?

Humphreys: I don't remember if I did or not.

Austria: Okay. How about in the interview with the detectives? Um, Do you remember using the word "tackle" to describe what you did? Or did you describe it in the way that you just did a few minutes ago? Um, the way you knocked him down with the two the forearms?

Humphreys: Yes, that's, that's how I described it to with the detectives' interview, I believe.

Austria: Okay so would that be the best definition that you would have of your actions?

Humphreys: That's correct, yes.

Austria: Okay. In the deposition with Mr. STEENSON, I'll ask the same question.

Humphreys: Um-hm.

Austria: Do you recall using the word "tackle" to describe your actions based on the questions that Mr. STEENSON had asked you?

Humphreys: Um, no. I know there was some discussion but no.

Austria: Okay. Let me ask you, what did you, what would be your definition of "tackled"?

Humphreys: (laughing) Um, I guess, I mean there could be multiple, it's really within the context of how it's being used. It could be I mean like an open field tackle. It could be somebody wrapping up and taking the person down or on an open field tackle. A hit, like on the Super Bowl, I mean somebody does the, where they strike the person with the ball and knock him to the ground. Some people would refer to that as a tackle also.

Austria: Okay.

Humphreys: So

Austria: So outside of the context of a football field. in the context of a uh. police action,

Humphreys: Um-hm.

Austria: ...what would you describe a "tackle" to be?

Humphreys: Uh, I guess wrapping him up and taking him down. In the context of the specific description?

Austria: Right.

Humphreys: Yeah, wrapping him up and taking him down.

Austria: Okay and I know by reviewing your deposition, and the interviews, that's kind of the way you described to Mr. STEENSON your definition of tackling is wrapping up and taking him down.

Humphreys: That's correct in that specific yes, in that specific environment when we were talking about exact details, yes, that's correct.

Austria: Okay so when asked that question by Mr. STEENSON, you said, that's not what I did. I didn't, based on that definition, I did not tackle him.

Humphreys: That's correct, yes.

Austria: Okay. Um, Okay. In this is kind of a, I guess this is kind of a tough question to ask so kind of listen carefully to this. In any of these three areas as far as the Grand Jury, the detectives' interview, the deposition, did you ever deny saying um, that you tackled Mr. CHASSE? I guess the best way to put it is, if you were asked, did you ever tell anybody that you tackled him? Would your res... Was your response in any of these areas of interview deposition, no, I never told anybody I tackled him?

Humphreys: I don't believe that I did say, I mean, no, I don't believe I did in any of the interviews say that I did not say that.

Austria: So the only, the only area that you may have said that you tackled him from what we can tell is that, that video um, from down in jail?

Humphreys: That's correct.

Austria: Right and that wasn't in any type of formal interview, any deposition or anything like that?

Humphreys: That's correct.

Austria: Okay. Um, let's see. The, as far as just so that I clarify this, the only time that I brought forth here that "tackle" has been mentioned by you has been in that jail setting? That you recall? And even that I should. Let me clarify that 'cause you don't recall...

Humphreys: That's correct.

Austria: ...saying that but based on the videotape, it appears that you, so if outside of that there is no other time that you've mentioned that you tackled Mr. CHASSE?

Humphreys: I, I, I can't, I mean if I used the word "tackle" in jail or as I sat outside the jail, and any time, it was just meant as a general characterization of how I knocked Mr. CHASSE down to the ground using those arms so

Austria: Okay. Okay. Um, Really um, Mr. MYERS, I don't know if there's any other questions that I have that need to be clarified to clarify any issues that we have. I mean we've got his definition of, his definition of "tackle," Mr. STEENSON's definition of tackle which is well, somewhat described as um a

football tackle, wrapping your arms around and Officer Humphreys, that's definitely not what he describes he did. Um,

Myers: He does(n't) and I've reviewed the depositions and I know or it appears as though the question and answer session was Mr. STEENSON was presetting him with the question, Did you tackle him? And not presenting Officer Humphreys with the ability to put that word into some context. In other words, give me your broad, simple definition of simple word "tackle" and of course, if it's not put in any context or explanation, Mr. Humphreys would tell you as he told Mr. STEENSON that that would connote wrapping somebody up without context or explanation and what Mr. Humphreys, Officer Humphreys has told Mr. STEENSON and others and certainly his position in this interview is that if he used the word tackle at the jail or another setting, he always used it in the context or with an explanation as to how in fact he caused Mr. CHASSE to go to the ground which wasn't wrapping him around which was using his forearms to knock him off balance.

Austria: Right.

Myers: That's my understanding.

Austria: Right and what you described here today, even through your motions, is the same thing that I've read in the interviews and the deposition as how you described you took Mr. CHASSE down to the ground.

Humphreys: That is correct.

Austria: Okay. Um, I don't have any other questions. I think it kind of clarifies the comments that were made in the jail, along with the definition of, um, Officer Humphreys' definition so I don't have any other questions that I have, need to clarify this issue. Officer Humphreys, do you have anything that you'd like to add?

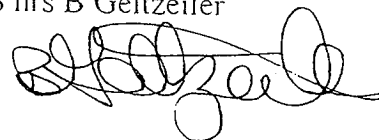
Humphreys: No.

Austria: Uh, Mr. MYERS?

Myers: I have nothing. Thank you, Detective.

Austria: Okay. And that concludes the interview. The time right now is uh, 1518 hours.

Transcribed Verbatim With Punctuation Added 020609 at 1208 hrs B Geltzeiler



Updated 2/6/2009 2:32:31 PM by 35807:

Per Captain Tellis, IAD Investigator Michael Barkley will not proceed with interviewing Officer Humphreys until further direction from Chief Sizer, or the District Attorney's office can obtain answers to the questions raised by the enhanced video/audio at the Multnomah County Jail.

The case was assigned to Detectives Division as a Criminal Investigation on January 19, 2009

