

IN THE UNITED STATES DISTRICT COURT
IN AND 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.;)

ORIGINAL

Plaintiffs,)

v.)

) Case No. :
) CV-07-0189-HU

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.)

DEPOSITION OF

JESSE BARBER

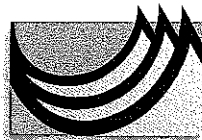
Taken in behalf of Defendant

August 4, 2008

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Portland, Oregon

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APPEARANCES:

For the Plaintiffs: THOMAS M. STEENSON
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For the Defendant
Humphreys, Nice, City
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For the Defendant
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Portland, Oregon 97214

For the Defendant AMR: JEAN O. BACK
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Also Present: KARI FURNANZ

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EXHIBITS

(None)

1 PORTLAND, OREGON; MONDAY, AUGUST 4, 2008

2 1:00 P.M.

3 * * *

4 JESSE BARBER

5 called as a witness on behalf of the Defendant,

6 having first been sworn by the Notary,

7 testifies as follows:

8

9 EXAMINATION

10 BY MS. DUNAWAY:

11 Q Hi Jesse, my name is Susan Dunaway, I
12 represent Multnomah County. Have you ever had your
13 deposition taken before?

14 A No.

15 Q You haven't. Have you spoken with anybody
16 about having your deposition taken?

17 A Yeah, I spoke to Tom Steenson.

18 Q Did Mr. Steenson generally tell you what a
19 deposition is all about?

20 A Yes.

21 Q So you understand that what you are saying
22 here is under oath, and that if you are called at
23 trial to testify and you testify inconsistent with
24 what you say now, that that can be pointed out to the
25 court and to the jury?

1 A Yes.

2 Q Are you on any particular medication today
3 that would --

4 A No.

5 Q -- interfere with your -- and one ground
6 rule is that, for the court reporter's sake, let me
7 finish my question first, and then answer, because she
8 can't take down your words and my words at the same
9 time.

10 The other caveat is that you have to
11 actually answer, don't -- you can't respond by shaking
12 your head or nodding your head.

13 A Sure.

14 Q And it's best not to say yeah or nah or
15 those kinds of things, but actually respond with yes
16 or no.

17 A Yes.

18 Q Did you have a sufficient amount of sleep
19 last night to be able to understand my questions and
20 to be able to comprehend them?

21 A Yes.

22 Q Is there any impediment that you can think
23 of that would interfere with your ability to
24 understand my questions today?

25 A No.

1 Q If you don't understand my questions, will
2 you let me know right away instead of trying to --
3 don't guess, try to answer my questions. I want you
4 to do that.

5 But if you don't understand my question, let
6 me know and I will try to rephrase it.

7 A Sure.

8 Q First of all, what is your full name?

9 A Jesse Lawrence Barber.

10 Q And that's B-A-R-B-E-R?

11 A Yes.

12 Q What is your date of birth?

13 A May 7th, 1981.

14 Q And where do you live?

15 A Here in Portland.

16 Q And what is your address?

17 A 4712 Northeast 32nd Avenue, and
18 that's 97211.

19 Q And what about a phone number?

20 A (503) 927-5804.

21 Q And where do you work, presently work?

22 A At a restaurant, Decarli.

23 Q Excuse me?

24 A Decarli Restaurant.

25 Q Can you spell that?

1 A D-E-C-A-R-L-I.

2 Q Where is that located?

3 A Beaverton.

4 Q How long have you worked there?

5 A Two months.

6 Q And where did you work previous to that?

7 A ClarkLewis Restaurant.

8 Q And where is that?

9 A 1001 Southwest Water Street, downtown, just
10 across the river.

11 Q Where were you working in September of '06?

12 A At Bluehour Restaurant.

13 Q And how long had you been working at the
14 Bluehour in September of '06?

15 A I don't remember.

16 Q Were you working between the hours of five
17 and six on September 17th?

18 A No.

19 Q Do you understand kind of generally what the
20 nature of this case is about?

21 A Generally.

22 Q Generally. So you understand that kind of
23 the underlying incident here occurred September 17th,
24 2006, between five and 6:30, roughly?

25 A Yes.

1 Q The reason why you were subpoenaed is
2 because earlier this year I -- I sent questions to the
3 plaintiff's attorney, okay?

4 In response to two specific questions, which
5 I will read to you, he indicated that you were
6 somebody who could -- who had knowledge and could
7 answer these questions for me. Okay?

8 The first question I asked of the
9 plaintiff's attorney was, Please list and describe
10 with particularity each and every action or admission
11 by Deputy Burton and/or any Multnomah County employee
12 which you believe was taken because of James P.
13 Chasse, Jr.'s disability.

14 That's the first question that Mr. Steenson,
15 in responding to that question, said that you had some
16 information about. Okay? Or you were a witness.

