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

**Interview Date:** June 8, 2009  
**IAD #:** 2008-B-0039  
**Complainant:** Portland Police Bureau

**Interviewed:** Officer Bret Burton #43860

**BARKLEY:** Okay, this is Michael Barkley, #8570. The date and time are Monday, June 8<sup>th</sup>, 2009 at 0630 hours. We're in the Internal Affairs Division. Persons present are Officer BRET BURTON, #43860 and PPA President Sergeant Scott Westerman, #25880. Also Mr. Michael Staropoli, who is an attorney representing Officer BURTON and also Ms. Susan Dunaway, Multnomah County Attorney. This is in reference to IAD case number 2008-B-0039 and also reference to IAD case number 2006-B-0016 and PPB case number 2006-84962. Officer BURTON has been advised that his conduct and/or the conduct of any other Bureau member present on Sunday, September 17<sup>th</sup>, 2006 beginning at approximately 1800 hours is the focus of this investigation at the Multnomah County Detention Center Booking Facility and a previous force used involving Mr. JAMES CHASSE. Officer BURTON has reviewed information necessary to be reasonably apprised of the nature of the allegations of the complaint. Officer BURTON has been informed that he is a witness in the case and that Captain David A. Famous is in charge of the investigation. I have advised Officer BURTON that he could have representation present during the interview and PPA President Sergeant Scott Westerman, Mr. Michael Staropoli, and Ms. Susan Dunaway are here in that capacity. Officer BURTON has been provided a copy of the Advance Notice and Waiver form and has signed it. Officer BURTON, under the authority of Captain Famous, I am ordering you to answer all of my questions fully and truthfully. If you fail to respond fully and truthfully, you may be disciplined up to and including dismissal. Do you understand?

**BURTON:** Yes.

**BARKLEY:** Prior to asking any questions, the following issues are to be entered into the record. Prior to activating the digital recorder, Officer BURTON reviewed the following documents. One, the Internal Affairs Division worksheet updated on June 2<sup>nd</sup>, 2009. The Multnomah County Sheriff's Office Continuation Report prepared by Detective Travis Gullberg #35719, specifically pages 4 and 12. The Portland Police Bureau Detective Division confidential taped statement transcription dated September 19<sup>th</sup>, 2006, which was conducted by Detective Gullberg and Detective Jon Rhodes, #16753, pages 9 through 10 and pages 39 through 41. The fourth document being the Portland Police Bureau Internal Affairs Division confidential taped statement dated May 8<sup>th</sup>, 2008, which was conducted by Sergeant Michael Barkley, #8570 and Sergeant Derek Rodrigues, #37149, specifically pages 6 through 11. All parties present reviewed a DVD, which was produced on Sunday, September 17<sup>th</sup>, 2006 at 1806:33 hours to 1818:45 hours in the processing booking area of the Multnomah County Detention Center. The DVD has been enhanced and is marked as "100307DL" also video DVD and also is marked correct video enhanced audio copy

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51 of specimen QC-1 VHS tape. The DVD begins with Mr. JAMES CHASSE being  
52 carried into MCDC and ends with Mr. CHASSE being carried out of MCDC, which  
53 is approximately 12 minutes and 12 seconds in length. The primary focus of this  
54 Internal Affairs Division investigation pertains to the physical force used by you,  
55 Officer CHRISTOPHER HUMPHREYS, #32784, and/or any other police officers  
56 with regards to Mr. JAMES CHASSE being physically forced to the sidewalk in the  
57 1300 Block of NW Everett Street. The incident occurred on Sunday, September  
58 17<sup>th</sup>, 2006 at approximately 1718 hours. In addition, the investigation encompasses  
59 statements made by Officer HUMPHREYS and actions made by you while at the  
60 processing booking area of the Multnomah County Detention Center at  
61 approximately 1806 hours. It has been 32 months since your contact with Mr.  
62 JAMES CHASSE on September 17<sup>th</sup>, 2006, so during our interview, feel free to  
63 refer to your previous statements that you've been provided. Since you received  
64 your Internal Affairs Division interview notice on Tuesday, June 2<sup>nd</sup>, 2009, have you  
65 talked with Officer CHRISTOPHER HUMPHREYS regarding the circumstances  
66 involving Mr. JAMES CHASSE?