CASE NUMBER 06-4962	PORTLAND POLICE BUREAU		SPECIAL REPORT			TYPE:	PAGE/OF 1 / 2
	CASE NUMBER 06-084962	REFER CASE NUMBER	CLASSIFICATION				
	STATUS	ORIGINAL REPORT DATE 09/16/06	TIME 1720	THIS REPORT DATE 02/09/09	TIME 1030		
	LOCATION OF OCCURRENCE NE CLACKAMAS ST. / NE 33RD AVENUE					PRECINCT OF OCCURRENCE Northeast Precinct	
SUBJECT OF THIS REPORT FOLLOW-UP INTERVIEW WITH OFFICER HUMPHREYS						CAD INCIDENT NUMBER	
COPIES <input type="checkbox"/> DET <input type="checkbox"/> CENTRAL <input type="checkbox"/> EAST <input type="checkbox"/> NORTH <input type="checkbox"/> NE <input type="checkbox"/> SE <input type="checkbox"/> TRAFFIC <input type="checkbox"/> CAT <input type="checkbox"/> DHS/CHS <input type="checkbox"/> DVD <input type="checkbox"/> DVRU <input type="checkbox"/> ECRT <input type="checkbox"/> IDH <input type="checkbox"/> JUV <input type="checkbox"/> CS <input type="checkbox"/> DVCS <input type="checkbox"/> COMPUTER ENTRY <input type="checkbox"/> Person <input type="checkbox"/> Vehicle <input type="checkbox"/> Crime/ Prop <input type="checkbox"/> Book							
PERSON CO - Complainant SB - Subject SI - Sick/Injured/Cared For PE - Park Exclusion VI - Victim RP - Reporting Party KN - Person w/Knowledge OW - Owner WI - Witness BU - Business PF - Property Finder MI - Missing RW - Runaway AR - Arrested							
CODE SB	NAME: (Last, First Middle) CHASSE, JAMES PHILLIP			CRN	SEX M	RACE W	DOB 05/07/64
ADDRESS 10 NW BROADWAY				CITY Portland	STATE Oregon	ZIP	
<input type="checkbox"/> WORK PHONE		<input type="checkbox"/> MESSAGE PHONE		MOBILE PHONE		HOME PHONE	
VEHICLE L - Locate A - Abandoned T - Towed V - Victim's Vehicle X - Suspect Vehicle I - Information							
PROPERTY S - STOLEN L - LOST D - DAMAGED F - FOUND K - SAFEKEEPING R - RECOVERED E - EVIDENCE							
NARRATIVE (COMMENTS) <u>ADDITIONAL DISTRIBUTION</u> (2) Deputy District Attorney Chris MASCAL (1) Commander Eckhart - Detective Division							
<u>SUMMARY</u> On February 4th, 2009, a follow-up interview was conducted with Officer Christopher HUMPHREYS pertaining to the death investigation of James Phillip CHASSE which occurred on September 17th, 2006. Specifically, a video recording from the Multnomah County Jail was obtained from the day James CHASSE was brought into jail by Officer HUMPHREYS. There are DVD copies of that jail recording that were presented as part of the initial investigation. Later, the same video was posted on the Portland Tribune web-site which included captions to the communication heard in the jail recording. On the Portland Tribune web-site jail recording Officer HUMPHREYS is captioned as saying "We tackled him." During the interview with the primary investigators and the deposition by Attorney Tom STEENSON, Officer HUMPHREYS does not describe the method he used to take James CHASSE to the ground, as "tackling him." This interview of Officer HUMPHREYS was conducted to explain the comment made on the jail recording, and to clarify the term "tackling" as it pertained to Officer HUMPHREYS' actions that took place with James CHASSE.							
<u>INTERVIEW OF OFFICER CHRISTOPHER HUMPHREYS:</u> On February 4th, 2009, Officer Christopher HUMPHREYS was interviewed at the Portland Police Detective Division. The interview was arranged through HUMPHREYS attorney, Steve MYERS. Steve MYERS was also present in the interview which was conducted by writer. The interview was tape recorded with the consent of both Officer HUMPHREYS and Mr. MYERS.							
The following is a summary of the interview with Officer HUMPHREYS. A transcription of the recorded interview has been produced, which will provide a more accurate copy of the questions and answers in this interview.							
In summary, Officer HUMPHREYS stated that he had seen the DVD version of the jail recordings twice but							
REPORTING OFFICER(S) Sergeant R. B. AUSTRIA				DPSST 25048	PREC / DIV DET.	RLF / SHIFT M	ASSN / DIST HOM
				SUPERVISOR'S SIGNATURE			

CASE NUMBER 06-064962

PORTLAND POLICE BUREAU

SPECIAL REPORT

TYPE:

PAGE/OF 2 / 2

had not seen the captioned version downloaded on the Portland Tribune. He explains that when he did review the video tape, he can't clearly detect if anyone used the word "tackle." I explained to Officer HUMPHREYS that I had seen the Portland Tribune captioned video and it was obvious to me that he had made a comment like "we tackled him." Officer HUMPHREYS told me that he also does not recall making the comment "we tackled him" in the jail. When he was asked to explain why he would have said something like that, or to explain what he may have meant by saying that, Officer HUMPHREYS explained "it was simply meant as a characterization of the way that I caused Mr. CHASSE to go down to the ground. um. by knocking him off balance. by using my forearms." "You know, general characterization versus an explanation within context at the time." When Officer HUMPHREYS explained this to me he also acted out by putting both arms up to his chest, as though demonstrating a football block.

COPIES

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- CAT
- DHS/CHS
- DVD
- DVRU
- ECRT
- JDH
- JUV
- CS
- DVCS

When asked be me, Officer HUMPHREYS explained that he was not asked by any jail personnel to provide a detailed statement or description of his actions with Mr. CHASSE. Additionally, he does not know of any Bureau policy or jail policy that requires him to provide such statement or description to complete the jail booking process. When asked again to than describe the conversation that took place in jail between he and jail personnel or Officer BURTON, Officer HUMPHREYS described it as "banter."

Officer HUMPHREYS explains that he doesn't recall using the term "tackle" to describe his actions with Mr. CHASSE, in the Grand Jury testimony, the detectives interview, or the deposition with Mr. STEENSON. Officer HUMPHREYS was asked to provide his definition of "tackle." He explains that it would have to be defined in the context of how it was being used. He explains like in an open field tackle as in football, by wrapping up and taking the person down. He also explains like when you strike someone with the ball and knock him to the ground.

Officer HUMPHREYS was asked to define "tackle" in the context of a police action. He explains "I guess wrapping him up and taking him down. In the context of the specific description." Officer HUMPHREYS explains that based on the definition of "tackle" as wrapping up, he did not tackle Mr. CHASSE.

Lastly, Officer HUMPHREYS was asked if he ever denied telling anyone that he tackled Mr. CHASSE. Officer HUMPHREYS said that he never denied telling anyone that he tackled Mr. CHASSE.

The interview ended with Officer HUMPHREY'S attorney, Steve MYERS recapping Officer HUMPHREYS explanation of defining and using the term "tackle" by putting it into some context rather than giving it in simple definition form without an explanation.

COMPUTER ENTRY

Person

The interview was conclude with no further questions.

OPR

Vehicle

OPR

Crime/ Prop

OPR

Book

OPR

REPORTING OFFICER(S)

Sergeant R. B. AUSTRIA *RB9*

DPSST 25048

PREC / DIV DET.

RLF / SHIFT M

ASSN / DIST HOM

SUPERVISOR'S SIGNATURE

Forward to OAPS
DIP STEVENS

DATE: February 13, 2009

TO: Chief Rosie Sizer
(Through Channels)

FROM: Cmdr. John Eckhart
Detective Division

JCE
OK with 1419
2/17/09



SUBJ: Follow-up interview on the Chasse case

A/C INVESTIGATIONS: BJ

Sgt. Rich Austria has concluded the final follow-up interview with Officer Humphreys on the Chasse case. I have attached Sgt. Austria's report and a copy of the transcript of the interview for your review. If there are no unresolved issues or unanswered questions from the Chiefs Office the District Attorneys office will proceed with the final review of this issue.

Norm Frink and Chris Mascal have copies of this report and transcript and are waiting to hear from the Police Bureau before they proceed with the final review of the case. Please let me know if you are satisfied that the Bureaus questions have been answered in this interview and I will let Norm Frink know to proceed.

2/20/09
wait for DA
decision. Cmdr
Eckhart will call
today. # If DA declines
any further investig.
prosecution, case
will go to Cmdr Hendus
for findings.
Leslie

05/06/2009 16:04

Received: City Attorneys Office Fax:503-823-3000 May 6 2009 03:41pm P001/005
May 6 2009 03:40pm

=== COVER PAGE ===

TO: _____

FROM: PPB CHO FAX

FAX: 8230342

TEL: 8230000

COMMENT:

*Please deliver to
Jim Rice*



MICHAEL D. SCHRUNK, District Attorney for Multnomah County

1021 SW Fourth Avenue • Room 600 • Portland, OR 97204-1193

Phone: 503 988-3162 • Fax: 503 988-3643 • www.co.multnomah.or.us/da/

May 5, 2009

Rosanne Sizer, Chief of Police
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7307 S. W. Capitol Hwy
Portland, Oregon 97219

Good people:

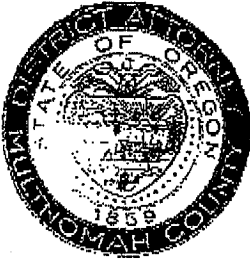
Attached you will find a summary of the investigation conducted by Deputy District Attorney Chris Mascal and Detective Sergeant Rich Austria of the Portland Police Bureau. I have accepted Ms. Mascal's recommendation and there will be no further action by this office unless new events should warrant it.