17 So I guess my first question to you is: Did
18 you know James Chasse?

19 A No.

20 Q You did not. And you were not present at
21 the time of the underlying incident?

22 A I don't know what you mean by "underlying
23 incident."

24 Q You weren't present at the Bluehour, or in
25 that general vicinity, between five and six on

1 September 17th?

2 A I was sitting out there, yes.

3 Q You weren't working but you were at the
4 Bluehour?

5 A Yes.

6 Q Where were you?

7 A On the patio.

8 Q On the patio. What were you doing?

9 A Eating dinner with my family.

10 Q How is it, then, that you were not
11 interviewed by the police?

12 A I don't know.

13 Q Did anybody, immediately following the
14 incident, talk to you, any police officer talk to you
15 immediately following the incident?

16 A No.

17 Q Which family members were you eating with?

18 A My mother, my father and my sister and a
19 friend of hers.

20 Q And what are their names and phone numbers?

21 A My father is Lawrence Barber, and his phone
22 number is (541)607-0601, extension 1, and my mother is
23 Christine Barber, and the same phone number.

24 Q And your sister?

25 A Is it all right if I look at my phone? I

1 don't remember her phone number.

2 Q Sure, that would be fine.

3 A Leah Barber.

4 Q L-E-A-H?

5 A Yes. You know, I don't even have my
6 sister's phone number in here. That's embarrassing.
7 Sorry. She lives at the same household with my
8 parents.

9 Q You were looking for her cellphone number?

10 A Yes.

11 Q So then you actually are an eyewitness to
12 what happened to Mr. Chasse on September 17th; is that
13 correct?

14 A Yes.

15 Q My understanding is that there were seven
16 tables outside the Bluehour on the patio. Starting
17 with 1 being the table closest to Everett, 7 being the
18 farthest away, which table were you sitting at?

19 A I don't remember for sure.

20 Q Do you recall -- I'm assuming with those
21 tables that four people can sit at the tables, then?

22 A Yes.

23 Q Were you in the chair that was facing north,
24 south, east or west?

25 A West -- west.

1 Q So you were facing 13th?

2 A I was facing 13th with my back to the
3 restaurant.

4 Q What was -- when was the first time that you
5 became aware that something was happening?

6 A I heard a yell from the 13th area.

7 Q From 13th Street?

8 A Yeah. Yes.

9 Q And were you able to identify who was
10 yelling?

11 A A homeless man, would appear to be a
12 homeless man.

13 Q What made you think he was homeless?

14 A Disheveled, beard, dirty. The nature of
15 him, I guess. He looked very -- I guess I don't have
16 the word besides homeless.

17 Q Unkempt?

18 A Unkempt. Thank you.

19 Q What did you hear or see next?

20 A He was running almost straight at us. He
21 was coming from 13th -- or from Everett up to 13th and
22 rounding that corner, and two police officers, or
23 three police officers jumped on him right there.

24 Q Okay. So was it on the sidewalk or in the
25 street on 13th?

1 A In the street on 13th.

2 Q Is your recollection that all three of the
3 police officers jumped him at the same moment?

4 A I don't remember.

5 Q When you were looking at them, were you
6 seeing the face of Mr. Chasse and faces of the three
7 officers then?

8 A Yes.

9 Q Okay. What did you see next?

10 A The three officers on the ground. I looked
11 away for a moment, there was an elbow to Mr. Chasse's
12 back, and they had him kind of hogtied, almost. And
13 more officers started showing up, and Mr. Chasse was
14 resisting and screaming for help.

15 Q How loudly?

16 A Very loudly. As loud as he could scream.

17 Q Okay. Were the police officers saying
18 anything?

19 A Nothing that I could hear from where I was.

20 Q The only thing you could hear was
21 Mr. Chasse?

22 A Yes.

23 Q Are you testifying that the police officers
24 were not saying anything, or are you testifying that
25 you couldn't hear --

1 A I couldn't hear.

2 Q Okay, go on.

3 A The police officers, it looked like one of
4 them was by Mr. Chasse. And I'm not sure on the order
5 of the next couple of -- it's been a while, but
6 Mr. Chasse was punched a couple of times and kicked by
7 the police officers.

8 Q Were you able to see who punched Mr. Chasse?

9 A No.

10 Q Which officer?

11 A No.

12 Q So you saw punches, but either -- I'm not
13 sure whether you're saying that you couldn't see who
14 was doing the punching or you can't remember.

15 A I can't remember.

16 Q All you remember is that there were punches?

17 A Yes.

18 Q Do you remember how many?

19 A Two.

20 Q And you said there was a kick?

21 A There was a kick.

22 Q A kick. Okay. Do you remember who did the
23 kicking?

24 A I don't.

25 Q Do you remember which -- which part of

1 Mr. Chasse's body was punched?

2 A Not for sure, no.

3 Q Do you remember which part of Mr. Chasse's
4 body was kicked?

5 A His head.

6 Q Were you able to see, was it the right side
7 of his head or the left side of his head?

8 A I don't know.

9 MR. STEENSON: Objection; argumentative.

10 Q (By Ms. Dunaway) Were you able to see
11 whether it was the right side of his head, or the
12 left side of his head?

