

IN THE UNITED STATES DISTRICT COURT IN
FOR THE DISTRICT OF OREGON

JAMES P. CHASSE, JR.; JAMES P.)
CHASSE; LINDA GERBER; and MARK)
CHASSE, individually and in his)
capacity as Personal Representative)
of the ESTATE OF JAMES P. CHASSE,)
JR.,)

Plaintiffs,)

v.)

CHRISTOPHER HUMPHREYS; KYLE NICE;)
CITY OF PORTLAND; CITY OF PORTLAND)
JOHN DOE FIREFIGHTERS/PARAMEDICS;)
PORTLAND POLICE BUREAU and OTHER)
PORTLAND JOHN and JANE DOE)
OFFICIALS; BRET BURTON; MULTNOMAH)
COUNTY; MULTNOMAH COUNTY JOHN and)
JANE DOE DEPUTY SHERIFFS and MEDICAL)
PERSONNEL; MULTNOMAH COUNTY JOHN and)
JANE DOE SHERIFF'S OFFICE and OTHER)
OFFICIALS; TRI-COUNTY METROPOLITAN)

TRANSPORTATION DISTRICT OF OREGON;)

and AMERICAN MEDICAL RESPONSE)

NORTHWEST, INC.,)

Defendants.)

ORIGINAL

) No. CV-07-0189-HU

DEPOSITION OF

BRIAN M. BRANCH

Taken in behalf of Plaintiffs

* * *

January 24, 2008

1211 S.W. Fifth, Suite 1900

Portland, Oregon

Shannon K. Krska, CSR

Court Reporter



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APPEARANCES:

For the Plaintiffs: MR. THOMAS M. STEENSON
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EXHIBITS

No. 113 Branch 9-17-06 information report, 5
CHASSE 101371-327

1 PORTLAND, OREGON; THURSDAY, JANUARY 24, 2008

2 10:22 AM

3 * * *

4 BRIAN M. BRANCH

5 called as a witness in behalf of the Plaintiffs,

6 having first been sworn by the Reporter,

7 testifies as follows:

8 EXAMINATION

9 BY MR. STEENSON:

10 Q. State your full name, for the record,
11 please.

12 A. Brian Michael Branch.

13 Q. You work for Multnomah County; is that
14 correct?

15 A. Correct.

16 Q. You're a corrections officer, deputy?

17 A. Yes.

18 Q. My name is Tom Steenson. I'm the lawyer
19 representing the Chasse family in a lawsuit they've
20 filed against a number of individuals plus Multnomah
21 County and a couple of other entities. Have you ever
22 given deposition testimony before?

23 A. No.

24 Q. Let me go through a couple rules so that you
25 and I understand each other. When I ask you a

1 question and you answer it, we will all assume that
2 you understood it, so it's important for you to ask me
3 to clarify anything you do not understand before you
4 answer. Do you understand that?

5 A. Yes.

6 Q. Secondly, your testimony today is under
7 oath. It's as important as if you were in a court of
8 law. If you give an answer at the time of a trial or
9 a hearing in this case that's different than you give
10 today, that can be pointed out to the judge and jury.
11 Do you understand that?

12 A. Yes.

13 Q. Lastly, anything about your physical or
14 emotional condition, are you taking prescription
15 medicine, lack of sleep, anything at all that might
16 interfere with your ability to give me complete and
17 truthful answers to my questions?

18 A. No.

19 Q. When was your last shift?

20 A. Right now. I'm on shift right now.

21 Q. When did you start your shift?

22 A. Eight o'clock this morning.

23 Q. Okay. You got a good night's sleep last
24 night?

25 A. Yes.

1 (DEPOSITION EXHIBIT NO. 113 was marked for
2 identification.)

3 Q. (By Mr. Steenson) I've marked as Exhibit 113
4 an information report that I believe you completed
5 regarding Mr. Chasse. Is that correct?

6 A. Yes.

7 Q. You handwrote this?

8 A. Yes.

9 Q. And did somebody tell you to do that?

10 A. Yes.

11 Q. Who?

12 A. My sergeant at the time, Kat Martinez.

13 Q. And when you were told to do that, you knew
14 Mr. Chasse had died?

15 A. Yes.

16 Q. How long have you worked for the county?

17 A. Nine and a half years, be ten years June
18 1st.

19 Q. That night you were a utility 2 deputy?

20 A. Yes.

21 Q. What were your responsibilities?

22 A. To book in individuals that had been
23 arrested by police agencies.

24 Q. And how much in the nine and a half years
25 have you worked in the booking area, just

1 approximately?

