

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,)

ORIGINAL

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.)

No. CV-07-0189-HU

DEPOSITION OF

MARTIN M. McELHANEY, JR.

Taken in behalf of Plaintiffs

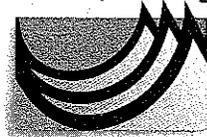
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January 24, 2008

1211 S.W. Fifth, Suite 1900

Portland, Oregon

Shannon K. Krska, CSR



Court Reporter

400 Columbia, Suite 140
Vancouver, WA 98660
(360) 695-5554
Fax (360) 695-1737

Schmitt & Lehmann, Inc.
COURT REPORTERS
www.slreporting.com

121 SW Morrison St., Suite 850
Portland, OR 97204
(503) 223-4040
slinc@qwest.net

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APPEARANCES:

For the Plaintiffs: MR. THOMAS M. STEENSON
Attorney at Law
815 S.W. Second, Suite 500
Portland, OR 97204

For the Defendants MESSRS. JAMES RICE and
Humphreys, Nice, and DAVID A. LANDRUM
City of Portland: Attorneys at Law
1221 S.W. Fourth, Suite 430
Portland, OR 97204

For the Defendants MS. SUSAN DUNAWAY
Burton and Multnomah Attorney at Law
County: 501 S.E. Hawthorne, Suite 502
Portland, OR 97214

For the Defendant MS. JEAN BACK
AMR: Attorney at Law
1211 S.W. Fifth, Suite 1900
Portland, OR 97204

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1 PORTLAND, OREGON; THURSDAY, JANUARY 24, 2008

2 9:06 AM

3 * * *

4 MARTIN M. McELHANEY, JR.

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. Martin Richard McElhaney, Junior.

13 Q. Mr. McElhaney, my name is Tom Steenson. I'm
14 the attorney representing the Chasse family in a
15 lawsuit that's been filed against a number of
16 individuals plus Multnomah County and some other
17 entities. Have you given deposition testimony before?

18 A. Just a predeposition with --

19 Q. Right.

20 In any other case --

21 A. No.

22 Q. -- have you been sworn in and given
23 deposition testimony?

24 A. No.

25 Q. All right. Let's try not to talk at the

1 same time. Sometimes you'll anticipate what my
2 question is and you'll want to answer before I'm
3 finished. Sometimes I'm going to mistakenly try to
4 talk over the top of you. But it makes it difficult
5 for the court reporter if we both talk at the same
6 time --

7 A. Okay.

8 Q. -- so let's try our best not to do that.

9 Let me go through a couple of rules so that
10 you and I understand each other. When I ask you a
11 question and you answer it we will all assume that you
12 understood it, so it's important for you to ask me to
13 explain anything you do not understand before you
14 answer it. Do you understand that?

15 A. Yes.

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

22 A. Yes.

23 Q. Lastly, anything about your physical or
24 emotional condition, are you taking prescription
25 medication, lack of sleep, anything at all that might

1 interfere with your ability to give me complete and
2 truthful answers to my questions?

3 A. Not that would interfere, no.

4 Q. Who's your current employer?

5 A. Multnomah County.

6 Q. And what's your current position?

7 A. Corrections deputy.

8 Q. When was your last shift?

9 A. Sunday night.

10 Q. How long have you been a corrections deputy?

11 A. Eight years.

12 Q. With Multnomah County?

13 A. Yes.

14 Q. What generally are your duties?

15 A. Supervise inmates, search inmates.

16 Q. Okay. From time to time, do you get
17 assigned to the booking area at MCDL?

18 A. Yes.

19 Q. How much in the eight years do you believe
20 you've been in the booking area?

21 A. About one day a week.

22 Q. Okay. So is it fair to say you've seen
23 hundreds if maybe not thousands of inmates come
24 through the booking area?

25 A. I've seen a lot.

1 Q. When Mr. Chasse came to the jail on
2 September 17 of 2006, at one point before he left the
3 sallyport there was a spit sock put on his head;
4 correct?

5 A. Correct.

6 Q. On any other occasion, have you seen a spit
7 sock put on someone?

8 A. Yes.

9 Q. In the sallyport?

10 A. Yes.

11 Q. How many times?

12 A. I couldn't tell you. I can't remember, but
13 I've seen it.

14 Q. More than a hundred?

15 A. No.

16 Q. Less than ten?

17 A. Yes.

18 Q. Less than five?

19 A. I couldn't say. I don't know.

20 Q. All right. At some point that night
21 Mr. Chasse was carried in hobbled, face down. Do you
22 recall that?

23 A. Yes.

24 Q. Have you ever seen anyone carried from the
25 sallyport into the jail booking area hobbled, face

1 down on other occasions?

2 A. Yes.

3 Q. How many times?

4 A. Very few.

5 Q. Less than five?

6 A. I couldn't say.

7 Q. Okay. Have you ever seen anyone carried
8 from the sallyport into the jail who had a spit sock
9 on his or her head and was also hobbled and being
10 carried face down?

11 A. Yes.

12 Q. On other occasions?

13 A. Yes.

14 Q. How many times?

15 A. I couldn't say, but very few.

16 Q. Less than five?

17 A. Probably. I don't know a number, but very
18 few inmates.

19 Q. Regard -- I'm sorry. Regardless of any of
20 the other situations with spit socks or hobbles where
21 the spit sock was applied in the sallyport and/or
22 someone was carried in face down in hobbles from the
23 sallyport, do you recall the names of the people or
24 the incidents or when it occurred, anything at all
25 about it?

1 A. No.

2 Q. Have you actually received any training in
3 the use of a spit sock?

4 A. No.

5 Q. Multnomah County has a manual or other
6 written policies and procedures that govern your
7 conduct as a deputy; correct?

8 A. Correct.

9 Q. Have you ever seen anything in writing as to
10 how you should or should not use a spit sock?

11 A. No. But then again, I haven't checked.

12 Q. But you've never seen anything, have you?

13 A. No.

14 Q. Since the night with Mr. Chasse in September
15 of 2006, has there been any change in how you or other
16 deputies, to your knowledge, use spit socks?

17 A. Can you repeat that?

18 Q. Well, has anyone in management in the chain
19 of command told you or other deputies, to your
20 knowledge, since the night that Mr. Chasse was in the
21 jail, about how you should use spit socks?

22 A. No.

23 Q. So there's been no changes that you're aware
24 of?

25 A. Not that I'm aware of.

1 Q. Do you, as a deputy, have discretion without
2 receiving approval from a supervisor such as a
3 sergeant to put a spit sock on someone?