13 MR. STEENSON: Same.

14 THE WITNESS: I don't remember.

15 Q (By Ms. Dunaway) You don't remember if it
16 was the right side or the left side?

17 MR. STEENSON: Same.

18 THE WITNESS: I don't remember.

19 Q (By Ms. Dunaway) You can go ahead. Even
20 though Mr. Steenson is objecting, you can go ahead
21 and actually answer the questions, he just needs to
22 do that to make a record.

23 A Yes.

24 Q Did he explain that to you?

25 A No.

1 Q Okay. You saw two punches and one kick,
2 you're not sure which part of Mr. Chasse's body. And
3 then what happened next?

4 A He was tazed.

5 Q Were you able to see where Mr. Chasse was
6 tazed?

7 A No.

8 Q Were you able to see, or do you recall which
9 one of the three police officers did the tazing?

10 A There were more than three police officers
11 at this point, and no.

12 Q So where were -- you said there were more
13 than three at this point?

14 A Yes.

15 Q Where were the other officers besides the
16 three --

17 A They were --

18 Q -- originals?

19 A Everyone was crowded around Mr. Chasse.

20 Q Were they crowded around Mr. Chasse before
21 or after the tazing?

22 A Before.

23 Q So were they standing in front of
24 Mr. Chasse?

25 A They were standing around him.

1 Q Around him. Were you, during this period of
2 time, still able to see Mr. Chasse?

3 A Yes.

4 Q So were they standing on either side of
5 Mr. Chasse?

6 A Scattered.

7 Q Scattered. Okay.

8 A Scattered.

9 Q Okay. But you can't recall which part of
10 Mr. Chasse's body was tazed?

11 A No.

12 Q Could you see the taser?

13 A I saw the taser.

14 Q Do you recall the colors of the uniforms of
15 the three original police officers?

16 A Blue and green.

17 Q Do you recall which color -- what color of
18 uniform the officer had on who used the taser?

19 A No.

20 Q During this next phase where we're past the
21 punches, okay, we're into the taser phase, did you
22 hear the police officers saying anything?

23 A I didn't. You can't hear them. I was too
24 far away.

25 Q So were you closer to the seventh table than

1 the first table?

2 A No, I was closer to the first.

3 Q Closer to the first. But you were too far
4 away to hear the police?

5 A Yes.

6 Q During that period of time, did you hear
7 Mr. Chasse saying anything?

8 A He was still screaming.

9 Q No distinguishable words?

10 A No.

11 Q What happened next after the taser?

12 A Paramedics showed up, and Mr. Chasse at some
13 point went limp. And they were checking for a pulse
14 and doing like a very -- a checkup, I believe is what
15 it looked like. They had their finger to his neck
16 like so (indicating) and were patting him down and
17 searching him, and the paramedics were looking over
18 him.

19 Q Do you remember what else they did, if
20 anything?

21 A No.

22 Q So they -- basically they checked his pulse.
23 Did you see any equipment?

24 A They had like a fishing box, is what it
25 looked like.

1 Q Like a tackle box?

2 A Yeah, like a tackle box. And they had --
3 that's all I remember.

4 Q Did they take anything out of the tackle
5 box?

6 A I don't remember.

7 Q What were the -- if you know, what were the
8 original three police officers doing while the
9 paramedics were there?

10 A I don't remember.

11 Q Were you observing them during that period
12 of time?

13 A I was observing the whole crowd.

14 Q Were your parents observing all of this?

15 A Yes.

16 Q And your sister, was she observing it?

17 A I think so, yes.

18 Q Have you spoken with your parents and your
19 sister since this happened about this incident?

20 A Yes.

21 Q And where do your parents live?

22 A Eugene, Oregon.

23 Q And your sister?

24 A Eugene.

25 Q I'm assuming at some point everybody leaves;

1 right?

2 A Yes.

3 Q How long, if you can recall, were the
4 paramedics there?

5 A When the paramedics showed up and had put --
6 had gone from checking Mr. Chasse up to putting him in
7 the police vehicle, we got up and left.

8 Q Do you recall how Mr. Chasse was transported
9 from the street to the police car?

10 A No.

11 Q No recollection at all?

12 A No recollection.

13 Q Do you recall whether or not Mr. Chasse
14 walked to the police car?

15 A No.

16 Q What actions, if any, do you think the
17 officer in the green took because Mr. Chasse was
18 disabled?

19 MR. STEENSON: Objection; argumentative.

20 THE WITNESS: I don't know.

21 Q (By Ms. Dunaway) Do you have any personal
22 knowledge regarding whether or not Mr. Chasse, Jr.
23 was disabled?

24 A No.

25 Q Do you have any personal knowledge as to

1 whether or not -- I can represent to you that the
2 officer in green who was there, that his name was
3 Deputy Burton.

4 Do you have any knowledge as to whether or
5 not, personal knowledge, as to whether or not Deputy
6 Burton had any knowledge concerning any disability
7 that Mr. Chasse might have had?

8 A No.

9 Q Do you have any personal knowledge regarding
10 whether or not there was any other Multnomah County
11 employee who would have any knowledge that Mr. Chasse
12 was disabled?