2 A. About -- in nine years, I was three years in
3 transports, maybe four, maybe four years.

4 Q. Okay. Like full time or --

5 A. Well, it's -- we always have different
6 assignments, but there were times when I was down
7 there throughout, you know, this ten-year career.

8 Q. So do you think it's fair to say that you've
9 probably seen hundreds or even maybe over a thousand
10 people booked in while you were in the booking area?

11 A. Yes.

12 Q. Have you ever seen anyone come in from the
13 sallyport into the booking area in a spit sock?

14 A. Yes.

15 Q. How many times?

16 A. Ten, 20. I mean, I can't give you an exact
17 answer. Probably somewhere --

18 Q. Other than Mr. Chasse who you recall being
19 brought in in a spit sock -- do you recall that?

20 A. Yes.

21 Q. Other than Mr. Chasse, do you recall the
22 names, incidents, dates, anything about the other
23 times when someone came in from the sallyport already
24 in a spit sock?

25 A. No.

1 Q. Mr. Chasse was brought in that night hobbled
2 face down, do you recall that? He was carried in?

3 A. Yes.

4 Q. Have you seen any people on any other
5 occasions brought in from the sallyport hobbled and
6 being carried face down?

7 A. Yes.

8 Q. How many times?

9 A. About, I don't know, ten maybe.

10 Q. Do you recall anything about the names,
11 incidents, dates of those times?

12 A. No.

13 Q. Have you ever seen anyone other than
14 Mr. Chasse carried in from the sallyport with a spit
15 sock on the head, hobbled, and carried face down,
16 other than Mr. Chasse?

17 A. Yes.

18 Q. How many times?

19 A. I -- I would guess -- I can't give you -- I
20 have no idea. About ten times I guess.

21 Q. Any way to identify the other incidents by
22 names, dates, anything at all?

23 A. No.

24 Q. Is there anything in writing, either a
25 policy or procedure, anything at all, on when and how

1 you're to use a spit sock as a Multnomah County
2 deputy?

3 A. We use a spit sock to protect ourselves from
4 being spit on or if there's, you know, blood on the
5 face I guess.

6 Q. Have you ever seen anything in writing that
7 talks about when or how a spit sock is to be used?

8 A. No.

9 Q. Have you received any specific training on
10 how or when a spit sock is to be used?

11 A. No.

12 Q. And you get lots of training as a deputy --

13 A. Yes.

14 Q. -- is that right?

15 A. Yes.

16 Q. You get training on use of force, defensive
17 tactics, that kind of thing?

18 A. Yes.

19 Q. And you've never had any formal training on
20 the use of a spit sock?

21 A. No, not that I can recall.

22 Q. Has anyone suggested to you that a spit sock
23 might endanger someone from a medical standpoint?

24 A. No.

25 Q. Your information report refers to Portland

1 Police. What do you mean by that?

2 A. What do you mean?

3 Q. Well, I don't know. You say -- mentioned
4 Portland Police. What do you mean by Portland Police?

5 A. Oh, okay. There's -- it was the Portland
6 Police officer.

7 Q. Okay.

8 A. And I didn't -- I didn't know their names.

9 Q. Okay.

10 A. And I also put Multnomah County deputy
11 sheriff and I didn't know his name either.

12 Q. Okay. We know, from the record, that the
13 Portland Police officer is a guy named Humphreys. We
14 also know that he was in a blue uniform and wearing a
15 baseball hat. You didn't know his name but do you
16 recall that he was in a blue uniform and wearing a
17 baseball hat?

18 A. I don't remember the hat but I knew he was
19 in a blue uniform.

20 Q. And we know that the Multnomah County deputy
21 was Bret Burton and he was in a green uniform. Do you
22 recall that he was in a green uniform?

23 A. Yes.

24 Q. You didn't know his name?

25 A. Right.

1 Q. So had you had any prior contact with either
2 of those two prior to that night that you can recall?

3 A. On maybe occasions when they've brought
4 people in, you know, arrested people and brought them
5 in. Other than that, no.