67 **BURTON:** No. I, uh, bumped into CHRIS on Friday and just mentioned to him that I had an  
68 IAD interview, but that was the extent of it.

69 **BARKLEY:** Okay, and did you discuss anything about what, why you were being called into the  
70 Internal Affairs Division?

71 **BURTON:** Uh, just there, it was about the tape.

72 **BARKLEY:** Okay. Anything else besides that?

73 **BURTON:** Nope, very general.

74 **BARKLEY:** Okay. Referring to the DVD recording at MCDC at approximately 1814:48 hours,  
75 you made a motion with both of your arms which appears to be a bear type hug,  
76 which would indicate a tackle. Please explain what your arm motions represented.

77 **BURTON:** Uh, I don't remember making the motion. I've seen it on the video and I don't  
78 really remember, uh, what that motion was meant to indicate specifically, uh, some  
79 sort of collision.

80 **BARKLEY:** So, you don't recall making the motions with your arms at the time, is that correct?

81 **BURTON:** Uh, not until I saw the video did I remember making those motions.

82 **BARKLEY:** Okay, so after reviewing the DVD, what would be your explanation of why it is that  
83 you made what appeared to be a bear type hug which would indicate a tackle?

84 **BURTON:** Um, I wouldn't characterize it as a bear type hug. It just looks like I hit my hands  
85 together.

86 **BARKLEY:** Okay. Do you believe a tackle is the same thing as a push?

87 **BURTON:** I guess it depends on the definition of both those words. A tackle is a very general  
88 word, um, used to take someone to the ground. A push would be just a shove or,  
89 um, moving somebody.

90 **BARKLEY:** Okay. What we reviewed on the DVD was at 1814:48 hours, you make the motion  
91 with both of your arms that appears to be a bear type hug or a tackle, which is  
92 followed at 1814:50 hours, two seconds later, where Officer HUMPHREYS stated  
93 we tackled him. Do you recall Officer HUMPHREYS making the statement at the  
94 time that you were in jail that we tackled him?

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95 **BURTON:** Uh, I don't remember until I saw the tape, uh, the enhanced version of the tape. I  
96 don't clearly independently recall the conversation.

97 **BARKLEY:** So, at the time that you were in the jail...

98 **BURTON:** Uh-huh.

99 **BARKLEY:** ...you're saying you don't recall him saying, we tackled him.

100 **BURTON:** Yeah, I don't remember most of that conversation.

101 **BARKLEY:** Do you agree with Officer HUMPHREYS' statement quote, we tackled him?

102 **BURTON:** No. Well, it's a very generalized term, very general statement made, uh, during, uh,  
103 some casual banter at the Booking Facility. Um, so I don't know, that's what  
104 CHRIS said and that's what he said.

105 **BARKLEY:** Okay, would you have tackled, characterized his statement as being accurate or  
106 inaccurate when he says WE tackled him?

107 **BURTON:** Um, all I can say is what I remember and that's it. Uh, we were both running after  
108 Mr. CHASSE, uh, Officer HUMPHREYS was in front of me. And they both, they  
109 collided, they went to the ground, um, and that's about as accurate as I could  
110 possibly be.

111 **BARKLEY:** Okay, now, in refer, reference to your taped statement to Detectives and then also to  
112 the Internal Affairs Division, do you recall that Mr. JAMES CHASSE was running  
113 eastbound and right directly behind him was Officer HUMPHREYS and then you  
114 were directly behind Officer HUMPHREYS. Do you recall that?

115 **BURTON:** Do I recall making the statement or...

116 **BARKLEY:** Right. That's, that's how the three of you were aligned. There was Mr. JAMES  
117 CHASSE, right directly behind him was Officer HUMPREYS, and then you were  
118 behind Officer HUMPHREYS.

119 **BURTON:** Right. And when you say directly, yes, we were, that was the order in which we  
120 were running. I'm not sure if there was, you know, any more \_\_\_\_\_, uh, but yes,  
121 that's, that's true.

122 **BARKLEY:** And in your previous statements, it was clear that you didn't have an unobstructed  
123 view of Mr. CHASSE's back, is that correct?

124 **BURTON:** No, Officer HUMPHREYS was in front of me blocking myself from Mr. CHASSE.

125 **BARKLEY:** So, once again, you didn't have an unobstructed view of Mr. CHASSE's back  
126 because Officer HUMPHREYS was between the two of you, is that correct?