13 A No.

14 Q Has anyone ever told you that Mr. Chasse was
15 mentally ill?

16 A The paper.

17 Q How was it that you got in touch with -- or
18 Mr. Steenson got in touch with you?

19 A Private investigator, I think.

20 Q And was that David Halloran?

21 A That sounds --

22 Q Does that sound familiar?

23 A I'm not sure.

24 Q You don't recall the name?

25 A I don't.

1 Q Have you ever filed a claim based on the
2 ADA, the Americans with Disabilities Act?

3 A No.

4 Q Has anybody in your family, to the best of
5 your knowledge, filed a claim?

6 A No.

7 Q Do you personally have any disabilities?

8 A No.

9 Q Does anybody in your family have any
10 disabilities?

11 MR. STEENSON: This seems like really
12 evasive personal kinds of things you're asking the
13 witness. It's up to him whether he wants to answer.

14 Q (By Ms. Dunaway) Does anybody in your
15 family have any disabilities?

16 A Not that I know of.

17 Q As you look back on that event, were there
18 certain actions that, as you're watching it, you're
19 thinking that the -- I wish that the police had taken
20 actions other than what they took?

21 A Yes.

22 Q What actions do you think they should have
23 taken?

24 A A gentler approach.

25 Q And explain that answer.

1 A Kicking a man with several other people on
2 top of him seems excessive.

3 Q So the kick bothered you --

4 A Yes.

5 Q -- is what you're saying? Okay.
6 Anything else?

7 A And the being punched.

8 Q And the two punches bothered you?

9 A Yes.

10 Q Did you -- as you were watching that, did
11 you have any personal knowledge at the time regarding
12 why Mr. Chasse was being stopped?

13 A No.

14 Q Now, there are two actions that you're
15 saying that you wish the police hadn't taken. What
16 actions, in your opinion, should they have taken?

17 MR. STEENSON: Objection; calls for
18 speculation.

19 THE WITNESS: I don't know. I'm not a
20 police officer, I can't --

21 Q (By Ms. Dunaway) And again, you have no
22 personal knowledge regarding Mr. Chasse at all?

23 A No.

24 Q And no personal knowledge regarding his
25 ability -- his -- any potential disabilities or proven

1 disabilities of Mr. Chasse?

2 A No.

3 Q And no knowledge regarding any knowledge
4 that Deputy Burton or any Multnomah County employee
5 had or did not have regarding any disability of
6 Mr. Chasse?

7 A No.

8 MS. DUNAWAY: That's all I have.

9

10 EXAMINATION

11 BY MR. RICE:

12 Q Mr. Barber, my name is Jim Rice. I work for
13 the City of Portland, I'm a lawyer for them. I'm
14 going to ask you some questions that I think perhaps
15 pertain to this matter. Again, the same rules are in
16 effect as Ms. Dunaway spoke of.

17 Do you understand that?

18 A Yes.

19 Q Did you have a chance to graduate from high
20 school?

21 A Yes.

22 Q Where did you graduate from?

23 A Sheldon High School.

24 Q You grew up in Eugene?

25 A Yes.

1 Q Where do your parents live?

2 A Where?

3 Q Yes, what's their address?

4 A 1330 Lincoln Street.

5 Q How tall are you?

6 A Six-foot.

7 Q Did you have a chance to have any formal
8 education beyond high school?

9 A Yes.

10 Q And where did you go after high school?

11 A Lane Community College and the Western
12 Culinary Institute here in Portland.

13 Q When you were at Lane Community College, did
14 your studies focus in a particular area?

15 A Psychology.

16 Q Did you end up with -- is it an AA degree
17 when you graduated from Lane Community College?

18 A I'm not sure.

19 Q Did you get a degree from there?

20 A I did not.

21 Q And I assume at some point in time you
22 transferred into the culinary world?

23 A Yes.

24 Q When you go to Western, do they give you a
25 certificate or degree, or how does that work?

1 A It's an AA.

2 Q When did you get that?

3 A 2003, '4.

4 Q School is a pretty broad area. When you
5 were studying, did you have a focus of any kind within
6 psychology?

7 A No.

8 Q Before you came here today, did you review
9 any documents or look at photographs or watch a video,
10 anything like that?

11 A No. I talked with the lawyer and he went
12 over my statement that I gave him.

13 Q And when you gave that statement, did you
14 write something out, or did you talk to somebody?

15 A I talked to somebody.

16 Q Did you get a copy of that statement?

17 A I don't remember.

18 Q Do you know how -- first of all, there were
19 some other individuals at Bluehour that were on the
20 patio that day who worked there. You're aware of
21 that?

22 A Yes.

23 Q Did you talk to any of those people about
24 what you had seen?

25 A Yes.

1 Q And who did you talk to?

2 A Jamie. I don't remember his last name.

3 Q Marquez?

4 A That sounds right. And there was another
5 guy, tall and skinny, and I don't remember his name.

6 Q Have you spoken to anybody from the Chasse
7 family?

8 A No.

9 Q And aside from the one investigator, have
10 you talked to anybody else other than Mr. Steenson?

11 A My family, my girlfriend.

12 Q And in remembering things, when you talked
13 to your family about it, did you notice or think that
14 they remembered anything differently from what you had
15 observed?