6 Q. Do you recall any of the specifics, the
7 incidents?

8 A. No.

9 Q. Have you had any occasion to deal with
10 either of those two since September 17 of 2006, the
11 night that Mr. Chasse died?

12 A. No.

13 Q. Other than your information report, have you
14 reviewed any other documents before coming here today
15 to testify?

16 A. No.

17 Q. Were you ever interviewed by any homicide
18 detectives regarding the death of Mr. Chasse?

19 A. No.

20 Q. So other than talking to your lawyer for the
21 county, have you talked to anyone else about the death
22 of Mr. Chasse except me today?

23 A. About -- no. Just -- just to my attorney.

24 Q. Okay. So no one internally at Multnomah
25 County as part of any review of his death has ever

1 talked to you like a commander or a supervisor,
2 lieutenant?

3 A. No. Other than this night, no.

4 Q. Did you know that Officer Humphreys had
5 called the jail to report that he was bringing
6 somebody in that night?

7 A. Yes.

8 Q. How did you know that?

9 A. 'Cause I recall they called -- they called
10 in and wanted deputies to help assist bringing an
11 individual into the booking area.

12 Q. Did you learn of any information regarding
13 why they wanted assistance?

14 A. Alls I remember was combative, a combative
15 inmate.

16 Q. Anything else?

17 A. That's it.

18 Q. So did you go into the sallyport to assist
19 in getting Mr. Chasse into the booking area?

20 A. No.

21 Q. Could you hear what was going on in the
22 sallyport while the other deputies were assisting the
23 officers?

24 A. No.

25 Q. Were you watching what was going on in the

1 sallyport while the deputies were assisting the
2 officers?

3 A. I don't know.

4 Q. Well, you can --

5 A. I'm -- I don't remember anything so I -- I
6 don't remember. I don't think so.

7 Q. There's a double set of doors and they both
8 have glass in them; correct?

9 A. Right. I didn't see anything going on out
10 there.

11 Q. Okay. So you weren't standing by the most
12 interior sallyport door looking out into the sallyport
13 watching what was going on?

14 A. No.

15 Q. Did anyone tell you what went on out there
16 before Mr. Chasse was brought in?

17 A. Did anybody tell me what was going on out
18 there?

19 Q. Yeah, what had happened out there.

20 A. No.

21 Q. So sitting here today, other than what your
22 attorney may have shared with you, you have no idea
23 what may have happened to Mr. Chasse while he was in
24 the patrol car in the sallyport or as he was removed
25 from the car?

1 A. Exactly.

2 Q. Various witnesses, other deputies, have
3 described Mr. Chasse as squirming, wiggling as he was
4 carried in. Is that a fair description?

5 A. Once he got into the booking area?

6 Q. Yeah, as he's carried in.

7 A. Yes.

8 Q. Do you recall that he was screaming as he
9 was carried in?

10 A. Yes.

11 Q. Could you make out any words?

12 A. No.

13 Q. Was he trying to say something, like trying
14 to say a word or make a sound, or could you tell?

15 A. No. The only thing I remember is him
16 screaming and yelling.

17 Q. Did you ever hear him say anything other
18 than in the form of something that was screaming or
19 yelling?

20 A. No.

21 Q. You didn't assist in any way in carrying
22 Mr. Chasse into the isolation cell?

23 A. Right, no.

24 Q. Did you have any involvement with him at all
25 in the cell?

1 A. In the cell?

2 Q. Yes.

3 A. No.

4 Q. Did you go into the cell at any time?

5 A. No.

6 Q. Well, did you assist in any way in the
7 restraints being removed from Mr. Chasse?

8 A. I believe I got a pair of scissors from the
9 intake deputy.

10 Q. Okay. So somebody asked you to do that?

11 A. Yes.

12 Q. Then what did you do with the scissors?

13 A. I handed them to who -- one of the guys that
14 was in there trying to take off the restraints.

15 Q. Okay. Did you see the others place
16 Mr. Chasse on the floor of the cell?

17 A. Would you -- the door's not very big and
18 there was a few guys in there so you can't see really
19 anything. I did not see him -- how they laid him
20 down, no.

21 Q. So you don't know whether he was laid on his
22 face or his side or on his back or how he might have
23 been laid?

24 A. I did see him on his stomach.

25 Q. Okay. And when did you see him on his

1 stomach?