Very truly yours,

Michael D. Schrunk
MICHAEL D. SCHRUNK
District Attorney

MDS:plc
Enclosure

REC'D
CHIEF'S OFFICE
09 MAY -6 PM 3:12



Michael D. Schrunk, District Attorney

1021 SW Fourth Avenue, Room 600

Portland, OR 97204-1193

Phone: 503-988-3162 Fax: 503-988-3643

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MEMORANDUM

To: Michael Schrunk
From: Christine Mascal
cc: Norman Frink
Date: May 4, 2009
Subject: James Chasse / Officer Christopher Humphreys

On September 17, 2006, James Chasse Jr. died while in police custody following his arrest for suspicion of urinating in public. PPB Officer Christopher Humphreys, PPB Sgt. Kyle Nice and MCSO Deputy Bret Burton apprehended Chasse in NW Portland after a short foot pursuit. Physical contact between Humphreys and Chasse occurred during the pursuit, landing them both on the ground. Nice and Burton arrived immediately thereafter and helped Humphreys subdue Chasse, who continued to be physically resistant and combative with the officers.

American Medical Response (AMR) was dispatched to the arrest site to evaluate Chasse. After paramedics cleared Chasse for any medical concerns he was transported to the Multnomah County jail and placed in a holding cell. A short time later a nurse requested that Chasse be taken to the hospital after he displayed seizure-like symptoms. Officer Humphreys and Deputy Burton placed Chasse back into their patrol car and started for the hospital. Chasse died en route. The medical examiner deemed that the death was caused by accidental broad-based, blunt force trauma to the chest.

Thirty witnesses were called to testify before the grand jury, including all three involved officers. At the request of the Chasse family lawyer, Tom Steenson, Dr. William Brady also testified. On October 17, 2006, the grand jury unanimously voted against any criminal wrongdoing.

The Chasse family is currently involved in a federal civil lawsuit against the officers, AMR, MCSO and the City of Portland. In various press releases covering the civil lawsuit, plaintiff's attorney made allegations that Officer Humphreys was untruthful in the criminal investigation. As a result of those allegations, this office opened a subsequent criminal investigation as to whether Officer Humphreys committed perjury or official misconduct in the course of the original case.

May 04, 2009

PPB Detective Rich Austria conducted the investigation. In doing so, he interviewed Officer Humphreys, analyzed jail video and audio recordings and reviewed depositions of various witnesses and parties involved in the civil lawsuit. The course and content of Detective Austria's interview with Officer Humphreys was disclosed to plaintiff's attorney (Tom Steenson) with an invitation to identify other evidence that may be useful in the inquiry. On February 25, 2009, Mr. Steenson wrote that the Chasse family is "declining your invitation to provide specific evidence of which your office may not be aware that supports the conclusion that Officer Humphreys committed a crime when he has repeatedly lied about he 'shoved' Mr. Chasse down as opposed to 'tackling' him." In his letter, Mr. Steenson commented that deposition testimony developed in the civil litigation could be obtained from the City of Portland.

City Attorney James Rice provided deposition transcripts of several MCSO witnesses after our request for any further pertinent information. [In December 2008, Mr. Rice had previously sent our office portions of Humphreys' depositions, an enhanced jail video DVD and photographs of Humphreys taken in September 2006]. Detective Austria found no information in the depositions conducted by Mr. Steenson that would substantiate criminal charges against any of the involved law enforcement officers.

On April 25, 2009, I sent a written invitation to the concerned parties for submission of final input and suggestions regarding additional avenues of inquiry. The only response received was a letter from Mr. Myers indicating that he has nothing to add to our investigation.

Summary of material reviewed:

- Original interview of Christopher Humphreys (9/20/06)
- Deposition of Christopher Humphreys (1/8/08)
- 2ND deposition of Christopher Humphreys (7/11/08)
- Subsequent interview of Christopher Humphreys (2/4/09)
- Photographs of Christopher Humphreys hands (9/17/06)
- Original interview of Kyle Nice (9/18/06)
- Original interview of Bret Burton (9/19/06)
- Deposition of Bret Burton (1/9/08)
- MCSO personnel depositions (present during jail booking video):
 - Thomas Hollenbeck (1/23/08)
 - Judith May (1/17/08)
 - Martin McElhaney (1/24/08)
 - Kathleen Martinez (1/24/08)
- Original jail booking video
- Enhanced jail booking video
- Tribune copy of jail booking video (footer captioned)

The submitted material was compared with the information that Christopher Humphreys gave to the detectives and the grand jury. After careful review of Humphreys' use of the word "tackle" and explanation of how he and James Chasse landed on the ground, we can not conclude that such use of the word or added description was intended to deceive or mislead the

May 04, 2009

grand jury or the investigators. The evidence is not tantamount to the legal standard or definition of the crimes of perjury or official misconduct. *Perjury*, as defined in ORS 162.065, requires that a person make a false sworn statement in regard to a material issue, knowing the statement is false. The elements for *Official Misconduct*, defined in ORS 162.415, are that a public servant fails to perform a duty (or performs and unauthorized act) with the intent to obtain a benefit. Various witnesses described the arrest of James Chasse in a myriad of ways. The jail booking recordings are not in sharp contrast to Humphreys' later description of events to investigators and later under oath to the grand jury. What is clear is that Humphreys' use of the word "tackle" differs from plaintiff counsel's definition and use of the word.

Because we are unable to substantiate the elements for perjury or official misconduct as defined in the criminal code, prosecution should be declined.

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PORTLAND POLICE BUREAU
INTERNAL AFFAIRS DIVISION
Confidential Telephonic Taped Statement
Investigator Michael Barkley #8570

Interview Date: June 2, 2009
IAD #: 2008-B-0039
Complainant: Portland Police Bureau

Interviewed: Ms. Susan Dunaway

BARKLEY: This is Investigator Michael Barkley #8570 with the Internal Affairs Division. The date and time are Monday, June 1st, 2009 at 1248 hours. I am calling Ms. SUSAN DUNAWAY, Multnomah County Counsel at 503-988-3138 regarding IAD case number 2008-B-0039, and the IAD interview of Officer BRET BURTON, #43860, who was a Multnomah County deputy on September 17th, 2006.

RITA: County Attorneys.

BARKLEY: Yes, my name is Michael Barkley. I work for the Portland Police Bureau.

RITA: Hi, Mike.

BARKLEY: Hi.

RITA: Hi.

BARKLEY: Who is this?

RITA: Rita.

BARKLEY: Hi, Rita. How are you?

RITA: How can I help you? I'm fine.

BARKLEY: Good. Hey, can I speak with Ms. SUSAN DUNAWAY?

RITA: Sure, sure. Hold on. I'll, you know, she just went out to grab a bite.

BARKLEY: She did.

RITA: Do you want to leave her a message?

BARKLEY: Does she have a cell phone?

RITA: I believe so. Um, let me take your number. I'll see if I can reach her and have her call you back.

BARKLEY: Okay.

RITA: Can I do that?