16 A I'm not sure.

17 Q My understanding is what called you to
18 looked towards where Mr. Chasse was there was a
19 yelling noise of some kind?

20 A Yes.

21 Q Do you recall who made the yelling noise?

22 A No.

23 Q And when you turned to look there, is the
24 first thing you saw was the officers coming into
25 contact with Mr. Chasse?

- 1 A No.
- 2 Q Was he moving before that?
- 3 A Yes.
- 4 Q How far did you see him traverse? Maybe how
5 many steps? What would be the best way for you to
6 describe that?
- 7 A Half the distance between a block.
- 8 Q And were the police following him at that
9 time?
- 10 A Yes.
- 11 Q Were they all together in one group?
- 12 A Yes.
- 13 Q And they ultimately -- did you see them
14 actually make the first contact with him?
- 15 A Yes.
- 16 Q How would you describe that?
- 17 A A tackle, like a football.
- 18 Q And did one officer tackle him, or did more
19 than officer do that?
- 20 A I don't remember.
- 21 Q And did you play football at Sheldon?
- 22 A No.
- 23 Q Did you go to Sheldon football games?
- 24 A Yes.
- 25 Q Tackling can mean more than one thing. It's

1 usually knocking someone off the ground. There's a
2 variety of ways of doing that. Can you describe, if
3 you remember, what the tackle looked like?

4 A The officers or officer jumping at the
5 sprinting Mr. Chasse.

6 Q And do you know what part of Mr. Chasse's
7 body came in contact with the officer?

8 A His back or his legs. I don't know.

9 Q And what part of the officer's body came
10 into contact with Mr. Chasse?

11 A I don't remember.

12 Q Did you see Mr. Chasse fall?

13 A Yes.

14 Q Did he fall to the side or forward? How
15 would you describe that?

16 A Forward.

17 Q Did you see when he came -- how he came into
18 contact with the ground?

19 A I don't remember.

20 Q Would it be correct to say you don't
21 remember how his hands were positioned when he came in
22 contact with the ground?

23 A Yes.

24 Q What happened to the officers who were
25 following Mr. Chasse as Mr. Chasse fell to the ground?

1 A They went down with him.

2 Q Did they all go down at the same time?

3 A I don't remember.

4 Q Do you remember whether or not any of the

5 officers landed on Mr. Chasse?

6 A Yes.

7 Q And what do you remember about that?

8 A The officer was on top of Mr. -- he was just

9 on him.

10 Q So there was one officer that fell on

11 Mr. Chasse?

12 A Jumped on, fell.

13 Q Landed on him somehow?

14 A Landed on him somehow.

15 Q And what did the other two officers do when

16 that occurred?

17 A They were all on the ground at some point.

18 I don't know.

19 Q When the other officers were on the ground,

20 were they besides Mr. Chasse or were they on top of

21 Mr. Chasse?

22 A I don't remember.

23 Q You indicated Mr. Chasse was yelling as he

24 was interacting with the officers?

25 A Yes.

1 Q Were there -- was he making word sounds or a
2 noise? How would you describe that?

3 A He was yelling help and just screaming.

4 Q Did he say the word "help" more than once?

5 A Yes.

6 Q And this may have been asked of you. At
7 that time, could you hear anything the officers were
8 saying to Mr. Chasse?

9 A No.

10 Q How about anything they were saying to each
11 other?

12 A No.

13 Q Am I correct you saw one of the officers
14 bitten by Mr. Chasse?

15 A Yes.

16 Q And when that occurred, do you know what
17 part of the officer was bitten?

18 A His arm, his forearm.

19 Q And when the bite happened, was there any
20 response by the officers?

21 A Pulled back.

22 Q He pulled his arm back?

23 A Yes.

24 Q And what happened after that?

25 A To his arm?

1 Q Yes.

2 A He -- I don't remember until the paramedics
3 came up.

4 Q In what proximity to the officers being --
5 the officer being bitten was the punching that you
6 saw? Did the punching happen before or did it happen
7 afterwards?

8 A Right afterwards.

9 Q And how about the kick?

10 A I don't remember.

11 Q One officer kicked Mr. Chasse; is that
12 right?

13 A Yes.

14 Q And was he holding on to Mr. Chasse when he
15 kicked him, or was he completely free of Mr. Chasse?

16 A I don't remember.

17 Q Did Mr. Chasse make any different response
18 when he was struck by the officer?

19 A I don't remember.

20 Q And how about when he was kicked?

21 A I don't remember.

22 Q Mr. Chasse was tazered, you observed, at one
23 point?

24 A Yes.

25 Q What was his reaction to the taser?

1 A He -- just no other reaction besides
2 screaming and kicking.

3 Q Were you familiar with tasers at that time?

4 A Vaguely.

5 Q Did you see the taser actually come into
6 contact with Mr. Chasse's body?

7 A No.

8 Q When Mr. Chasse was resisting the officers,
9 was -- what was the position of his body? Was he
10 lying on his back, lying on his stomach, lying on his
11 side?