2 A. When I handed him the scissors.

3 Q. Okay. Did you stay there then and watch --
4 well, strike that.

5 The hobbles -- strike that.

6 The scissors were to cut off the hobbles
7 from the ankles; correct?

8 A. Yes.

9 Q. Did you stand there and watch that happen?

10 A. Well, I remember taking off his shoes, and
11 he stunk so bad that I grabbed his shoes and put them
12 in a property bag and sealed them up.

13 Q. So you took the shoes off?

14 A. I didn't take the shoes off. They were
15 tossed outside of the cell.

16 Q. So you never went into the cell?

17 A. Never.

18 Q. So you handed someone the scissors, stepped
19 back out --

20 A. I never stepped in. I was outside.

21 Q. I'm sorry.

22 A. Somebody stepped out, they reached their
23 hand out, I handed them the scissors, they went back
24 in.

25 Q. And then shortly after that his shoes were

1 tossed out of the cell?

2 A. Yes.

3 Q. And you picked them up?

4 A. Yes.

5 Q. And they stunk?

6 A. Very bad.

7 Q. What did they smell like?

8 A. Probably the worst sewage smell you would
9 ever imagine. It's the most disgusting smell I've
10 ever smelled in my life.

11 Q. Were they wet?

12 A. Oh, I don't recall.

13 Q. Okay. You put them in a property bag of
14 some sort?

15 A. Yeah. We put all the property that inmates
16 come in, we put them in a property bag and seal --
17 seal their property up.

18 Q. Was anything else tossed out of the cell?

19 A. Not that I can remember.

20 Q. Did you see the officers leave the cell?

21 A. Yes.

22 Q. Okay. Could you then see Mr. Chasse on the
23 floor?

24 A. I -- I honestly, I don't remember. I
25 thought the door was closed as they were exiting, but

1 I --

2 Q. Well, there's evidence that they left and
3 then the door was closed.

4 A. Okay. Then I didn't, yeah.

5 Q. So the question I have is other than when
6 you handed somebody the scissors and could see
7 Mr. Chasse on his stomach, did you see his position at
8 any other time?

9 A. No.

10 Q. So the door's closed, you never go back over
11 and look through the window to see how Mr. Chasse is
12 positioned?

13 A. No.

14 Q. I understand you weren't in the cell, but
15 could you tell whether Mr. Chasse was breathing or
16 having trouble breathing?

17 A. I don't know.

18 Q. Once he was placed on the cell on his
19 stomach -- or in the cell on his stomach, was he then
20 quiet?

21 A. I don't remember.

22 Q. Do you remember him moaning or groaning
23 while he was on his stomach?

24 A. I don't remember.

25 Q. But he wasn't screaming that you can recall?

1 A. He may have. I -- I honestly don't
2 remember.

3 Q. You remember him screaming coming in but you
4 don't remember him screaming on the floor?

5 MS. DUNAWAY: Object to form.

6 Q. (By Mr. Steenson) You remember him screaming
7 when he was carried in but you don't remember him
8 screaming on the floor of the cell?

9 A. Exactly.

10 Q. Did you hear anyone say that Mr. Chasse was
11 having any problems of any sort?

12 A. No.

13 Q. You never heard anyone say I think he's not
14 breathing or he's having trouble breathing?

15 A. No.

16 Q. You never heard anyone say I think he's had
17 a seizure or he's in convulsions or anything like
18 that?

19 A. No.

20 Q. When Mr. Chasse was brought in you've
21 already told me that he had a spit sock over his head.
22 Did you ever see his face or his head that night?

23 A. No.

24 Q. 'Cause he had a spit sock over it?

25 A. Right.

1 Q. Did you ever see blood on the spit sock?

2 A. No, I -- I don't recall --

3 Q. Okay.

4 A. -- so I'm saying no.

5 Q. Did anyone ever tell you they had seen blood
6 on Mr. Chasse's face or forehead or maybe both before
7 the spit sock was put on?

8 A. No.

9 Q. Do you remember anything about Mr. Chasse's
10 skin color that night?

11 A. It was white.

12 Q. Okay. Do you recall whether it looked to be
13 a normal white or a pale white or do you know?

14 A. I don't know.

15 Q. Do you recall whether his skin color was
16 blue or -- or shaded in some way?

17 A. No.

18 Q. Did you ever observe Mr. Chasse's wrists or
19 his ankles or his forearms for signs of any kind of
20 injury, trauma, sores, anything like that?