BARKLEY: That's great.

RITA: Okay, and it's Mike Barkley.

BARKLEY: Yup. 503...

RITA: Uh-huh.

BARKLEY: ...823...

RITA: Uh-huh.

BARKLEY: ...0984. Got a quick question for her.

RITA: Very good. I'll get back to you if I can't reach her, sir.

BARKLEY: Okay, sounds good. Thank you.

RITA: No problem. 'Bye.

BARKLEY: Goodbye.

BARKLEY: The time is 1249 hours.

CONFIDENTIAL TELEPHONIC TAPED STATEMENT

IAD #2008-B-0039

Portland Police Bureau / Dunaway

June 1, 2009

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50 **BARKLEY:** The time is 1251 hours.
51 **BARKLEY:** Michael Barkley.
52 **RITA:** Mike, if _____ tunes me out, but I left a message for her to call you so what I'll
53 do is, um, I'll just go ahead and also leave a message on her voice mail, unless you
54 would like to do that, you're more than welcome to.
55 **BARKLEY:** Yeah, yeah, if you could just switch me to her...
56 **RITA:** You bet.
57 **BARKLEY:** I appreciate it.
58 **RITA:** No problem. Hold on.
59 **BARKLEY:** Thank you.
60 **RITA:** You're welcome.
61 **BARKLEY:** It is Monday, June 1st, 2009 at 1300 hours and I will call Rita at Ms. SUSAN
62 DUNAWAY's office.
63 **RITA:** County Attorneys.
64 **BARKLEY:** Hello, is this Rita?
65 **RITA:** It certainly is.
66 **BARKLEY:** Michael Barkley.
67 **RITA:** Yes, sir.
68 **BARKLEY:** It never went through to her voice mail so...
69 **RITA:** Oh, it didn't. Well, let's try it again.
70 **BARKLEY:** How about I let you leave her a message asking her to call me.
71 **RITA:** Sure, sure I will. I'll be glad to. It's 823-0984?
72 **BARKLEY:** 823-0984, yes.
73 **RITA:** Okay, very good.
74 **BARKLEY:** Okay, thanks, Rita.
75 **RITA:** You bet.
76 **BARKLEY:** 'Bye, 'bye.
77 **RITA:** 'Bye.
78 **BARKLEY:** The time is 1300 hours.
79 **BARKLEY:** The following recorded message is from Ms. DUNAWAY. And it was on Monday,
80 June 1st, 2009 at 1416 hours.
81 **OPERATOR:** First archived message.
82 **DUNAWAY:** Hi, Mike, SUSAN DUNAWAY in County Attorney's Office. Got a message that you
83 called. Give me a call and, uh, I shall be here this afternoon. Talk to you later. 'Bye.
84 **OPERATOR:** End of message.
85 **BARKLEY:** The date and time are Tuesday, June 2nd, 2009 at 0939 hours. I'll be calling Ms.
86 SUSAN DUNAWAY.
87 **?:** County Attorney's Office
88 **BARKLEY:** Hello, is this Rita?
89 **?:** No. She is on the other line.
90 **BARKLEY:** Oh, that's okay. This is Michael Barkley from Portland Police Bureau.
91 **?:** Uh-huh.
92 **BARKLEY:** And is Ms. DUNAWAY in?
93 **?:** She is, but she's on a conference call.

CONFIDENTIAL TELEPHONIC TAPED STATEMENT

IAD #2008-B-0039

Portland Police Bureau / Dunaway

June 1, 2009

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94 **BARKLEY:** Oh, she is.
95 **?:** Could I put you through to her voice mail?
96 **BARKLEY:** Yeah, that would be great.
97 **?:** Okay, just one moment.
98 **DUNAWAY:** SUSAN DUNAWAY, extension 26212...
99 **OPERATOR:** Is on the phone.
100 **DUNAWAY:** You have reached the office of SUSAN DUNAWAY, Assistant County Attorney.
101 SUSAN is unavailable to take your call at this time. If you would like, you may press
102 0 and have Rita redirect your call to her assistant Nora, or please feel free to leave a
103 message for SUSAN after the tone. Thank you.
104 **BARKLEY:** Ms. DUNAWAY, this is Michael Barkley. It is Tuesday, June 2nd at 9:40 in the
105 morning. If you could give me a call back, I'd appreciate it. My number is 503-823-
106 0984. I am planning on interviewing Officer BURTON on Monday, June 8th at 5:00
107 in the morning regarding the, the DVD of he and Officer HUMPHREYS in the jail
108 lobby and would like to know if you would like to attend or have me simply send you
109 a copy of the transcript. So you could give me a call, I'd appreciate it. Once again,
110 503-823-0984. Thank you.
111 **OPERATOR:** Recording stopped. To record some more, press 5. To review your message, press 2.
112 For more information, press star. To record some more, press 5. You have stopped
113 recording of the message. Commands you can use are play 2, record 5, message
114 option 70, delete 76, and send 79. Message left. To log...
115 **BARKLEY:** The time is 0941 hours.
116 **BARKLEY:** Michael Barkley.
117 **DUNAWAY:** Hi, Mike. This is SUSAN DUNAWAY.
118 **BARKLEY:** Hey, how are you doing?
119 **DUNAWAY:** I'm fine. How are you?
120 **BARKLEY:** Good. I have a new Internal Affairs investigation assigned to me and it's regarding
121 Officer HUMPHREYS and Officer BURTON concerning the DVD that was produced
122 of the two of them down in the MCDC holding. And I...
123 **DUNAWAY:** This is the one that the DA just looked at.
124 **BARKLEY:** Correct.
125 **DUNAWAY:** Okay. All right.
126 **BARKLEY:** And based on Officer BURTON's work schedule, he works graveyard and checking
127 his schedule, I'd like to interview him first before Officer HUMPHREYS on Monday,
128 June 8th.
129 **DUNAWAY:** Okay.
130 **BARKLEY:** And, you know, since you were there the first time he was interviewed, I want to
131 check to make sure whether or not you wanted to attend or if you wanted me just to
132 send you a copy of the transcriptions when, when they are transcribed.
133 **DUNAWAY:** And, and what time, you said 5:00?
134 **BARKLEY:** 5:00 AM.
135 **DUNAWAY:** 5:00 AM.
136 **BARKLEY:** Well, I, and you know, I could make it say 6:00 if that would work better for you.
137 **DUNAWAY:** Actually it would.

CONFIDENTIAL TELEPHONIC TAPED STATEMENT

IAD #2008-B-0039

Portland Police Bureau / Dunaway

June 1, 2009

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138 **BARKLEY:** Okay. I'll tell you, these graveyard guys, they'll kill you.

139 **DUNAWAY:** Yeah, yeah, right, I know. I know.

140 **BARKLEY:** Okay, so I'll tell you what.

141 **DUNAWAY:** Okay, now one thing I, you know who I want to call though is Staropoli.

142 **BARKLEY:** Okay.

143 **DUNAWAY:** You know Mike?

144 **BARKLEY:** Yeah.

145 **DUNAWAY:** Yeah, okay. I think I want to call him because he was, actually he was just working

146 with BRET on this, uh, in regard to the criminal investigation. So I want to give him a

147 heads up too. Um, I'm assuming nothing, that the DA is not going to come back after

148 having dismissed, uh, the, you know, the complaint of, of, about HUMPHREYS. I

149 don't think they're coming back after BRET, but, uh, but I think I need to give

150 Staropoli a heads up.

151 **BARKLEY:** Okay, and, and I am, I am sure that that's already been cleared through the District

152 Attorney's Office or I wouldn't have the, this, this new Internal Affairs complaint...

153 **DUNAWAY:** Right.