4 A. Yes.

5 Q. Have you received training about the use of
6 Tasers indicating that sometimes there are medical
7 complications?

8 A. No.

9 Q. Have you received any training with regard
10 to whether or not if a Taser is used medical personnel
11 should be notified about it?

12 A. I haven't been trained in Taser at all.

13 Q. Well, have you been trained, though, to
14 report the use of a Taser by some other deputy or
15 officer to medical?

16 A. Yes.

17 Q. And that was in your training you received
18 that?

19 A. I haven't been trained in Taser.

20 Q. I understand you haven't been trained in the
21 Taser. But with respect to if you see someone use the
22 Taser in the jail, have you been trained to report
23 that to medical?

24 A. Yes, they're automatically reported.

25 Q. Okay. And is that because you understand

1 that sometimes there are medical complications with
2 the use of the Taser?

3 A. Yes.

4 Q. Okay. Do you recall that that night the
5 medical personnel at the jail said something to the
6 effect we're not going to admit Mr. Chasse? Do you
7 recall that?

8 A. Yes.

9 Q. Has that ever happened on any other
10 occasion, when someone's been brought in to be booked
11 that you can recall?

12 A. Yes.

13 Q. How many times?

14 A. I'd say less than five. Very few.

15 Q. Do you recall any specifics, names, dates --

16 A. I don't, I'm sorry.

17 Q. Let me finish the question.

18 A. I'm sorry.

19 Q. Do you recall any specifics, names, dates,
20 incidents, anything at all?

21 A. I don't.

22 Q. As a -- as a corrections deputy, it is not
23 your job to evaluate the medical condition of an
24 inmate, is it?

25 A. No.

1 Q. Your job is if you think there is something
2 that might be wrong with the inmate from a medical
3 standpoint to contact medical?

4 A. Correct.

5 Q. And medical consists of either a doctor when
6 one is at the jail or the nurses that are always at
7 the jail --

8 A. That's --

9 Q. -- right?

10 A. -- correct.

11 MS. DUNAWAY: Let him finish.

12 THE WITNESS: Okay.

13 (DEPOSITION EXHIBIT NO. 110 was marked for
14 identification.)

15 Q. (By Mr. Steenson) I've handed you what's
16 been marked as Exhibit 110. It's an information
17 report that appears to have been completed by you; is
18 that correct?

19 A. Correct.

20 Q. Did someone tell you to prepare this report?

21 A. Yes.

22 Q. Who was that?

23 A. The sergeant on duty.

24 Q. Who was that?

25 A. Sergeant Martinez.

1 Q. And when did she tell you to do this?

2 A. A few hours after the incident.

3 Q. And at that time, did you know that
4 Mr. Chasse had died?

5 A. That's -- that's why we wrote the reports,
6 yes.

7 Q. So Sergeant Martinez told you that
8 Mr. Chasse had died and wanted you to write a report?

9 A. Correct.

10 Q. When you wrote the report, were you being
11 complete and truthful?

12 A. Yes.

13 Q. When you wrote the report, did you discuss
14 what had happened with other deputies or Sergeant
15 Martinez before doing so?

16 A. No.

17 Q. So did you go to a computer and -- and type
18 this in?

19 A. Yes.

20 Q. At the end of the first line of the
21 narrative it says "We had information that there was
22 an uncooperative person with them." Who -- how did
23 you learn of information indicating that the police
24 were arriving with an uncooperative person?

25 A. I can't remember who told me, but I believe

1 just one of the other deputies had said something.

2 Q. Okay.

3 A. Yeah.

4 Q. There was a -- an intake floor control
5 person named Kristin Moore on duty that night. Do you
6 recall that?

7 A. I don't know who was on duty, but --

8 Q. Okay. Do you recall who may have told you
9 something about an uncooperative person being brought
10 in?

11 A. I don't know exactly who it was, but --

12 Q. Did you receive any other detail about what
13 might have been the nature of the conduct that was
14 described as being uncooperative?

15 A. No.

16 Q. You and Deputy Hubert and Dr. Hollenbeck
17 went out to the sallyport after the vehicle arrived;
18 is that right?

19 A. Correct.

20 Q. How did you know the patrol car was out
21 there?

22 A. We were waiting just inside where we could
23 see out to the vehicle sallyport --

24 Q. Okay.

25 A. -- and we saw the vehicle pull in.

1 Q. All right. So did you go out fairly quickly
2 then after it pulled in?

3 A. Wait, wait.

4 Yes.

5 Q. So you actually were standing there and you
6 saw the vehicle or the patrol car pull in?

7 A. Correct.

8 Q. And you went out almost immediately?

9 A. I think so.

10 Q. Okay. Were the officers who'd arrived in
11 the patrol car still in the car when you got out to
12 the sallyport?

13 A. I can't remember.

14 Q. Okay. There were two officers; is that
15 correct?

16 A. Yes.

17 Q. One was a Portland Police officer in a blue
18 uniform with a baseball hat?

19 A. Yes.

20 Q. And one was a road deputy working for
21 Multnomah County in a green uniform?

22 A. Yes.

23 Q. Who was driving?

24 A. I don't know.

25 Q. Okay. You don't recall which side of the

1 vehicle either of the two --

2 A. I can assume, but I don't know.

3 Q. I don't want you to assume. Is there
4 something that --

5 A. It was a Portland Police car.

6 Q. Okay. From that you would assume the
7 Portland Police officer was driving?

8 A. Correct.

9 Q. But you don't know?

10 A. I don't know.

11 Q. Tell me what you heard or saw when you went
12 out to the sallyport.

13 A. I really don't remember a whole lot. I
14 don't remember a whole lot.

15 Q. Well, before you went out to the sallyport,
16 did you know anything about a request by the Portland
17 Police officer for a spit sock?

18 A. As -- yes. As we entered out there -- as we
19 were approaching the vehicle to take him out I -- he
20 had mentioned that he had spit on him so that's when
21 we got our spit sock.

22 Q. So did someone have a spit sock with them
23 already when they went to the sallyport?

24 A. I don't remember.

25 Q. Okay. But the Portland Police officer told

1 you that the person who turned out to be Mr. Chasse
2 had spit on him?

3 A. Correct.

4 Q. Okay. And that's what you told the homicide
5 detective when you were interviewed, do you recall
6 that?

7 A. I can't remember.

8 Q. Okay. What documents have you reviewed, if
9 any, before coming here today to testify?

10 A. My report.

11 Q. Anything else?

12 A. That's it.

13 Q. Did you read the homicide detective's
14 summary of his interview of you?

15 A. No.

16 Q. You recall being interviewed by a homicide
17 detective within days of the death?

18 A. I do, yes.

19 Q. Have you seen a transcript of that
20 interview?

21 A. Yes.

22 Q. Okay. And have you seen a jail surveillance
23 tape of the time that Mr. Chasse was in the jail?

24 A. Yes.

25 Q. Do you believe the transcript contained

1 questions and answers, at least as to the answers,
2 that were complete and truthful on your part?