21 A. No.

22 Q. Did you have anything -- strike that.

23 Did you hear Officer Hubert call for medical
24 or call the nurses over the intercom?

25 A. No.

1 Q. Did you learn at some point in any way that
2 somebody had some concern about Mr. Chasse's medical
3 situation?

4 A. I know that somebody called the medical, I
5 don't know who, and medical came up.

6 Q. Okay. So you don't know who called;
7 correct?

8 A. M-hm.

9 Q. Correct?

10 A. Right.

11 Q. For the record --

12 A. Right, yeah, yeah, yeah.

13 Q. And you don't know what the -- why they may
14 have called; correct?

15 A. Right.

16 Q. Did you see the nurses come to the booking
17 area?

18 A. Yes.

19 Q. And they looked in -- at least one of them
20 looked through the window --

21 A. Yes.

22 Q. -- do you recall that?

23 They didn't go through the door, though, or
24 do you know?

25 A. I don't recall.

1 Q. What were you doing after the nurses came?

2 A. I don't -- I was going back -- I remember
3 being -- going to the back of the reception area and
4 then I came back. And I don't remember what I did
5 back there.

6 Q. If you look at Exhibit 90, please.

7 MS. DUNAWAY: 90?

8 MR. STEENSON: 90.

9 Q. (By Mr. Steenson) I'll represent that
10 Exhibit 90 is part of a floor plan that was provided
11 by the county's lawyers in this case.

12 A. Uh-huh.

13 Q. And we've marked it as an exhibit. Can you
14 recognize, generally speaking, the booking desk in
15 the -- in the diagram or in the blueprint?

16 A. Yes. These four spots.

17 Q. Okay. And then where on the exhibit there's
18 a circle, and I'm not sure what's in there, that's the
19 isolation cell, the first isolation cell, where
20 Mr. Chasse was placed?

21 A. Yes.

22 Q. When you say you went to reception, did you
23 leave the booking area?

24 A. Yes.

25 Q. So there's a path that I think was marked

1 indicating the nurses had come along that path and
2 then went to the cell. You'd gone back the other
3 direction on that path?

4 A. Yes. And I believe a couple times. I can't
5 recall, but I remember going back once or twice.

6 Q. Okay. I think Mr. Chasse was in the jail
7 for a little over 12 minutes, actually in the booking
8 area or in that cell.

9 A. M-hm.

10 Q. So how much of that time do you think you
11 were gone, do you know?

12 A. I don't know. I --

13 Q. But you went back to what you've described
14 as the reception area away from the booking area at
15 least a couple times?

16 A. Yes.

17 Q. Was there something specific you were doing,
18 do you recall?

19 A. I honestly, I don't remember.

20 Q. So were you present when Mr. Chasse was
21 rehandcuffed? Were you in the booking area?

22 A. Yes.

23 Q. So did you watch him get rehandcuffed?

24 A. I didn't go into the cell when they
25 handcuffed him, so no, I wasn't directly watching, no.

1 Q. Were you there when the nurses talked to
2 Officer Humphreys and Deputy Burton about what they
3 decided should happen to Mr. Chasse?

4 A. I recall them saying that they were refusing
5 to take him and they needed to take him to a hospital.

6 Q. So you were present for that?

7 A. Yes.

8 Q. Did the officers respond in any way, ask
9 questions or say anything?

10 A. Well, like every Portland officer or any
11 officer that has to take somebody away from the --
12 take them away when we refuse them, they weren't happy
13 about it.

14 Q. How do you know they weren't happy?

15 A. I just remember them saying we gotta take
16 him to the hospital. I know that police officers
17 don't like taking people to the hospital if they don't
18 have to.

19 Q. So did Officer Humphreys say something you
20 can recall to that effect?

21 A. I'm just vaguely remembering. No, I don't
22 remember exactly what he said. This was a long time
23 ago.

24 Q. But something he said or did gave you the
25 impression he wasn't happy about it?

1 A. Yes.

2 Q. You just can't recall specifically what it
3 was?

4 A. Right.

5 Q. Were you present when Mr. Chasse was carried
6 out of the jail?

7 A. Yes.

8 Q. And how was he restrained when he was
9 carried out of the jail, if you recall?

10 A. I don't remember.

11 Q. Okay.

12 A. I honestly don't remember.

13 Q. Do you recall he was carried out face down,
14 the same way he'd been carried in?

15 A. I believe that's how he was carried out,
16 yes.

17 Q. And was he screaming when he was carried
18 out?

19 A. I don't recall, no.

20 Q. If you want to look at your report, please.

21 A. M-hm.

22 Q. On the second page, at the bottom it says
23 "Chasse was kicking his legs and yelling all the way
24 to the police car." Do you recall having written
25 that?