127 **BURTON:** That's correct.

128 **BARKLEY:** Have you ever had a conversation with Officer HUMPHREYS regarding his use of  
129 the word tackle? I'm not saying the actual tackle, but his use of the word tackle to  
130 describe Mr. CHASSE being forced to the sidewalk.

131 **BURTON:** I don't think so.

132 **BARKLEY:** As you may recall, several civilian witnesses stated that Mr. CHASSE was  
133 quote/unquote tackled by more than one police officer. The question is was Mr.  
134 CHASSE tackled by any police officer, including yourself?

135 **BURTON:** Once again, all I remember is we're both running after him, there was a collision,  
136 um, and they went to the ground.

137 **BARKLEY:** And the collision was between Officer HUMPHREYS and Mr. CHASSE.

138 **BURTON:** That's correct.

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139 **BARKLEY:** And you were not involved in that collision, correct?  
140 **BURTON:** I was not involved in the collision.  
141 **BARKLEY:** Aside from Officer HUMPHREYS' statement, we tackled him, did Officer  
142 HUMPHREYS ever describe to you or to anyone in your presence the manner in  
143 which Mr. CHASSE was forced to the sidewalk as a tackle? And that's aside from  
144 what you saw in the tape. So we clearly know that Officer HUMPHREYS said in  
145 the tape, we tackled him, aside from that particular incident, do you, are you aware  
146 of any other time that Officer HUMPHREYS has told anyone that you're aware of  
147 that Mr. JAMES CHASSE was tackled?  
148 **BURTON:** No.  
149 **BARKLEY:** Was Mr. JAMES CHASSE tackled or pushed to the sidewalk by Officer  
150 HUMPHREYS?  
151 **BURTON:** I don't know.  
152 **BARKLEY:** Okay. Is there anything you wish to add and/or clarify regarding this investigation?  
153 **BURTON:** Not at this time.  
154 **BARKLEY:** Okay. Is there anything Sergeant Scott Westerman wishes to add and/or clarify  
155 regarding this investigation?  
156 **WESTERMAN:** Yes, sir.  
157 **BARKLEY:** Go ahead.  
158 **WESTERMAN:** Your, your recollection of the video and you're being asked to interpret the motion  
159 of your hands, are you able to accurately interpret the, the motion of your hands or  
160 would you be purely speculating in this setting now two years or 32 months later.  
161 **BURTON:** I'd be purely speculating.  
162 **WESTERMAN:** So, you saw yourself make the motion with your hands.  
163 **BURTON:** Right.  
164 **WESTERMAN:** And it was described as making it look like a bear hug. But it was also described as  
165 looking where your hands are coming together where it could be a collision and  
166 you're also putting your gloves in your pocket, you're doing various things with  
167 your hands. So, looking at that clearly you don't, you're speculating as to what  
168 happened. Is that right?  
169 **BURTON:** That's correct.  
170 **WESTERMAN:** Okay. When CHRIS HUMPHREYS described the WE in the WE tackled him in  
171 the video, do police officers refer to WE as meaning the two of you or WE the  
172 police or, I mean in the circumstances you're describing in the jail, you and  
173 HUMPHREYS are the ones who brought CHASSE in, okay? If you were to use the  
174 term WE, what would you be referring to? You, you, you and CHRIS or you and all  
175 the other officers that were at the scene?  
176 **BURTON:** Any combination of those.  
177 **WESTERMAN:** Okay. So it's not a WE as in when HUMPHREYS says the word WE, he's not  
178 saying the two of you, he's just saying WE as in the police. Because that's the  
179 reason he's in jail, right?  
180 **BURTON:** Possibly, yes.  
181 **WESTERMAN:** Okay. That's all I have.

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182 **BARKLEY:** Okay. Is there anything that Mr. Michael Staropoli would like to add and/or clarify  
183 regarding this investigation?  
184 **STAROPOLI:** Not at this time, thank you.  
185 **BARKLEY:** Is there anything that Multnomah County Attorney Ms. Susan Dunaway wishes to  
186 add and/or clarify regarding this investigation?  
187 **DUNAWAY:** No, not at this time.  
188 **BARKLEY:** Okay. The interview is concluded at 0645 hours.  
189  
190 2008-B-0039TRS-BURTON  
191 Transcribed 060809/2106 C. Yeager