3 A. Yes.

4 Q. Do any of them need to be changed?

5 A. I don't think so.

6 Q. Okay. And in this information report that's
7 labeled Exhibit 110, is there anything in this that
8 needs to be changed 'cause it's not accurate?

9 A. I don't think so.

10 Q. When you reviewed the jail tape, could you
11 make out any of the words on the tape?

12 A. I couldn't.

13 Q. How many times did you review it?

14 A. Twice.

15 Q. Never could get any words?

16 A. Hm-m.

17 Q. For the record, that's a no?

18 A. No.

19 Q. Okay.

20 A. Sorry.

21 Q. That's fine.

22 So you saw Mr. Chasse when you got out to
23 the sallyport sitting in the back of the patrol car?

24 A. Correct.

25 Q. And according to your information report, he

1 was sitting up?

2 A. Yes.

3 Q. He was handcuffed?

4 A. Yes.

5 Q. He had a hobble around his ankles?

6 A. Yes.

7 Q. And was there something attaching, a nylon
8 cord or something, the handcuffs to the hobbles around
9 his ankles?

10 A. No.

11 Q. You're sure about that?

12 A. Yes.

13 Q. Okay. So he was sitting straight up in the
14 seat?

15 A. Yes.

16 Q. Was he seat belted in?

17 A. Yes.

18 Q. Somebody removed the seat belt?

19 A. Yes.

20 Q. Who was that?

21 A. One of the two officers, I can't remember
22 which one.

23 Q. Okay. What side of the patrol car was he
24 sitting in?

25 A. He was sitting in the middle of the back

1 seat.

2 Q. Okay. And when the seat belt was removed,
3 he fell to the side?

4 A. I can't remember.

5 Q. Well, you tried to help get Mr. Chasse out
6 of the car; correct?

7 A. That's correct.

8 Q. And when you did that he fell?

9 A. Yes.

10 Q. So he wasn't able to support himself really?

11 A. Right.

12 Q. Was he saying anything when you first got to
13 the patrol car?

14 A. He was yelling a lot --

15 Q. Okay.

16 A. -- yes.

17 Q. Screaming?

18 A. Screaming and yelling. I can't remember
19 exactly, but I think he just didn't want us to touch
20 him and --

21 Q. Okay.

22 A. -- wanted his restraints off and whatever.

23 Q. Have you ever heard people scream in pain?

24 A. I've heard a lot of people scream and yell.

25 Q. Do you think sometimes they're screaming

1 because they're in pain?

2 A. Could be, yes.

3 Q. Do you think that he may have been screaming
4 because he was in pain?

5 A. I don't know.

6 Q. Who put the spit sock over Mr. Chasse's
7 head?

8 A. I don't remember for sure.

9 Q. Was that before or after he was taken out of
10 the car?

11 A. It was after.

12 Q. So you got a pretty good look at his face
13 before he was taken out of the car?

14 A. Not before.

15 Q. After he was taken out of the car?

16 A. Yes.

17 Q. And you could see his face and his forehead
18 and so forth from the front after he got out of the
19 car?

20 A. Yes. But it all happened kind of quick so I
21 didn't get a real good look.

22 Q. And you saw some blood on his forehead?

23 A. Yes.

24 Q. When I deposed Officer Hollenbeck yesterday
25 it was his recollection there was about a two- to

1 four-inch spot on the forehead where that blood was.

2 Does that sound about right?

3 A. I can't remember.

4 Q. Okay. Did you see any other signs of blood
5 or abrasions, cuts, anything else on Mr. Chasse's face
6 besides what you saw on the forehead?

7 A. No.

8 Q. Did you ask how the blood had gotten on
9 Mr. Chasse's forehead?

10 A. No.

11 Q. Did anyone tell you?

12 A. No.

13 Q. Did the Portland Police officer tell you
14 that he had struck Mr. Chasse in the face or the head
15 with his forearm?

16 A. No.

17 Q. Did the Portland Police officer tell you or
18 in your presence did you overhear him say that he'd
19 struck Mr. Chasse once or twice with his fist in his
20 face or his head?

21 A. No.

22 Q. Did you tell the medical people that you had
23 seen blood on Mr. Chasse's forehead before the
24 split -- spit sock was put on him?

25 Let me rephrase.

1 A. Yeah.

2 Q. The medical people were eventually called to
3 the booking area; correct?

4 A. Correct.

5 Q. When they came to the booking area and
6 during the time they were there, did you tell them
7 that you had seen blood on Mr. Chasse's forehead?

8 A. Yes, when we notified the nurse to come look
9 at him.

10 Q. Well, did you notify the nurses?

11 A. No.

12 Q. Okay. Did you hear someone call the nurses
13 over the intercom or radio?

14 A. Yes.

15 Q. Who -- who made the call?

16 A. I believe it was Hubert.

17 Q. What did he tell the nurses over the
18 intercom?

19 A. I can't remember what he said.

20 Q. So do you recall whether he said Mr. Chasse
21 has blood on his forehead?

22 A. I don't remember that part.

23 Q. What -- what part, if any, do you remember
24 that Deputy Hubert told the nurses on the intercom?

25 A. I do remember him saying that -- towards the

1 end -- well, when he notified the nurse, that he was
2 having problems breathing he thought.

3 Q. Okay. Do you recall Deputy Hubert telling
4 the nurses anything else about any medical problems
5 that Mr. Chasse might be having?

6 A. I can't remember.

7 Q. Okay. Did you overhear -- strike that.

8 Did you ever tell the nurses, after they got
9 there, that Mr. Chasse had blood on his forehead?

10 A. I don't remember, no.

11 Q. Do you recall anyone telling the nurses that
12 Mr. Chasse had blood on his forehead?

13 A. I can't remember.

14 Q. In your information report you describe
15 Mr. Chasse wiggling as you carried him into the jail?

16 A. Yes.

17 Q. And then he wiggled later as he was carried
18 out of the jail; correct?

19 A. Yes.

20 Q. And he continued to scream as he was being
21 carried into the jail?

22 A. Yes.

23 Q. Who made the decision to put him in the
24 isolation cell?

25 A. I don't know.

1 Q. Okay.

2 A. Probably the sergeant.

3 Q. You don't know, though?

4 A. I don't know, yeah.

5 Q. When you saw the blood on Mr. Chasse's
6 forehead, did you contact medical people?

7 A. Contacted the medical eventually, yes.

8 Q. But I know eventually that happened. But
9 when you first saw the blood on Mr. Chasse's forehead,
10 did you contact the medical people?