154 **BARKLEY:** ...allegation.

155 **DUNAWAY:** Right, uh, I just want to give Mike a call and...

156 **BARKLEY:** Okay.

157 **DUNAWAY:** ...and I'm sure he's, he's talked to them.

158 **BARKLEY:** Okay, and, you know, if, if he wants to attend, you know, that would be fine also. I,

159 I'm going to notify the PPA as, as before...

160 **DUNAWAY:** Okay. Uh-huh.

161 **BARKLEY:** ...when we interviewed Officer BURTON and they also attended. So let's call it

162 Monday, June 8th, at 6:00 AM and it, it will be here in the Internal Affairs office.

163 **DUNAWAY:** Okay.

164 **BARKLEY:** And we're on the 12th floor.

165 **DUNAWAY:** 12th floor.

166 **BARKLEY:** So when you, when you come into Central Precinct, if you would just tell them that

167 you're heading up to Internal Affairs, we're on the 12th floor.

168 **DUNAWAY:** Okay. All righty.

169 **BARKLEY:** Okay?

170 **DUNAWAY:** Okay.

171 **BARKLEY:** And so if, if, if Michael Staropoli needs to give me a call, give him my phone number

172 and I can chat with him on the phone.

173 **DUNAWAY:** Okay. And then BRET already knows, right?

174 **BARKLEY:** Nope. I was holding off until I talked to you to make sure that you're available.

175 **DUNAWAY:** Okay. All right. But now you'll call BRET.

176 **BARKLEY:** Yup, I will, I will let him know. I'm, in fact, I'm going to give him a written notice

177 today and once again, that will be for Monday, June 8th...

178 **DUNAWAY:** Okay.

179 **BARKLEY:** ...6:00 AM here at the Internal Affairs office.

180 **DUNAWAY:** Okay. That sounds good.

181 **BARKLEY:** Okay, see you then.

CONFIDENTIAL TELEPHONIC TAPED STATEMENT

IAD #2008-B-0039

Portland Police Bureau / Dunaway

June 1, 2009

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182 **DUNAWAY:** All right. Okay. 'Bye, 'bye.

183 **BARKLEY:** 'Bye, 'bye.

184 **BARKLEY:** The conversation concluded at 1027 hours.

185

186 2008-B-0039TRS-DUNAWAY

187 Transcribed 060309/0916 C. Yeager



CITY OF PORTLAND, OREGON



Bureau of Police

Dan Saltzman, Police Commissioner

Rosanne M. Sizer, Chief of Police

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June 4, 2009

Document Review for Officer BRET BURTON

The Multnomah County Sheriff's Office "Continuation Report" prepared by Detective TRAVIS GULLBERG #35719, specifically:

1. Page 4
2. Page 12

Community Policing: Making the Difference Together
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June 4, 2009

Document Review for Officer BRET BURTON

The Portland Police Bureau, Detective Division "Confidential Taped Statement Transcription" dated 09/19/2006, which was conducted by Detective GULLBERG and Detective JON RHODES #16753, specifically:

1. Pages 9 – 10
2. Pages 39 - 41

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June 4, 2009

Document Review for Officer BRET BURTON

The Portland Police Bureau, Internal Affairs Division "Confidential Taped Statement" dated 05/08/2008, which was conducted by Sergeant MICHAEL BARKLEY #8570 and Sergeant DEREK RODRIGUES #37149, specifically:

1. Pages 6 - 11

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PORTLAND POLICE BUREAU
INTERNAL AFFAIRS DIVISION
Confidential Taped Statement
Investigator Michael Barkley #8570

Interview Date: June 8, 2009
IAD #: 2008-B-0039
Complainant: Portland Police Bureau

Interviewed: Officer Bret Burton #43860

BARKLEY: Okay, this is Michael Barkley, #8570. The date and time are Monday, June 8th, 2009 at 0630 hours. We're in the Internal Affairs Division. Persons present are Officer BRET BURTON, #43860 and PPA President Sergeant Scott Westerman, #25880. Also Mr. Michael Staropoli, who is an attorney representing Officer BURTON and also Ms. Susan Dunaway, Multnomah County Attorney. This is in reference to IAD case number 2008-B-0039 and also reference to IAD case number 2006-B-0016 and PPB case number 2006-84962. Officer BURTON has been advised that his conduct and/or the conduct of any other Bureau member present on Sunday, September 17th, 2006 beginning at approximately 1800 hours is the focus of this investigation at the Multnomah County Detention Center Booking Facility and a previous force used involving Mr. JAMES CHASSE. Officer BURTON has reviewed information necessary to be reasonably apprised of the nature of the allegations of the complaint. Officer BURTON has been informed that he is a witness in the case and that Captain David A. Famous is in charge of the investigation. I have advised Officer BURTON that he could have representation present during the interview and PPA President Sergeant Scott Westerman, Mr. Michael Staropoli, and Ms. Susan Dunaway are here in that capacity. Officer BURTON has been provided a copy of the Advance Notice and Waiver form and has signed it. Officer BURTON, under the authority of Captain Famous, I am ordering you to answer all of my questions fully and truthfully. If you fail to respond fully and truthfully, you may be disciplined up to and including dismissal. Do you understand?

BURTON: Yes.

BARKLEY: Prior to asking any questions, the following issues are to be entered into the record. Prior to activating the digital recorder, Officer BURTON reviewed the following documents. One, the Internal Affairs Division worksheet updated on June 2nd, 2009. The Multnomah County Sheriff's Office Continuation Report prepared by Detective Travis Gullberg #35719, specifically pages 4 and 12. The Portland Police Bureau Detective Division confidential taped statement transcription dated September 19th, 2006, which was conducted by Detective Gullberg and Detective Jon Rhodes, #16753, pages 9 through 10 and pages 39 through 41. The fourth document being the Portland Police Bureau Internal Affairs Division confidential taped statement dated May 8th, 2008, which was conducted by Sergeant Michael Barkley, #8570 and Sergeant Derek Rodrigues, #37149, specifically pages 6 through 11. All parties present reviewed a DVD, which was produced on Sunday, September 17th, 2006 at 1806:33 hours to 1818:45 hours in the processing booking area of the Multnomah County Detention Center. The DVD has been enhanced and is marked as "100307DL" also video DVD and also is marked correct video enhanced audio copy

CONFIDENTIAL TAPED STATEMENT

IAD #2008-B-0039
Portland Police Bureau / Burton

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Page 2

51 of specimen QC-1 VHS tape. The DVD begins with Mr. JAMES CHASSE being
52 carried into MCDC and ends with Mr. CHASSE being carried out of MCDC, which
53 is approximately 12 minutes and 12 seconds in length. The primary focus of this
54 Internal Affairs Division investigation pertains to the physical force used by you,
55 Officer CHRISTOPHER HUMPHREYS, #32784, and/or any other police officers
56 with regards to Mr. JAMES CHASSE being physically forced to the sidewalk in the
57 1300 Block of NW Everett Street. The incident occurred on Sunday, September
58 17th, 2006 at approximately 1718 hours. In addition, the investigation encompasses
59 statements made by Officer HUMPHREYS and actions made by you while at the
60 processing booking area of the Multnomah County Detention Center at
61 approximately 1806 hours. It has been 32 months since your contact with Mr.
62 JAMES CHASSE on September 17th, 2006, so during our interview, feel free to
63 refer to your previous statements that you've been provided. Since you received
64 your Internal Affairs Division interview notice on Tuesday, June 2nd, 2009, have you
65 talked with Officer CHRISTOPHER HUMPHREYS regarding the circumstances
66 involving Mr. JAMES CHASSE?