1 A. I recall writing it, yes.

2 Q. Is that something you were told or --

3 A. No, I wasn't told.

4 Q. So do you think you -- does this refresh
5 your recollection that he was screaming as he was
6 carried out?

7 A. Yes.

8 Q. Did Officer Humphreys ever look anxious or
9 nervous to you that night?

10 A. No.

11 Q. Did he look sweaty at any time?

12 A. No.

13 Q. Did Deputy Burton look anxious or nervous
14 that night?

15 A. No.

16 Q. Did he look sweaty that you can recall?

17 A. No.

18 Q. Do you know anything that may have happened
19 to Mr. Chasse after he was carried back out through
20 the sallyport doors, other than he eventually died?
21 But do you know anything that happened to him in the
22 sallyport when he was carried back out?

23 A. No.

24 Q. No one's talked to you about that?

25 A. No.

1 Q. I don't recall whether you've told me
2 earlier that you've reviewed a jail surveillance tape
3 of the booking area related to Mr. Chasse?

4 A. Yes, I have.

5 Q. How many times?

6 A. Two times.

7 Q. Could you make out any of the words on the
8 tape?

9 A. No.

10 Q. Okay. Other than hearing Mr. Chasse
11 screaming or moaning, could you make out any sounds on
12 the tape?

13 A. No. It's a pretty poor tape.

14 Q. Did the Portland Police officer, Officer
15 Humphreys, say in your presence or to you that
16 Mr. Chasse had spit on him?

17 A. I don't recall.

18 Q. Did you hear from anyone that Mr. Chasse had
19 spit on one of the officers?

20 A. I don't -- don't remember.

21 Q. Will you look at Exhibit 112, please.

22 A. All of these?

23 Q. It's just one of them, 112.

24 A. Oh, 112, okay.

25 Q. It's an information report apparently

1 written by Kristin Moore who was working the intake
2 floor control post that night.

3 A. Yes.

4 Q. Do you recall her working that night?

5 A. Yes.

6 Q. Let me just ask you about a couple of things
7 she said to see whether or not you agree with her
8 description. In the middle of the second paragraph it
9 says "He was carried directly to isolation cell No. 1
10 in the booking area. He was making loud moaning/
11 grunting sounds."

12 MS. DUNAWAY: Can you see?

13 THE WITNESS: Yes, right here.

14 MS. DUNAWAY: Okay.

15 Q. (By Mr. Steenson) I know those are her
16 words, but do you agree that the screaming or the
17 yelling sounded like loud moaning/grunting sounds or
18 do you disagree with that?

19 A. I just remember him screaming and yelling.
20 I mean, I guess moaning and grunting would be the
21 same. I mean, very loud.

22 Q. And then down in the same paragraph she's
23 talking about him being carried from the cell back out
24 to the sallyport. She says "He was still groaning and
25 grunting." Again, that is consistent with him about

1 screaming and yelling, is it?

2 A. It's inconsistent?

3 Q. It's not inconsistent.

4 A. No, right.

5 Q. She goes on to say "I could hear him over
6 the speakers yelling even louder" after he got out
7 into the sallyport. Could you hear him yelling even
8 louder when he got out into the sallyport?

9 A. Well, she has an intercom that can go out
10 into the sallyport so I'm guessing that she probably
11 had that turned on.

12 Q. Okay. So you -- you didn't hear him yelling
13 even louder when he got out in the sallyport?

14 A. No.

15 Q. And if I understand what you just told me,
16 you couldn't hear that unless you were listening to
17 the intercom that was connected to the sallyport?

18 A. Well, you could probably hear it. I mean,
19 you're going to hear it slightly through the doors,
20 but I mean, I'm not going to be able to hear as well
21 as she can. I'm just going to slightly hear it.

22 Q. And you weren't over by the sallyport doors
23 trying to hear what was going on out there?

24 A. No.

25 Q. I realize you weren't in the booking area

1 all of the 12 minutes or so, but during the time you
2 were there, did you see or overhear anyone laughing
3 about anything?