11 A. Not right away, no.

12 Q. Did anyone, to your knowledge?

13 A. I don't know.

14 Q. Would you look at Exhibit 64 and 65, please.
15 You want to help me there.

16 MS. DUNAWAY: Okay.

17 Q. (By Mr. Steenson) I'll represent that
18 Exhibit 64 and 65 are photographs of Mr. Chasse that
19 were taken within 24 hours during the -- the autopsy.
20 Are you able, using either of the two exhibits, to
21 show me where you saw the blood on Mr. Chasse's
22 forehead?

23 A. I believe it was above his left eye.

24 Q. Okay. Would you look at the two photos and
25 see which is -- is the best photo - 65 - for you to

1 show where it was?

2 A. Probably 64.

3 Q. Okay. Let's mark a copy of 64 as the next
4 exhibit.

5 (DEPOSITION EXHIBIT NO. 111 was marked for
6 identification.)

7 Q. (By Mr. Steenson) If you'll take my black
8 pen and put an X where above the forehead you believe
9 you saw the blood.

10 A. (Witness complied.)

11 Q. All right. When Mr. Chasse was taken into
12 the cell, you assisted in cutting off the hobble; is
13 that right?

14 A. That's right.

15 Q. And do you recall that the Portland Police
16 officer was on the left-hand side of Mr. Chasse
17 carrying him in?

18 A. I don't remember.

19 Q. Okay. We know from the record that the
20 Portland Police officer's name is Humphreys. Had you
21 seen Officer Humphreys or had contact with him on
22 previous occasions?

23 A. Not that I can remember, no.

24 Q. Okay. Have you had contact with him since?

25 A. No.

1 Q. The Multnomah County deputy we know from the
2 record his name is Burton. Did you know him from any
3 prior contact that night?

4 A. No.

5 Q. Have you had contact with him since?

6 A. Not that I can remember.

7 Q. Other than the blood on Mr. Chasse's
8 forehead, did you notice any other signs of injury or
9 trauma or anything medically associated with
10 Mr. Chasse?

11 A. I noticed he had sores all over his arms
12 and --

13 Q. Where on his arms?

14 A. I couldn't remember. I just noticed there
15 were sores just all over.

16 Q. Lower arm or upper arm?

17 A. Just all over.

18 Q. Okay. Are you medically-trained to tell the
19 difference between a sore and a fresh injury?

20 A. No. But to me it looked like sores.

21 Q. Okay. Did you also notice chafing on
22 Mr. Chasse's arms consistent with the handcuffs having
23 rubbed the skin?

24 A. What do you mean by chafing?

25 Q. Have you ever seen signs on an inmate at the

1 jail where it looked like the handcuffs may have
2 chafed and reddened the wrists?

3 A. Yes.

4 Q. And have you seen signs of chafing and
5 redness around someone's ankles when they've been
6 wearing some kind of ankle restraint?

7 A. Yes.

8 Q. Would you look at Exhibits 60, 61, and 62.
9 Excuse me. Would you look at 93, 94, and
10 95. Thanks.

11 I'll represent that these photographs were
12 also taken of Mr. Chasse during the autopsy about a
13 day later. He had pants on, do you recall that, long
14 pants?

15 A. Yes.

16 Q. Do you recall that his shoes were taken off
17 at some point?

18 A. I don't remember.

19 Q. Do you ever recall anything about his
20 ankles? And we'll look at Exhibit 93. There's -- you
21 know, there's ankles showing but there's also upper
22 legs where the pants would have been covering at the
23 time. Do you recall looking at his ankles that night?

24 A. No.

25 Q. In the exhibit there's a mark that looks

1 like it's reddened, kind of a broad mark on the right
2 leg. You don't recall seeing that that night?

3 A. No, I didn't.

4 Q. Would that be consistent with chafing you
5 had testified earlier about seeing on someone from
6 some kind of ankle restraint?

7 A. No.

8 Q. You don't think that's from a restraint?

9 A. I don't know.

10 Q. You don't know, okay.

11 Looking at Exhibit 94, which is the
12 photograph of Mr. Chasse's left wrist, do you see on
13 the wrist where there's some reddening in the
14 photograph?

15 A. Yes.

16 Q. Do you recall seeing that that night?

17 A. I can't remember.

18 Q. Okay. Do you recall whether he had a short-
19 sleeved shirt on or a long-sleeved shirt?

20 A. I believe it was a short sleeved.

21 Q. So where were the sores that you've
22 described seeing?

23 A. Just all over his arms.

24 Q. Both arms?

25 A. Yes.

1 Q. The lower arm I take it?

2 A. Probably.

3 Q. And you didn't see any chafing that night
4 around the wrists?

5 A. I can't remember.

6 Q. You can recall what you describe as sores
7 but you can't recall seeing any chafing?

8 A. Correct.

9 Q. Looking back at Exhibits 64 and 65, the
10 photographs of Mr. Chasse's face including his
11 forehead. Do those photos refresh your recollection
12 that you saw any other signs of bruising or contusions
13 or cuts, discoloration to Mr. Chasse's face?

14 A. I don't remember.

15 Q. Did you notice anything at all that night
16 about the color of Mr. Chasse's skin?

17 A. No.

18 Q. So I take it by that you don't recall any
19 discoloration, whether it be pale or ashen or blue,
20 anything like that?

21 A. No.

22 Q. You've described, in your report, that
23 Mr. Chasse's hygiene was poor and he smelled; correct?

24 A. Correct.

25 Q. You've also indicated that there was no

1 smell of alcohol; correct?

2 A. Correct.

3 Q. What was the smell like?

4 A. To me it smelled like just bad body odor,
5 real strong.

6 Q. Like somebody hadn't bathed regularly?

7 A. Correct.

8 Q. Okay. Was Mr. Chasse wet when you carried
9 him in?

10 A. I believe so.

11 Q. Where was he wet?

12 A. I can't remember.

13 Q. Okay. I don't think you've ever told anyone
14 before, correct me if I'm wrong, other than possibly
15 your lawyer, that Mr. Chasse was wet. Have you told
16 anyone that before today?