67 **BURTON:** No. I, uh, bumped into CHRIS on Friday and just mentioned to him that I had an
68 IAD interview, but that was the extent of it.

69 **BARKLEY:** Okay, and did you discuss anything about what, why you were being called into the
70 Internal Affairs Division?

71 **BURTON:** Uh, just there, it was about the tape.

72 **BARKLEY:** Okay. Anything else besides that?

73 **BURTON:** Nope, very general.

74 **BARKLEY:** Okay. Referring to the DVD recording at MCDC at approximately 1814:48 hours,
75 you made a motion with both of your arms which appears to be a bear type hug,
76 which would indicate a tackle. Please explain what your arm motions represented.

77 **BURTON:** Uh, I don't remember making the motion. I've seen it on the video and I don't
78 really remember, uh, what that motion was meant to indicate specifically, uh, some
79 sort of collision.

80 **BARKLEY:** So, you don't recall making the motions with your arms at the time, is that correct?

81 **BURTON:** Uh, not until I saw the video did I remember making those motions.

82 **BARKLEY:** Okay, so after reviewing the DVD, what would be your explanation of why it is that
83 you made what appeared to be a bear type hug which would indicate a tackle?

84 **BURTON:** Um, I wouldn't characterize it as a bear type hug. It just looks like I hit my hands
85 together.

86 **BARKLEY:** Okay. Do you believe a tackle is the same thing as a push?

87 **BURTON:** I guess it depends on the definition of both those words. A tackle is a very general
88 word, um, used to take someone to the ground. A push would be just a shove or,
89 um, moving somebody.

90 **BARKLEY:** Okay. What we reviewed on the DVD was at 1814:48 hours, you make the motion
91 with both of your arms that appears to be a bear type hug or a tackle, which is
92 followed at 1814:50 hours, two seconds later, where Officer HUMPHREYS stated
93 we tackled him. Do you recall Officer HUMPHREYS making the statement at the
94 time that you were in jail that we tackled him?

CONFIDENTIAL TAPED STATEMENT

IAD #2008-B-0039
Portland Police Bureau / Burton

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95 **BURTON:** Uh, I don't remember until I saw the tape, uh, the enhanced version of the tape. I
96 don't clearly independently recall the conversation.

97 **BARKLEY:** So, at the time that you were in the jail...

98 **BURTON:** Uh-huh.

99 **BARKLEY:** ...you're saying you don't recall him saying, we tackled him.

100 **BURTON:** Yeah, I don't remember most of that conversation.

101 **BARKLEY:** Do you agree with Officer HUMPHREYS' statement quote, we tackled him?

102 **BURTON:** No. Well, it's a very generalized term, very general statement made, uh, during, uh,
103 some casual banter at the Booking Facility. Um, so I don't know, that's what
104 CHRIS said and that's what he said.

105 **BARKLEY:** Okay, would you have tackled, characterized his statement as being accurate or
106 inaccurate when he says WE tackled him?

107 **BURTON:** Um, all I can say is what I remember and that's it. Uh, we were both running after
108 Mr. CHASSE, uh, Officer HUMPHREYS was in front of me. And they both, they
109 collided, they went to the ground, um, and that's about as accurate as I could
110 possibly be.

111 **BARKLEY:** Okay, now, in refer, reference to your taped statement to Detectives and then also to
112 the Internal Affairs Division, do you recall that Mr. JAMES CHASSE was running
113 eastbound and right directly behind him was Officer HUMPHREYS and then you
114 were directly behind Officer HUMPHREYS. Do you recall that?

115 **BURTON:** Do I recall making the statement or...

116 **BARKLEY:** Right. That's, that's how the three of you were aligned. There was Mr. JAMES
117 CHASSE, right directly behind him was Officer HUMPREYS, and then you were
118 behind Officer HUMPHREYS.

119 **BURTON:** Right. And when you say directly, yes, we were, that was the order in which we
120 were running. I'm not sure if there was, you know, any more _____, uh, but yes,
121 that's, that's true.

122 **BARKLEY:** And in your previous statements, it was clear that you didn't have an unobstructed
123 view of Mr. CHASSE's back, is that correct?

124 **BURTON:** No, Officer HUMPHREYS was in front of me blocking myself from Mr. CHASSE.

125 **BARKLEY:** So, once again, you didn't have an unobstructed view of Mr. CHASSE's back
126 because Officer HUMPHREYS was between the two of you, is that correct?

127 **BURTON:** That's correct.

128 **BARKLEY:** Have you ever had a conversation with Officer HUMPHREYS regarding his use of
129 the word tackle? I'm not saying the actual tackle, but his use of the word tackle to
130 describe Mr. CHASSE being forced to the sidewalk.

131 **BURTON:** I don't think so.

132 **BARKLEY:** As you may recall, several civilian witnesses stated that Mr. CHASSE was
133 quote/unquote tackled by more than one police officer. The question is was Mr.
134 CHASSE tackled by any police officer, including yourself?

135 **BURTON:** Once again, all I remember is we're both running after him, there was a collision,
136 um, and they went to the ground.

137 **BARKLEY:** And the collision was between Officer HUMPHREYS and Mr. CHASSE.

138 **BURTON:** That's correct.

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139 **BARKLEY:** And you were not involved in that collision, correct?
140 **BURTON:** I was not involved in the collision.
141 **BARKLEY:** Aside from Officer HUMPHREYS' statement, we tackled him, did Officer
142 HUMPHREYS ever describe to you or to anyone in your presence the manner in
143 which Mr. CHASSE was forced to the sidewalk as a tackle? And that's aside from
144 what you saw in the tape. So we clearly know that Officer HUMPHREYS said in
145 the tape, we tackled him, aside from that particular incident, do you, are you aware
146 of any other time that Officer HUMPHREYS has told anyone that you're aware of
147 that Mr. JAMES CHASSE was tackled?
148 **BURTON:** No.
149 **BARKLEY:** Was Mr. JAMES CHASSE tackled or pushed to the sidewalk by Officer
150 HUMPHREYS?
151 **BURTON:** I don't know.
152 **BARKLEY:** Okay. Is there anything you wish to add and/or clarify regarding this investigation?
153 **BURTON:** Not at this time.
154 **BARKLEY:** Okay. Is there anything Sergeant Scott Westerman wishes to add and/or clarify
155 regarding this investigation?
156 **WESTERMAN:** Yes, sir.
157 **BARKLEY:** Go ahead.
158 **WESTERMAN:** Your, your recollection of the video and you're being asked to interpret the motion
159 of your hands, are you able to accurately interpret the, the motion of your hands or
160 would you be purely speculating in this setting now two years or 32 months later.
161 **BURTON:** I'd be purely speculating.
162 **WESTERMAN:** So, you saw yourself make the motion with your hands.
163 **BURTON:** Right.
164 **WESTERMAN:** And it was described as making it look like a bear hug. But it was also described as
165 looking where your hands are coming together where it could be a collision and
166 you're also putting your gloves in your pocket, you're doing various things with
167 your hands. So, looking at that clearly you don't, you're speculating as to what
168 happened. Is that right?
169 **BURTON:** That's correct.
170 **WESTERMAN:** Okay. When CHRIS HUMPHREYS described the WE in the WE tackled him in
171 the video, do police officers refer to WE as meaning the two of you or WE the
172 police or, I mean in the circumstances you're describing in the jail, you and
173 HUMPHREYS are the ones who brought CHASSE in, okay? If you were to use the
174 term WE, what would you be referring to? You, you, you and CHRIS or you and all
175 the other officers that were at the scene?
176 **BURTON:** Any combination of those.
177 **WESTERMAN:** Okay. So it's not a WE as in when HUMPHREYS says the word WE, he's not
178 saying the two of you, he's just saying WE as in the police. Because that's the
179 reason he's in jail, right?
180 **BURTON:** Possibly, yes.
181 **WESTERMAN:** Okay. That's all I have.