4 A. Well, after reviewing the tape I saw people
5 laughing, yes.

6 Q. Okay. Did that refresh your recollection
7 about anything that might have been said or done that
8 was causing people to laugh?

9 A. No.

10 Q. Do you remember Officer Humphreys being
11 asked where he was going to take Mr. Chasse?

12 A. No.

13 Q. This is after --

14 A. I know he was taking him to the hospital. I
15 don't remember which hospital they -- they were taking
16 him to, no.

17 Q. Do you remember, after the nurses had left,
18 somebody asking Mr. -- or Officer Humphreys where he
19 was going to take Mr. Chasse, Officer Humphreys says
20 something, then everyone breaks out laughing? Do you
21 recall that?

22 A. I don't remember.

23 Q. Okay. Did you ever laugh that night while
24 Mr. Chasse was there?

25 A. Probably.

1 Q. Do you remember what you laughed about?

2 A. No.

3 Q. Was there something funny related to
4 Mr. Chasse that you can recall that somebody had said
5 or done?

6 A. His smell.

7 Q. So were you laughing about how he smelled?

8 A. I don't recall. I don't remember what I was
9 laughing about. I just remember that it was the worst
10 smell -- I may have been laughing about that, being
11 grossed out.

12 Q. Did you hear or see anyone make any
13 expression of sympathy for Mr. Chasse that night?

14 A. No.

15 Q. Did you ever hear Mr. Chasse say the word
16 water or river, anything like that?

17 A. No.

18 Q. Did you ever hear Mr. Chasse say anything
19 about wanting water or wanting to go to the hospital?

20 A. No.

21 Q. Did you see or learn that Mr. Chasse had
22 thrown up?

23 A. No.

24 Q. Did you see -- you told me you didn't see
25 any blood on the spit sock. Did you see any blood on

1 the floor of the cell after Mr. Chasse was carried
2 away?

3 A. No, not that I remember.

4 Q. Do you remember that on the jail tape the
5 nurses have left and there's a time when Officer
6 Humphreys is standing up against the booking desk,
7 booking desk is behind him, he's sort of looking
8 towards the cell, and he hands some papers or tries to
9 hand some papers to a deputy who's standing to the
10 left of him? Do you recall that?

11 A. No.

12 Q. Did you ever see Officer Humphreys try to
13 hand booking papers to anyone after the nurses had
14 left?

15 A. After the nurses left? No.

16 Q. Did you ever see him try to hand booking
17 papers to anyone that night?

18 A. I would imagine he tried to hand somebody
19 booking at the information port when Chasse came in.

20 Q. I don't want you to imagine.

21 A. Okay, I don't know.

22 Q. If that happened, you don't have any
23 recollection of it?

24 A. Right.

25 Q. Did anyone say anything to the effect that

1 they wished or wanted Mr. Chasse to shut up?

2 A. No.

3 Q. Did anyone complain about how Mr. Chasse
4 smelled?

5 A. Did anybody complain?

6 Q. Complain about how Mr. Chasse smelled.

7 A. Yes.

8 Q. Who?

9 A. I know me. And I was standing next to the
10 sergeant and she mentioned something and got a spray
11 of the disinfectant-kind of spray bottle and was
12 spraying that throughout the intake floor.

13 Q. What did she say, do you remember?

14 A. I don't know.

15 Q. You could see her spraying on the tape, do
16 you remember that?

17 A. Yeah, I guess -- I remember -- I remember
18 her grabbing I believe from the floor over by the
19 property thing.

20 Q. Okay. There's a sink in the booking area
21 that officers use sometimes to wash their hands;
22 correct?

23 A. Yes.

24 Q. Do you recall a time while Mr. Chasse was in
25 the jail while Officer Humphreys was standing over by

1 the sink and he was talking about what had happened on
2 the street?

3 A. No, I don't remember what he said.

4 Q. Do you remember that he was talking about
5 what happened on the street at some point?

6 A. No.

7 Q. Did you ever hear Officer Humphreys describe
8 him tackling Mr. Chasse that night?

9 A. No.

10 Q. Did anyone ever tell you that Mr. Chasse had
11 been tackled by Officer Humphreys that night?

12 A. Yes.

13 Q. Who told you that?

14 A. I don't remember. I just remember somebody
15 saying that he was tackled.

16 Q. Okay. And that was during the time
17 Mr. Chasse was in the jail?

18 A. Yes.

19 Q. Do you remember someone saying, during that
20 time when Mr. Chasse was in the jail, that the officer
21 or officers thought that he'd peed on himself?