17 A. I don't remember if I have or not.

18 Q. So are you sure he was wet?

19 A. I'm not sure.

20 Q. Okay. And if he was, you don't know where
21 he was wet?

22 A. Correct.

23 Q. Now, you carried him in at some point or
24 helped carry him in by the -- you grabbed the pants or
25 something; is that right?

1 A. Yes. I grabbed the waistband --

2 Q. Okay.

3 A. -- or -- yeah.

4 Q. And that would have been the back of his
5 pants?

6 A. Yes.

7 Q. And you don't recall him being wet one way
8 or the other?

9 A. I can't remember for sure.

10 Q. Did anyone ever suggest that Mr. Chasse had
11 urinated on himself after he got into the jail?

12 A. I can't remember.

13 Q. After the -- strike that.

14 When Mr. Chasse was taken into the cell,
15 you -- you actually used a pair of scissors and cut
16 off the hobble that was around his ankles?

17 A. That's correct.

18 Q. And it's still your testimony that he was
19 not -- strike that.

20 It's still your testimony that there was
21 nothing connecting the hobble around his ankles with
22 the handcuffs around his wrists?

23 A. That's correct --

24 Q. Okay.

25 A. -- yes.

1 Q. And when he was taken into the cell, he was
2 laid face down; correct?

3 A. Correct.

4 Q. And then I believe you reported that after
5 people got up from Mr. Chasse, he rolled over on his
6 left side himself?

7 A. Yes.

8 Q. And that was when you were still in the
9 cell?

10 A. I don't think so.

11 Q. So did you see him get on his left side?

12 A. Yes.

13 Q. So had you stepped out of the cell when he
14 did that?

15 A. Yes.

16 Q. He did that on his own?

17 A. Yes.

18 Q. Did he ever go back onto his face?

19 A. I -- I can't remember if he did or not.

20 Q. You saw Mr. Chasse at some point appear to
21 have trouble breathing?

22 A. Yes.

23 Q. And when was that?

24 A. It was after -- after Hubert looked in to
25 check on him and he said it looked like he was having

1 trouble breathing so he went to call the nurse and I
2 peaked in.

3 Q. Let's back up.

4 A. Okay.

5 Q. There's an indication that Officer Humphreys
6 carried Mr. Chasse in and he was on the left side of
7 Mr. Chasse as he was face down. Do you recall that
8 that officer made a comment after the restraints were
9 removed that Mr. Chasse had stopped breathing or was
10 having trouble breathing?

11 A. I don't remember that.

12 Q. But you were in the cell at that time,
13 correct, when --

14 A. Yes.

15 Q. -- the restraints were being removed?

16 A. Yes.

17 Q. So after the restraints were removed, if I
18 understand your testimony, Mr. Chasse was left face
19 down on the floor?

20 A. Yes.

21 Q. And then did all -- there were five of you
22 in the cell at that time, the four who carried --

23 A. I believe so. I'm sorry.

24 Q. I'm sorry.

25 A. I believe so, yes.

1 Q. Okay. And then the five of you stepped out;
2 correct?

3 A. Yes.

4 Q. And up until then, you hadn't seen any
5 trouble by Mr. Chasse with breathing?

6 A. No.

7 Q. Had you seen him have any convulsions or
8 what looked to be a seizure or twitching, anything
9 like that?

10 A. No.

11 Q. Had Mr. Chasse gone quiet when you took the
12 restraints off?

13 A. Yes.

14 Q. He wasn't screaming anymore, was he?

15 A. No.

16 Q. So who closed the cell door after the five
17 of you stepped out with Mr. Chasse face down on the
18 floor?

19 A. I can't remember. It happened so fast.

20 Q. But somebody closed the cell door?

21 A. Yes.

22 Q. And then what happened next?

23 A. I believe that's when Hubert called the
24 nurse.

25 Q. So did you see him go back to the cell and

1 look through the window?

2 A. Deputy Hubert?

3 Q. Yes.

4 A. Yes.

5 Q. Let me back up, make sure I understand.

6 Mr. Chasse has had the restraints removed, he's face
7 down, the five of you leave the cell, somebody closes
8 the door. Do you see Deputy Hubert go back to the
9 closed door and look through the window?

10 A. Yes.

11 Q. Does he then say something to the effect
12 that I think he's not breathing or having trouble
13 breathing?

14 A. Yes.

15 Q. And then that's when he goes to call the
16 medical people, the nurses?

17 A. Correct.

18 Q. Did you then, when he reported that, go to
19 the door and look through the window yourself and see
20 that he was not breathing?

21 A. Yes.

22 MS. DUNAWAY: I -- never mind. We'll do a
23 read and sign.

24 Q. (By Mr. Steenson) Well, was he not breathing
25 when you went to the cell door and looked through the

1 window?

2 A. He was -- I believe he was breathing.

3 Q. Was he having difficulty breathing?

4 A. I believe so.

5 Q. So how long after Deputy Hubert looked
6 through the window and said he was having difficulty
7 breathing did you go look?

8 A. Probably just a matter of seconds.

9 Q. 20 seconds, five seconds?

10 A. I cannot remember.

11 Q. And he was still having difficulty
12 breathing?

13 A. Yes.

14 Q. Did you stand there then and watch
15 Mr. Chasse while -- while he was having difficulty
16 breathing?

17 A. Yes.

18 Q. How long did you stand there and watch that?

19 A. Just till the nurse got there.

20 Q. And how long was that?

21 A. Oh, wait. Can we back up a little bit?

22 Q. Sure.

23 A. I wasn't standing there watching while we
24 were waiting. I just peaked in.

25 Q. Okay. Then you stepped away?

1 A. Correct.

2 Q. So did anyone stand there and observe
3 Mr. Chasse after you stepped away until the nurses got
4 there?

5 A. I can't remember.

6 Q. Was Sergeant Martinez there at the time?

7 A. Yes.

8 Q. Did she say somebody should stand at the
9 door and watch Mr. Chasse to see how he's doing?

10 A. I don't remember, no.

11 Q. Did she say anything like that, that
12 somebody ought to stay on watch or check this guy out?

13 A. I don't remember.

14 Q. So the nurses come and they look through the
15 window of the door without opening the door and going
16 in; correct?

17 A. Correct.

18 Q. And they never asked for any help from any
19 of the deputies in opening the door or going in and
20 evaluating Mr. Chasse; correct?