12 A He stayed on his stomach most of the time.

13 Q Did he ever go off of his stomach?

14 A To be examined by the paramedics, he was off
15 of his stomach. And I couldn't tell you beyond or how
16 he got there.

17 Q When the paramedics showed up, had
18 Mr. Chasse been handcuffed?

19 A He had been zip tied.

20 Q What do you mean by "zip tied"?

21 A His hands and one of his feet were together.

22 Q Were his hands in front of his body or
23 behind his body?

24 A Behind, I believe.

25 Q And when he was in that position, was he on

1 his back? on his side? on his stomach?

2 A I don't remember.

3 Q You indicated when the paramedics showed up,
4 Mr. Chasse went limp. When the paramedics first
5 showed up, did you actually see them arrive?

6 A Yes.

7 Q How many vehicles did the paramedics come
8 in, if you remember?

9 A One.

10 Q Did anyone else come other than police
11 officers and the one paramedic vehicle?

12 A I don't remember.

13 Q And when the paramedics came out, what did
14 they do?

15 A Examined Mr. Chasse.

16 Q Did you see them speaking to anyone before
17 they examined Mr. Chasse?

18 A I don't remember.

19 Q There was a crowd of people around Bluehour
20 at this time; is that right?

21 A Yes.

22 Q You indicated to me there were some of your
23 then coworkers at Bluehour there?

24 A Yes.

25 Q Did you recognize anybody else who was there

1 that day?

2 A No.

3 Q Your --

4 A My family.

5 Q I meant anyone besides your family or who
6 you've told us about.

7 Did I understand your earlier answer you had
8 not seen Mr. Chasse before that day, that you recall?

9 A Yes.

10 Q That's right?

11 A That is correct.

12 Q Do you know the names of any of the police
13 officers who were there that day?

14 A No.

15 Q Did you recognize any of them from either
16 work or just being around the area?

17 A No.

18 Q Have you had any contact with Mayor Potter
19 about this?

20 A I don't know.

21 Q The mayor of the city?

22 A Oh, no.

23 Q How about Chief Sizer, the head of the
24 police department?

25 A No.

1 Q Have you talked to any of the officers about
2 this?

3 A No.

4 Q Did you make a complaint or report of any
5 kind about this incident?

6 A No.

7 Q Did you take any pictures that day?

8 A No.

9 Q Have you watched any video about this
10 incident?

11 A No.

12 Q You indicate at one point you have gained
13 some information from the media about this?

14 A Yes.

15 Q What are your sources of news?

16 A It was in the Oregonian, I believe, a time
17 ago. I don't remember. Just a brief thing.

18 Q Do you have any experience or training with
19 Marshall Arts, boxing, anything like that?

20 A No.

21 Q Wrestling?

22 A No.

23 Q Have you had any interactions with the
24 police department in Portland?

25 A I've gotten tickets and -- yes.

1 Q You're talking traffic tickets?

2 A Yeah.

3 Q Anything out of the ordinary, other than
4 being stopped by a police officer and having a
5 citation issued?

6 A No.

7 Q Did the officers act inappropriate in any
8 way?

9 A No.

10 Q How about police officers from any other
11 jurisdiction?

12 A No.

13 Q Have you ever been convicted of a crime?

14 A No.

15 MR. RICE: That's all the questions I have.

16 Thank you.

17

18 EXAMINATION

19 BY MS. BACK:

20 Q Hi, Mr. Barber, my name is Jean Back, and
21 I'm also an attorney. I represent the ambulance and
22 the company and the paramedics who were at the scene
23 on Northwest 13th that day. I just have a few
24 questions for you just to clarify what you saw and
25 remember about their actions.

1 When you testified, what do you remember --
2 first of all, I just want to hear from your own words
3 what you remember about the paramedics arriving at the
4 scene.

5 A Just anything in general?

6 Q Just, yeah, start with your observations
7 about the cars that drove up and then go from there,
8 just your own -- and I'll ask you questions when
9 you're done.

10 A I remember an ambulance. I remember several
11 paramedics in blue. I remember them checking
12 Mr. Chasse. And that's -- I mean, I don't remember a
13 whole lot about it.

14 Q Do you remember how many -- how many
15 paramedics do you remember seeing?

16 A I don't remember.

17 Q Do you remember whether they were male or
18 female?

19 A I remember one male.

20 Q One male. And you stated that you don't
21 remember seeing or hearing them have any conversations
22 with the police officers when they got to the scene?

23 A I don't remember.

24 Q Were you able to overhear anything that was
25 said when the paramedics got there?

1 A No.

2 Q And then when you testified that you
3 observed them examine Mr. Chasse, can you tell me
4 everything that you remember seeing in terms of what
5 they did when they examined Mr. Chasse?

6 A I remember one of them reaching down and
7 checking his pulse and looking over -- just looking at
8 him. And I don't really remember anything else.