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182 **BARKLEY:** Okay. Is there anything that Mr. Michael Staropoli would like to add and/or clarify
183 regarding this investigation?
184 **STAROPOLI:** Not at this time, thank you.
185 **BARKLEY:** Is there anything that Multnomah County Attorney Ms. Susan Dunaway wishes to
186 add and/or clarify regarding this investigation?
187 **DUNAWAY:** No, not at this time.
188 **BARKLEY:** Okay. The interview is concluded at 0645 hours.
189
190 2008-B-0039TRS-BURTON
191 Transcribed 060809/2106 C. Yeager

Initial _____

Date _____

PORTLAND POLICE BUREAU
INTERNAL AFFAIRS DIVISION
Confidential Investigative Report
Investigator MICHAEL BARKLEY #8570

MRB #8570
06/14/2009

Date: June 11, 2009
IAD #: 2008-B-0039
Comp: Portland Police Bureau

CITIZENS INTERVIEWED:

1. None

BUREAU MEMBERS INTERVIEWED:

	OFFICER	DPSST	ASSIGNMENT	CATEGORY	ALLEGATION(S)
1.	Officer CHRISTOPHER HUMPHREYS	32784	Transit Police Division	Conduct	#1
2.	Officer BRET BURTON	43860	Transit Police Division	<i>Witness</i>	

APPLICABLE DIRECTIVES:

1. 310.00: Conduct, Professional
2. 310.50: Truthfulness
3. 330.00: Internal Affairs Complaint Investigation Process- Members Responsibilities

ALLEGATIONS:

1. **Officer HUMPHREYS** may have been untruthful regarding the use of physical force involving **Mr. JAMES CHASSE** on September 17, 2006, previously investigated as I.A.D. Case #2006-B-0016.

INCIDENT OVERVIEW:

On Sunday, September 17, 2006 **Officer CHRISTOPHER HUMPHREYS** and **Deputy BRET BURTON** were involved in a foot pursuit of **Mr. JAMES CHASSE** in the 1300 block of N.W. Everett Street. The foot pursuit was terminated when **Officer HUMPHREYS** forced **Mr. CHASSE** to the sidewalk. The contact resulted in **Officer HUMPHREYS** falling to the sidewalk with **Mr. CHASSE**.

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A physical confrontation occurred between **Mr. CHASSE, Officer HUMPHREYS, Deputy BURTON** and **Sergeant KYLE NICE**. The Portland Fire Bureau and American Medical Response paramedics checked **Mr. CHASSE** and released him to be transported to the Multnomah County Detention Center (M.C.D.C.). **Mr. CHASSE** was refused admittance to M.C.D.C. While **Mr. CHASSE** was being transported by **Officer HUMPHREYS** and **Deputy BURTON** to Portland Adventist Hospital, **Mr. CHASSE** experienced breathing problems. As a result, **Mr. CHASSE** passed away while en route.

Following the In-Custody Death of **Mr. CHASSE, Officer HUMPHREYS** and **Deputy BURTON** were interviewed by Detectives (Case #2006-084962), testified before the Multnomah County Grand Jury, were interviewed by the Internal Affairs Division (Case #2006-B-0016) and provided deposition testimony before **Mr. TOM STEENSON, CHASSE** family attorney. During the listed interviews and deposition testimony, **Officer HUMPHREYS** stated he "pushed" **Mr. CHASSE** to the sidewalk and did *not* tackle him. **Sergeant NICE** and a number of witnesses described the contact between **Officer HUMPHREYS** and **Mr. CHASSE** as a "tackle."

While **Officer HUMPHREYS** and **Deputy BURTON** were inside the booking/processing area of the Multnomah County Detention Center, they were recorded on a video, which included an audio recording. The original recording was unclear as to what **Officer HUMPHREYS** and **Deputy BURTON** were stating. **Mr. STEENSON** had the visual/audio recording "enhanced." As a result, two events occurred nearly simultaneously: **Deputy BURTON** made a bear type hug with both arms, possibly indicating a tackle (**Recording Time: 18:14:48 hours**); followed by **Officer HUMPHREYS'** stating "We tackled him" (**Recording Time: 18:14:50 hours**).

As a result of the enhanced DVD, a criminal investigation was conducted to determine whether **Officer HUMPHREYS** committed perjury and/or official misconduct. On February 4, 2009 **Officer HUMPHREYS** was interviewed by **Detective Sergeant RICH AUSTRIA** regarding the video recording and his statement "We tackled him." **Deputy District Attorney CHRISTINE MASCAL** prepared a Memorandum dated May 4, 2009, in which she wrote "prosecution should be declined." **District Attorney MICHAEL SCHRUNK** prepared a letter dated May 5, 2009, in which he wrote "I have accepted Ms. MASCAL's recommendation and there will be no further action by this office unless new events should warrant it."

INVESTIGATIVE NARRATIVE:

Officer CHRISTOPHER HUMPHREYS:

On February 4, 2009 **Officer HUMPHREYS** was interviewed by **Detective Sergeant RICH AUSTRIA** regarding a DVD video recording on September 17, 2006 at the booking/processing

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area within the Multnomah County Detention Center. Specifically, **Officer HUMPHREYS** was asked to explain his statement “We tackled him” and to clarify his use of the word “tackled.”

Officer HUMPHREYS stated he had reviewed the DVD video, but he had not reviewed the Portland Tribune videotape with captions. **Officer HUMPHREYS** stated “I’ve reviewed the tape that I saw, I can’t detect clearly if anyone used the word tackle.” (TRANSCRIPT: page 2)

Officer HUMPHREYS stated he did not recall making the statement prior to or after reviewing the video.

Regarding **Officer HUMPHREYS**’ “tackled” statement, he responded:

AUSTRIA: “Would there be, could you explain maybe why you would’ve said something like that or what you may have meant by saying something like that?”

HUMPHREYS: “If I used the word “tackled,” on the jail video or any other setting, um it was simply meant as a characterization of the way that I caused **Mr. CHASSE** to go down to the ground, um, by knocking him off balance, by using my forearms.”

AUSTRIA: “Okay.”

Humphreys: “You know general characterization versus an explanation within context at the time.”

(TRANSCRIPT: page 3)

Officer HUMPHREYS described his communication at the Multnomah County Detention Center as “banter.” (TRANSCRIPT: page 4) **Officer HUMPHREYS** stated he did not recall whether he used the word “tackle” when he testified before the Grand Jury. **Officer HUMPHREYS** stated he did not recall using the word “tackle” when he was interviewed by Detectives or during his deposition with **Mr. STEENSON**.

Officer HUMPHREYS provided his meaning/definition of “tackled” and whether he tackled **Mr. CHASSE**:

AUSTRIA: “Let me ask you, what did you, what would be your definition of “tackled?”

HUMPHREYS: “Um, I guess, I mean there could be multiple, it’s really within the context of how it’s being used. It could be I mean like an open field tackle. It could be somebody wrapping up and taking the person down or on an open field tackle.”