22 A. I don't remember.

23 Q. Do you remember Officer Humphreys or Deputy
24 Burton say that Mr. Chasse had fallen hard to the
25 ground?

1 A. No.

2 Q. Did you hear either Officer Humphreys or
3 Deputy Burton suggest they thought Mr. Chasse was
4 shooting drugs into his hand on the streets?

5 A. I -- I don't know.

6 Q. Okay. Did anyone suggest that night that
7 Mr. Chasse was either under the influence of drugs or
8 had drugs in his possession that night?

9 A. No. I think they said -- I don't remember
10 who said it, but they thought he was under the
11 influence.

12 Q. Okay. In Kristin Moore's report that we
13 talked about earlier --

14 A. M-hm.

15 Q. -- she reports that when the officers called
16 they told her that they thought that he had a lot of
17 drugs on board. Did anyone say anything like that in
18 your presence?

19 A. I don't remember.

20 Q. But somebody said something to suggest that
21 he was under the influence of drugs?

22 A. Yes.

23 Q. Was it a corrections deputy or was it one of
24 the officers that brought him in?

25 A. I don't remember.

1 Q. You didn't smell any alcohol on Mr. Chasse,
2 did you?

3 A. No. He stunk too much. I couldn't smell
4 anything but him.

5 Q. Did the officers that night say or suggest
6 that they'd used either hands or fists or forearms or
7 feet or knees or any body parts to strike Mr. Chasse?

8 A. I don't recall.

9 Q. And you never heard the officers that night
10 say anything to suggest that Mr. Chasse had stopped
11 breathing or had been unconscious for some period of
12 time on the street?

13 A. No.

14 Q. Do you remember on the tape there's a
15 portion where Deputy Burton is demonstrating something
16 with his arms around something?

17 A. I don't -- I don't remember.

18 Q. Do you remember that night that Deputy
19 Burton demonstrated Mr. -- or strike that.

20 Do you remember during the time they were in
21 the jail that night that Deputy Burton demonstrated
22 Officer Humphreys putting his arm around Mr. Chasse
23 and tackling him?

24 A. I honestly don't remember.

25 Q. Were you actually in the booking area when

1 the restraints were being reapplied to Mr. Chasse and
2 then he was taken back out of the cell, or do you
3 recall?

4 A. I -- no, I don't remember.

5 Q. And do you remember anyone making a comment
6 about or suggesting that Mr. Chasse had brown shit
7 coming out of his nose?

8 A. I don't remember that.

9 Q. Okay. That's all I have. Thank you.

10 (The deposition concluded at 10:59 AM.)

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C E R T I F I C A T E

STATE OF WASHINGTON)
) ss.
COUNTY OF CLARK)

I, Shannon K. Krska, a Certified Shorthand Reporter for Oregon, do hereby certify that, pursuant to stipulation of counsel for the respective parties hereinbefore set forth, BRIAN M. BRANCH personally appeared before me at the time and place set forth in the caption hereof; that at said time and place I reported in Stenotype all testimony adduced and other oral proceedings had in the foregoing matter; that thereafter my notes were reduced to typewriting under my direction; and that the foregoing transcript, pages 3 to 36, both inclusive, constitutes a full, true and accurate record of all such testimony adduced and oral proceedings had, and of the whole thereof.

Witness my hand and CSR stamp at Vancouver, Washington, this 1st day of February, 2008.



Shannon K. Krska
Certified Shorthand Reporter
Oregon CSR No. 90-0216

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BRIAN M. BRANCH

I have read the transcript of the deposition taken on January 24, 2008, at Portland, Oregon, and make the following additions or corrections:

PAGE LINE CORRECTION AND REASON FOR CORRECTION

BRIAN M. BRANCH

Subscribed and sworn to before me this ____ day of _____, 2008.

Notary Public for the State
of _____
residing at _____
My Commission Expires: _____

Re: Chasse v. Humphreys, et al.
US District Court, District of Oregon
No. CV-07-0189-HU
No. CV-07-0189-HU
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