9 Q You had previously testified that you
10 remembered them patting him down or --

11 A Yeah.

12 Q What do you remember about that?

13 A Just -- kind of just check -- I don't know.
14 I don't recall. They just were touching him.

15 Q They were touching him. Where do you
16 remember them touching him?

17 A His arm and leg and looking at his head
18 and --

19 Q Okay. And do you remember seeing them do
20 anything with that tackle box that --

21 A I don't remember.

22 Q Do you remember whether they hooked him
23 up -- have you ever had your pulse taken before?

24 A Yes.

25 Q Do you remember whether they used a cuff on

1 him and took his pulse?

2 A I don't remember.

3 Q Do you remember -- did you watch after the
4 paramedics -- when the paramedics had finished with
5 him, did you --

6 A They had sprayed the police officer that had
7 gotten bitten with something on his arm.

8 Q And after they examined Mr. Chasse, do you
9 remember seeing whether the paramedics and the police
10 were having any sort of conversation?

11 A They were standing around together. I
12 couldn't hear anything. It looked like they were
13 chatting. I couldn't really tell.

14 Q Do you remember seeing the paramedics hand
15 any sort of papers to the police?

16 A No, I don't remember.

17 Q And do -- strike that.

18 MS. BACK: I don't think I have any further
19 questions.

20

21 EXAMINATION

22 BY MR. STEENSON:

23 Q I have a few questions.

24 Tom Steenson, the attorney for the family.

25 Do you recall that you spoke with David

1 Halloran, the investigator for the family, within a
2 couple of weeks of the time that Mr. Chasse died?

3 A Yes.

4 Q Do you agree your memory was probably a
5 little better then than it is today as to what
6 happened?

7 A Yes.

8 Q You indicated that Mr. Chasse yelled help
9 more than once. Do you remember that he yelled
10 something like help me, or help me, as he was running
11 down the street?

12 A I don't remember today.

13 Q Do you remember that when he was yelling for
14 help on the ground, that he also said, I can't
15 breathe?

16 A I don't remember that today.

17 Q Do you recall that one of the officers
18 punched Mr. Chasse with a closed fist twice and
19 slapped him with an open hand about five times?

20 A I do remember the closed fist twice.

21 Q Do you remember the open hand slapping --

22 A No.

23 Q -- Mr. Chasse a couple of times?

24 A I don't.

25 Q Do you remember that two of the punches, or

1 the two that you can recall here today, hitting him in
2 the face?

3 A I don't remember where they hit him.

4 Q Do you recall, sitting here today, whether
5 the kick was to the back of Mr. Chasse's head?

6 A Yeah, it was to his head.

7 Q Do you remember whether it was to the back
8 of his head or not?

9 A I don't remember if it was the back or not.

10 Q Do you remember telling Mr. Halloran that
11 there were other strikes or punches that landed in
12 Mr. Chasse's upper torso area?

13 A Not today, no.

14 Q Do you recall today that Mr. Chasse appeared
15 to have urinated on himself because he was wet around
16 the crotch area?

17 A Yes.

18 MR. RICE: Objection; speculative.

19 Q (By Mr. Steenson) Do you recall whether
20 the officers looked for a pulse on Mr. Chasse by
21 feeling his wrist, or perhaps his neck?

22 A Yes.

23 Q Did they have difficulty finding a pulse, or
24 could you tell?

25 MR. RICE: Objection; speculative.

1 THE WITNESS: I don't know.

2 Q (By Mr. Steenson) Did you hear any officer
3 last night, whether it was -- excuse me. Let me
4 rephrase.

5 Did you hear any officer, whether it was the
6 first three involved and the ones that showed up
7 later, ever mentioning drugs or talking about drugs?

8 A Not any officers, no.

9 Q When Mr. Chasse was on the ground yelling
10 help me, were the paramedics there?

11 A I don't remember.

12 Q And I'm not clear from the record, or what
13 you've said here today what you recall today about
14 when Mr. Chasse went limp. Was that before or after
15 the paramedics were there?

16 A It was before the paramedics -- you know, I
17 don't remember for sure.

18 Q Did you ever notice any change in
19 Mr. Chasse's skin color?

20 A No, I don't remember.

21 Q Could you tell whether Mr. Chasse was
22 breathing at some point or not breathing at some
23 point?

24 A No.

25 Q Do you recall, sitting here today, that you

1 noticed one of the police officers laughing while
2 Mr. Chasse was on the ground?

3 A I don't remember, no.

4 Q Your parent's phone number is (541)607-9661?

5 A 0601.

6 MR. STEENSON: Thank you. That's all I
7 have.

8

9

FURTHER EXAMINATION

10 BY MR. RICE:

11 Q I have a couple of follow-up questions,
12 Mr. Barber.

13 Mr. Steenson talked about Mr. Chasse being
14 wet. Do you recall that?

15 A Yes.

16 Q Do you know when Mr. Chasse became wet?

17 A After being tazed.

18 Q Did you see him -- his pants actually change
19 color, or how would you know that that's what caused
20 him to be tazed (sic)?

21 A They were dark pants and then got much
22 darker around there.

23 Q And when you were looking at Mr. Chasse,
24 were you looking at him from behind or from the front?

25 A Originally it was the front, and then got

1 turned over by paramedics and just moved around.