(TRANSCRIPT: page 5)

AUSTRIA: “Okay and I know by reviewing your deposition, and the interviews, that’s kind of the way you described to **Mr. STEENSON** your definition of tackling is wrapping up and taking

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- him down.”
- HUMPHREYS:** “That’s correct in that specific yes, in that specific environment when we were talking about exact details, yes, that’s correct.”
- AUSTRIA:** “Okay so when asked that question by **Mr. STEENSON**, you said, that’s not what I did. I didn’t, based on that definition, I did not tackle him.”
- HUMPHREYS:** “That’s correct, yes.”
(TRANSCRIPT: pages 5 – 6)
- AUSTRIA:** “So the only, the only area that you may have said that you tackled him from what we can tell is that, that video um, from down in jail?”
- HUMPHREYS:** “That’s correct.”
(TRANSCRIPT: page 6)

Officer BRET BURTON:

On Monday, June 8, 2009 **Officer BURTON** was interviewed. The interview was **32 months** following the incident involving **Mr. JAMES CHASSE** on September 17, 2006. Other persons present during the interview were **Sergeant SCOTT WESTERMAN**, P.P.A. President, **Mr. MICHAEL STAROPOLI**, P.P.A. attorney, and **Ms. SUSAN DUNAWAY**, Multnomah County counsel. Prior to the interview, all parties reviewed the listed items with regards to **Officer BURTON:**

1. “Internal Affairs Division Worksheet,” up-dated on June 2, 2009
2. Multnomah County Sheriff’s Office “Continuation Report”
3. Portland Police Bureau Detective Division “Confidential Taped Statement Transcription,” dated September 19, 2006
4. Portland Police Bureau Internal Affairs Division “Confidential Taped Statement,” dated May 8, 2008
5. The “enhanced” version of a DVD recording from September 17, 2006 in the booking/processing area at the Multnomah County Detention Center

The first issue addressed at the very beginning of the interview was whether **Officer BURTON** had any contact with **Officer HUMPHREYS** since receiving his Internal Affairs Division interview notice on Tuesday, June 2, 2009. **Officer BURTON** stated he “bumped” into **Officer HUMPHREYS** on Friday and mentioned he had an Internal Affairs Division interview regarding the video tape. **Officer BURTON** stated the conversation was “very general.”

Officer BURTON was asked to explain a motion with both of his arms shown on the “enhanced” DVD recording:

BARKLEY: “Referring to the DVD recording at MCDC at approximately **18:14:48 hours**, you made a motion with both of your arms which appears to be a bear type hug, which would indicate a tackle. Please explain what your arm motions represented.”

BURTON: “Uh, I don’t remember making the motion. I’ve seen it on the video and I don’t really remember, uh, what that motion was meant to indicate specifically, uh, some sort of collision.”
(TRANSCRIPT: page 2, lines 74 – 79)

BARKLEY: “Okay, so after reviewing the DVD, what would be your explanation of why it is that you made what appeared to be a bear type hug which would indicate a tackle?”

BURTON: Um, I wouldn’t characterize it as a bear type hug. It just looks like I hit my hands together.
(TRANSCRIPT: page 2, lines 82 – 85)

Officer BURTON was asked to explain his arm motions, which was followed two (2) seconds later by **Officer HUMPHREYS’** statement “We tackled him”:

BARKLEY: “What we reviewed on the DVD was at 1814:48 hours, you make the motion with both of your arms that appears to be a bear type hug or a tackle, which is followed at **18:14:50 hours**, two seconds later, where Officer HUMPHREYS stated we tackled him. Do you recall Officer HUMPHREYS making the statement at the time that you were in jail that we tackled him?”

BURTON: “Uh, I don’t remember until I saw the tape, uh, the enhanced version of the tape. I don’t clearly independently recall the conversation.”

BARKLEY: “So, at the time that you were in the jail...”

BURTON: “Uh-huh.”

BARKLEY: ...you’re saying you don’t recall him saying, we tackled him.”

BURTON: “Yeah, I don’t remember most of that conversation.”

BARKLEY: “Do you agree with Officer HUMPHREYS’ statement quote, we tackled him?”

BURTON: “No. Well, it’s a very generalized term, very general statement made, uh, during, uh, some casual banter at the Booking Facility. Um, so I don’t know, that’s what CHRIS said and that’s what he said.”

(TRANSCRIPT: pages 2 – 3, lines 90 – 104)

Officer BURTON was asked if **Officer HUMPHREYS’** statement “We tackled him” was an accurate description of what occurred to force **Mr. CHASSE** to the sidewalk:

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BURTON: "Um, all I can say is what I remember and that's it. Uh, we were both running after Mr. CHASSE, uh, Officer HUMPHREYS was in front of me. And they both, they collided, they went to the ground, um, and that's about as accurate as I could possibly be."

(TRANSCRIPT: page 3, lines 107 – 110)

Regarding whether **Officer HUMPHREYS** ever described to anyone, aside from his statement recorded on the video, him tackling **Mr. CHASSE**:

BARKLEY: "Aside from Officer HUMPHREYS' statement, we tackled him, did Officer HUMPHREYS ever describe to you or to anyone in your presence the manner in which Mr. CHASSE was forced to the sidewalk as a tackle? And that's aside from what you saw in the tape. So we clearly know that Officer HUMPHREYS said in the tape, we tackled him, aside from that particular incident, do you, are you aware of any other time that Officer HUMPHREYS has told anyone that you're aware of that Mr. JAMES CHASSE were tackled?"

BURTON: "No."

BARKLEY: "Was Mr. JAMES CHASSE tackled or pushed to the sidewalk by Officer HUMPHREYS?"

BURTON: "I don't know."

(TRANSCRIPT: page 4, lines 141 – 151)

INVESTIGATOR COMMENTS:

The Internal Affairs Division Case #2008-B-0039 was opened on October 31, 2008. However, no action was taken by the Internal Affairs Division while the criminal investigation was pending. On May 27, 2009 the case was re-assigned to me for investigation.

Officer HUMPHREYS was not re-interviewed by the Internal Affairs Division. **Captain DAVID FAMOUS**, Internal Affairs Division, talked with **Director LESLIE STEVENS**, Office of Accountability and Professional Standards, whether an additional interview was necessary. It was decided **Officer HUMPHREYS'** taped statement on February 4, 2009 to **Detective Sergeant RICH AUSTRIA** was sufficient.

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EXHIBITS:

1. Proposed Questions for **Officer BRET BURTON**
2. Digital Recording and Transcript of **Officer BRET BURTON's** Statement dated June 8, 2009
3. Digital Recording and Transcript of **Ms. SUSAN DUNAWAY**, Multnomah County counsel dated June 2, 2009
4. Transcript of **Officer CHRISTOPHER HUMPHREYS'** Statement to **Detective Sergeant RICH AUSTRIA** dated February 4, 2009
5. Special Report prepared by **Detective Sergeant RICH AUSTRIA** dated February 9, 2009
6. "Enhanced" DVD Recordings from September 17, 2006 at the Multnomah County Detention Center
7. "Internal Affairs Division Worksheet," up-dated on June 2, 2009
8. Multnomah County Sheriff's Office "Continuation Report" regarding **Officer BRET BURTON**
9. Portland Police Bureau Detective Division "Confidential Taped Statement Transcription," of **Officer BRET BURTON** dated September 19, 2006
10. Portland Police Bureau Internal Affairs Division "Confidential Taped Statement," of **Officer BRET BURTON** dated May 8, 2008

I.A.D. Case #2008-B-0039 investigation completed on Sunday, June 14, 2009