21 A. Correct.

22 Q. And if they'd have asked for help, you'd
23 have helped them; right?

24 A. Correct.

25 Q. And during the time they looked through,

1 Mr. Chasse was laying on the floor, as far as you
2 could tell, quietly?

3 A. Correct.

4 Q. Did you ever look back through the window at
5 any time at Mr. Chasse?

6 A. I can't remember if I did or not.

7 Q. Did you hear Deputy Hollenbeck state that he
8 saw Mr. Chasse have a seizure for ten to 15 seconds?

9 A. I don't remember that.

10 Q. Did you hear the nurses say they had
11 observed or at least one of the nurses had observed
12 something that looked to be a seizure of about five
13 seconds?

14 A. I don't remember that.

15 Q. Other than what you've told me about
16 Mr. Chasse having difficulty breathing, did anyone
17 else ever say anything that night about him not
18 breathing or having difficulty breathing?

19 A. Not that I remember, no.

20 Q. Okay. Did you hear either Officer Humphreys
21 or Deputy Burton, then Deputy Burton, talk about
22 Mr. Chasse having been looked at by any medical people
23 previous that night?

24 A. Yes.

25 Q. Who -- who talked about that?

1 A. I can't remember which one it was, but they
2 had paperwork that they said that the paramedics had
3 checked him before they got there.

4 Q. Well, do you remember that it was Officer
5 Humphreys who had the paperwork in his hand?

6 A. I believe it was.

7 Q. Did they tell you -- strike that.

8 Did either of the officers tell you or
9 anyone in your presence that Mr. Chasse had stopped
10 breathing?

11 A. No.

12 Q. Let me rephrase. Did either of the officers
13 tell you or in your presence that when Mr. Chasse was
14 on the street he'd stopped breathing?

15 A. No.

16 Q. Either to you or in your presence, did
17 either of the officers say that Mr. Chasse had gone
18 unconscious on the street?

19 A. No.

20 Q. Did Officer Humphreys tell you or in your
21 presence that he thought Mr. Chasse had been
22 unconscious for 30 seconds to a minute on the street?

23 A. No.

24 Q. The handcuffs were reapplied to Mr. Chasse;
25 correct?

1 A. That's correct.

2 Q. Were you involved in -- in doing that?

3 A. Yes.

4 Q. And Mr. Chasse was laying there quiet at the
5 time?

6 A. Yes.

7 Q. And somebody got leg irons, Multnomah County
8 leg irons, to put on his ankles; is that right?

9 A. Yes.

10 Q. Who did that?

11 A. I don't remember who did it.

12 Q. Do you know whose idea it was to put the leg
13 irons on?

14 A. I don't.

15 Q. And if I understand, there was nothing
16 connecting the leg irons and the handcuffs when the
17 restraints were placed back on Mr. Chasse?

18 A. That's correct.

19 Q. And then did you assist in carrying
20 Mr. Chasse out face down again?

21 A. Yes.

22 Q. And he was placed in the patrol car again
23 out in the sallyport?

24 A. Yes.

25 Q. Did you assist in doing that?

1 A. Yes.

2 Q. Do you remember that Mr. Chasse fell onto
3 the floor of the patrol car?

4 A. I don't remember that.

5 Q. Has someone told you that that happened?

6 A. Yes.

7 Q. Who told you that?

8 A. Or I found out when we were going over the
9 case.

10 Q. I don't want to know what you and your
11 lawyer talked about.

12 A. Oh, sorry.

13 Q. Any other source of information about
14 Mr. Chasse having fallen onto the floor of the patrol
15 car?

16 A. No.

17 Q. So it didn't happen in your presence?

18 A. Not that I can remember, no.

19 Q. Who helped Mr. Chasse -- or strike that.

20 Who put Mr. Chasse into the patrol car, you
21 and who else?

22 A. All of us who were there carrying him.

23 Q. Okay. And were you still standing in the
24 sallyport when the doors were closed to the patrol
25 car?

1 A. Yes.

2 Q. And up until then you hadn't seen Mr. Chasse
3 fall off the seat?

4 A. No.

5 Q. Was he seat belted in?

6 A. I -- I was gone by that time.

7 Q. Okay. So you don't know whether the --
8 whether he was seat belted in before they drove away?

9 A. Alls I -- he was sitting up, they shut the
10 door, and I left.

11 Q. And he wiggled and screamed as he was
12 carried out of the jail; correct?

13 A. That's correct.

14 Q. Did he get quiet when he was put in the
15 patrol car?

16 A. I can't remember.

17 Q. Did you or anyone, to your knowledge, tell
18 the nurses that Mr. Chasse had said something to the
19 effect he didn't want to be touched when he was in the
20 patrol car?

21 A. No.

22 Q. When Mr. Chasse was in the cell, did anyone
23 give him any water?

24 A. No.

25 Q. Did anyone try to clean up the -- the blood

1 that was on his face or his forehead?

2 A. No.

3 Q. Did anyone give him any medical treatment at
4 all?

5 A. No. We called the nurse.

6 Q. They didn't give him any medical treatment,
7 though, did they?

8 A. No.

9 Q. Did you hear Mr. Chasse say water, take me
10 to the water, I want water, anything like that, when
11 he was in the cell?

12 A. I didn't.

13 There's a sink in there also with water.

14 Q. Well, he never got off the floor, to your
15 knowledge?

16 A. Correct.

17 Q. Do you remember whether Mr. Chasse ever said
18 something to the effect that he wanted water or wanted
19 to go to the hospital?

20 A. No.

21 Q. Did you ever hear any laughter during the 12
22 minutes or so that Mr. Chasse was in the jail that
23 night?

24 A. Yes.

25 Q. Did you laugh at some point?

1 A. No.

2 Q. Who was laughing?

3 A. I can't remember.

4 Q. Do you know what they were laughing about?

5 A. No.

6 Q. Do you remember that at least on one
7 occasion the laughter followed something that Officer
8 Humphreys had said?

9 A. No, I don't remember.

10 Q. So you have no idea what the laughter was
11 about?

12 A. No.

13 Q. Were things being discussed that were not
14 related to Mr. Chasse that night that people were
15 laughing about?

16 A. Yes. We -- we always talk about just
17 whatever.

18 Q. Well, during that 12 minutes or so that
19 Mr. Chasse was in the jail, were you or others talking
20 about things other than Mr. Chasse?

21 A. I can't remember.

22 Q. Do you remember anyone talking about
23 something that had happened the night before and then
24 either Officer Humphreys or Deputy Burton say
25 something to the effect of we're not going to go there

1 or we're not going to talk about that?

2 A. No, I don't remember that.

3 Q. Do you remember someone asking Officer
4 Humphreys where he was going to take Mr. Chasse? This
5 is after the nurses have said that the jail wasn't
6 going to keep him.