2 Q And when he was initially coming at you, you
3 only saw him from the front; is that right?

4 A Correct.

5 Q And are you sure, as you sit here today,
6 that his pants couldn't have been wet on the front
7 side when he came toward you?

8 A I don't remember.

9 Q Mr. Steenson asked you if any officer talked
10 you to about drugs and you said no. Did anyone talk
11 about drugs that day?

12 A There were people on the patio that were
13 observing apparently the crazy looking homeless person
14 and talking, assuming that he was just being chased by
15 the police because he was strung out or high or
16 something.

17 Q Sort of speculation by people in the crowd.
18 Is that what it sounded like to you?

19 A Yes.

20 Q Did you yourself ever talk to a police
21 officer that day on the scene?

22 A No.

23 MR. RICE: That's all the questions I have.

24 ///

25 ///

1 FURTHER EXAMINATION

2 BY MS. DUNAWAY:

3 Q I just have a couple more.

4 Did you yourself think that there was a
5 possibility that Mr. Chasse was high on drugs or
6 strung out?

7 A Yes.

8 Q But apparently -- how long do you think
9 this -- from the time Mr. Chasse is taken to the
10 ground to when he's under control, do you have any
11 idea how long that took?

12 A No.

13 Q Was it more than a minute?

14 A Yes.

15 Q Was it less than five minutes?

16 A It was more than five minutes.

17 Q More than five minutes. More than seven?

18 A I would just be guessing at that point. It
19 was a while.

20 Q At least more than five?

21 A Yes.

22 Q Did it appear to you that the police
23 officers were trying to get Mr. Chasse under control?

24 MR. STEENSON: Objection; speculation.

25 THE WITNESS: Yes.

1 Q (By Ms. Dunaway) So as you are sitting
2 there and you see this going on, in your mind,
3 you're thinking, These police officers are trying to
4 get this man under control?

5 A Yes.

6 Q And during that period of time that you're
7 watching this, between the time that everyone goes
8 down on the ground and Mr. Chasse is actually
9 handcuffed, or I think you said flex cuffed, was there
10 any period of time, other than when I think you said
11 that he went limp or something happened to stop the
12 fight, during the rest of that period of time, was
13 Mr. Chasse actively resisting?

14 MR. STEENSON: Objection; argumentative;
15 assumes facts not in evidence; vague.

16 THE WITNESS: Yes.

17 Q (By Ms. Dunaway) So was Mr. Chasse
18 resisting what the police officers were doing?

19 MR. STEENSON: Objection; vague.

20 THE WITNESS: Yes.

21 Q (By Ms. Dunaway) Okay. In what way?
22 Describe to me how Mr. Chasse was resisting.

23 A He was struggling and moving around and
24 trying to -- just trying to move and get away.

25 Q So if the police officers had ahold on him,

1 he was trying to pull away from the hold?

2 A Yes, and screaming.

3 Q And screaming?

4 A Yes.

5 Q And so between the time of everybody going
6 down and the handcuffing, would you describe that
7 situation as being somewhat out of control?

8 MR. STEENSON: Objection; argumentative.

9 THE WITNESS: Yes.

10 Q (By Ms. Dunaway) Until finally Mr. Chasse
11 was put in handcuffs, then did the situation seem to
12 be under control?

13 A No, he was -- he was -- whenever he was
14 cognizant he was screaming.

15 MS. DUNAWAY: That's all I have.

16

17 FURTHER EXAMINATION

18 BY MS. BACK:

19 Q I have just a couple of more questions for
20 you. So after you saw him go limp, did you then see
21 him move around again at that point?

22 A He came to.

23 Q He came to. And when you say you saw him go
24 limp, could you see whether he was conscious or not at
25 that point?

1 A I don't remember.

2 Q And when you say that he went limp, what do
3 you mean by that?

4 A Like he wasn't conscious, I guess.

5 Q Did he just stop moving?

6 A Yeah.

7 Q And then at what point after that did he
8 start moving again?

9 A I don't remember.

10 Q You don't remember. Was he moving when the
11 paramedics were there?

12 A I don't remember.

13 Q Could you see his face when the paramedics
14 were there?

15 A No.

16 Q So you don't know whether his eyes were open
17 or closed?

18 A No.

19 Q And again, you couldn't hear anything that
20 was said?

21 A Couldn't hear anything.

22 MS. BACK: That's all I have.

23

24 (This deposition was concluded at 2:00 p.m.)

25 (Signature waived.)

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REPORTER'S CERTIFICATE

STATE OF WASHINGTON)
) ss.
COUNTY OF CLARK)

I, PRISCILLA (PIA) HARRIS, a Certified Shorthand Reporter for Oregon, do hereby certify that, pursuant to stipulation of counsel for the respective parties hereinbefore set forth, JESSE BARBER, 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 1 to 47, 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 6th day of October 2008.



Priscilla PIA Harris
PRISCILLA (PIA) HARRIS
Registered Professional Reporter
Certified Shorthand Reporter
OR CSR No. 01-0377
WA CSR No. 2963