7 A. To the hospital.

8 Q. Is that what he said?

9 A. That's what the nurses said.

10 Q. I understand. But did you ever hear someone
11 ask Mr. Humphreys, besides the nurses, where he was
12 going to take Mr. Chasse?

13 A. I don't remember that, no.

14 Q. You don't recall someone asking
15 Mr. Humphreys -- or Officer Humphreys that, him saying
16 something, and everybody laughing?

17 A. No.

18 Q. You don't recall yourself laughing?

19 A. I can't remember.

20 Q. Okay. Did Mr. Chasse throw up at some point
21 in the -- in the cell?

22 A. I don't think so, but I don't remember
23 any -- anything like that, no.

24 Q. Was there any blood on the floor where
25 Mr. Chasse had been laying?

1 A. I don't remember.

2 Q. The spit sock got bloody after it was put
3 on, didn't it?

4 A. Yes.

5 Q. And you really couldn't see Mr. Chasse's
6 face through the bloody spit sock very well, could
7 you?

8 A. No, I couldn't.

9 Q. Did you hear Mr. Chasse moan at times?

10 A. Yes.

11 Q. In the cell when he was on the floor?

12 A. It was hard to hear in there with the door
13 closed, so I don't -- I don't remember hearing
14 anything coming from the cell.

15 Q. So he could have been moaning in pain and it
16 would have been hard to hear him with the door closed;
17 is that right?

18 A. Yes.

19 Q. Do you remember Officer Humphreys trying to
20 hand you or some other deputy some booking papers at
21 some point after the nurses had left?

22 A. No.

23 Q. Well, you looked at the jail tape a couple
24 of times. Do you recall that?

25 A. I remember looking at the jail tape.

1 Q. Well, you told me a couple of times; right?

2 A. Yes.

3 Q. And when did you do that?

4 MS. DUNAWAY: Objection.

5 MR. STEENSON: I'm entitled to find out
6 when. Not the circumstances, but when.

7 THE WITNESS: The last time?

8 Q. (By Mr. Steenson) Yeah.

9 A. A few weeks ago.

10 Q. Okay. Well, do you recall in there the
11 nurses have left and some minutes had passed and
12 Officer Humphreys is at the booking desk sort of
13 looking at the cell, standing looking at the cell
14 where Mr. Chasse is, and he tries to hand the booking
15 papers to his left to some male deputy? Do you recall
16 that?

17 A. I don't remember.

18 Q. Okay. Do you recall Mr. -- or, excuse me,
19 strike that.

20 Do you recall Officer Humphreys standing
21 over by the sink that's in the booking area where
22 officers will wash their hands up talking about what
23 had happened on the street?

24 A. I don't remember exactly. I didn't pay much
25 attention to where he was or --

1 Q. Well, do you recall Officer Humphreys
2 describing, while he was standing around in the
3 booking area, what had happened on the street with
4 Mr. Chasse?

5 A. No.

6 Q. You don't remember Officer Humphreys saying
7 that Mr. Chasse had peed on himself --

8 A. No.

9 Q. -- out on the street?

10 A. I remember him talking, but I can't remember
11 exactly what he was saying.

12 Q. Do you remember whether he was describing
13 what had happened?

14 A. No.

15 Q. You don't know what he was talking about?

16 A. No.

17 Q. No recollection at all?

18 A. No.

19 Q. Do you ever recall Officer Humphreys using
20 the word tackle to describe what he'd done to
21 Mr. Chasse?

22 A. No.

23 Q. Do you recall Officer Humphreys using --

24 MS. DUNAWAY: Okay, I'm going to object.
25 He's repeatedly testified he can't remember what

1 Humphreys said.

2 MR. STEENSON: Well, I'm entitled to try to
3 refresh his recollection.

4 Q. (By Mr. Steenson) Do you recall whether
5 Officer Humphreys said that he pushed Mr. Chasse to
6 the ground?

7 A. No.

8 Q. Do you recall whether either of the officers
9 said that anyone had struck Mr. Chasse with forearms,
10 hands, fists, feet, elbows, knees, anything like that?

11 A. No.

12 Q. Did anyone say something to the effect they
13 wished Mr. Chasse would shut up or they wanted
14 Mr. Chasse to shut up?

15 A. I can't remember.

16 Q. Do you remember Officer Humphreys spelling
17 Mr. Chasse's name and giving his N.W. Broadway address
18 to some deputy who asked for it?

19 MS. DUNAWAY: Objection, asked and answered.
20 Go ahead, you can answer.

21 THE WITNESS: No.

22 Q. (By Mr. Steenson) Do you remember Officer
23 Humphreys saying that Mr. Chasse had been standing by
24 a tree at some point?

25 MS. DUNAWAY: Objection, asked and answered.

1 MR. STEENSON: It hasn't been asked and
2 answered. It's a different question.

3 MS. DUNAWAY: He has repeatedly said he
4 can't remember what Humphreys said.

5 MR. STEENSON: That may be true, but that's
6 a different question. You can make your objection. I
7 don't mean to interfere with your job.

8 MS. DUNAWAY: Go ahead.

9 THE WITNESS: Do I need to answer that?

10 MS. DUNAWAY: M-hm.

11 Q. (By Mr. Steenson) Yes.

12 A. I'm sorry, can you rephrase or restate it
13 again?

14 Q. Did Officer Humphreys say that Mr. Chasse
15 had been standing by a tree?

16 A. I don't remember, no.

17 Q. Did Officer Humphreys say that he thought
18 Mr. Chasse was shooting drugs into his hands?

19 MS. DUNAWAY: Objection, asked and answered.
20 Go ahead and answer.

21 THE WITNESS: No.

22 Q. (By Mr. Steenson) When you say no, is it you
23 can't recall or he didn't say that?

24 A. I don't remember.

25 Q. Do you recall either of the officers talking

1 about drugs related to Mr. Chasse in any way?

2 A. I don't remember.

3 Q. Do you recall anyone suggesting that
4 Mr. Chasse had drugs in his system that night?

5 A. No, I don't remember that.

6 Q. Do you remember Deputy Burton demonstrating
7 how Officer Humphreys put his arms around Mr. Chasse
8 when he tackled him?

9 A. No.

10 Q. Do you remember Officer Humphreys say --
11 saying that what had happened to Mr. Chasse had been
12 near the Blue Hour?

13 A. No.

14 Q. Do you remember Officer Humphreys say
15 something to the effect it didn't matter to him where
16 he took Mr. Chasse?

17 A. No.

18 Q. And did you hear anyone say something to the
19 effect that Mr. Chasse had brown shit coming out of
20 his nose?

21 A. No.

22 Q. Nothing like that?

23 A. No.

24 Q. That night, did you observe or hear anyone
25 express any sympathy for Mr. Chasse?

1 A. I can't remember exactly.

2 Q. Do you remember whether Officer Humphreys
3 looked sweaty at any time?

4 A. I don't remember. I don't think so.

5 Q. Do you remember whether Deputy Burton looked
6 sweaty at any time?

7 A. I don't remember that either. I don't -- I
8 don't think so.

9 Q. Did Officer Humphreys look anxious or
10 nervous at any time?

11 A. No.

12 Q. That night, did anyone say that the police
13 officers had been on top of Mr. Chasse out on the
14 street and when they got off him it looked like he
15 stopped breathing or went unconscious?

16 A. No.

17 Q. Have you received any medical training
18 related to your position as a deputy?

19 A. Just basic first aid.

20 Q. Are you CPR certified?

21 A. Yes.

22 Q. Okay. And either in those trainings or
23 otherwise, have you been told that it might not be a
24 good idea to put someone who is having breathing
25 problems on their face, face down?

1 A. Yes.

2 Q. And who told you that?

3 A. I can't remember who said that, but in the
4 training.

5 Q. Was it in training that Multnomah County
6 provided for you?

7 A. I believe so.

8 Q. And that wasn't special training for you, to
9 your knowledge, it was standard training that all
10 deputies receive?

11 A. Yes.

12 Q. And did you see anyone move Mr. Chasse from
13 his chest with his face down to his side?

14 A. No.

15 Q. Do you recall that Mr. Chasse's screaming
16 picked up in volume as he was taken out to the
17 sallyport and placed in the car?

18 A. As compared to when he was in the cell or as
19 he was coming in?

20 Q. Well, let's -- let me rephrase it.
21 Mr. Chasse was screaming as he was carried out of the
22 jail out to the sallyport and put in the patrol car;
23 correct?

24 A. Correct.

25 Q. Do you remember that his screaming increased

1 in volume as he was taken out to the sallyport and put
2 in the car?

3 A. I can't remember if it increased, but he did
4 yell.

5 Q. Are you aware that the intake deputy can
6 hear what's going on in the sallyport, there's some
7 kind of a monitoring system?

8 A. No.

9 Q. Okay. Did someone search Mr. Chasse that
10 night when he was in the cell?

11 A. Yes.

12 Q. There were no weapons found, were there?

13 A. I don't think there was anything found that
14 I can remember.

15 Q. Nothing was taken from him that you can
16 recall?

17 A. Not that I can remember.

18 Q. There's a --

19 (DEPOSITION EXHIBIT NO. 112 was marked for
20 identification.)

21 Q. (By Mr. Steenson) I'm handing you what's
22 been marked as Exhibit 112 which is an information
23 report apparently prepared by Kristin Moore.

24 MR. RICE: Excuse me, Mr. Steenson, do you
25 have a copy of that, please?

1 MR. STEENSON: (Handing.)

2 MR. RICE: Thank you.

3 MS. DUNAWAY: Have you seen this before?

4 THE WITNESS: No.

5 MS. DUNAWAY: Excuse me, can we take a break
6 so he can review this? He's never seen it before.

7 MR. STEENSON: Fine. Take five or ten
8 minutes, whatever you need.

9 (Recess: 10:06 to 10:11 AM.)

10 Q. (By Mr. Steenson) You've had an opportunity
11 to read Exhibit 112 which is an information report
12 apparently prepared by Kristin Moore; is that right?

13 A. Yes.

14 Q. In the first paragraph of her narrative
15 she's talking about receiving a phone call from a
16 Tri-Met officer and bringing somebody in who, quote,
17 seemed to have a lot of drugs on board, quote. Is
18 that a phrase you've heard working in corrections,
19 that some people have a lot of drugs on board?

20 A. Yes.

21 Q. That means they have drugs in their system,
22 that's your understanding of that?

23 A. I don't know. I've heard that saying, but I
24 don't know.

25 Q. So you don't know whether it means they have

1 drugs in their system or they have drugs in their
2 possession?

3 A. Correct.

4 Q. Or both?

5 A. Or both, correct.

6 Q. Well, did anyone tell you that night that
7 the police who brought in Mr. Chasse reported that he
8 had either drugs in his system or drugs in his
9 possession or both?

10 A. Not that I remember.

11 Q. So you still don't recall any discussion
12 that night related to Mr. Chasse about drugs?

13 A. Not that I can remember.

14 Q. Moving down to the bottom part of the second
15 paragraph, Miss Moore talks -- or Deputy Moore talks
16 about Mr. Chasse being carried out of the cell, she
17 says he was still groaning and grunting, and after he
18 got out the doors and into the sallyport she could
19 hear him over the speakers yelling even louder. Does
20 this refresh your recollection that he was yelling or
21 screaming even louder after he got outside the
22 sallyport doors?

23 A. I remember him yelling, but I don't -- can't
24 recall if it was louder or what. It was loud.

25 Q. Did somebody do something to Mr. Chasse when

1 they got on the other side of those sallyport doors
2 that you can recall?

3 A. No.

4 Q. So if someone poked him or punched him or
5 kicked him or did something to him, you didn't see
6 that happen?

7 A. Nobody did anything, no.

8 Q. That you saw?

9 A. That I could see, no.

10 Q. And no one's told you what may have happened
11 to Mr. Chasse after you came back in through the
12 sallyport doors? In other words, if something else
13 had happened to Mr. Chasse, no one's talked to you
14 about that?

15 A. No.

16 Q. You've been in situations in the jail where
17 you felt that an inmate posed a danger to you; is that
18 fair to say?

19 A. Yes.

20 Q. And if you went into a cell, you wanted
21 other deputies with you so you would have numbers and
22 could control a person?

23 A. Correct.

24 Q. You never felt that Mr. Chasse presented any
25 kind of danger, did you?

1 MS. DUNAWAY: Object to form.

2 THE WITNESS: Do I still answer?

3 Q. (By Mr. Steenson) Yes.

4 MS. DUNAWAY: You still answer.

5 THE WITNESS: No. There was plenty of
6 deputies there.

7 Q. (By Mr. Steenson) But he hadn't done
8 anything to put you at risk, had he?

9 A. Not that I can remember.

10 Q. Okay. That's all I have, thank you.

11 (The deposition concluded at 10:14 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, MARTIN M. MCELHANEY, JR, 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 58, 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

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

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MARTIN M. McELHANEY, JR.

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

MARTIN M. McELHANEY, JR.

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
Schmitt & Lehmann, Inc.
(360) 695-5554 ** (503) 223-4040

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