

PORTLAND POLICE BUREAU  
DETECTIVE DIVISION  
CONFIDENTIAL  
TAPED STATEMENT TRANSCRIPTION

RECORDS

Case #06-84962

October 4, 2006

Page 1

Receptionist: Good afternoon, Law Office of MARK GINSBERG.

Courtney: Yeah is MARK available?

Receptionist: Just a moment, and your name?

Courtney: Detective Courtney, Portland Police.

Receptionist: Thank you.

Ginsberg: Hi Detective Courtney.

Courtney: Hello, how are you sir?

Ginsberg: I'm well, thanks, yourself?

Courtney: Good. Uh, I'm contacting all these witnesses involved in our in-custody death. I understand you'd called in earlier today.

Ginsberg: I called Frink.

Courtney: Okay. What um, what did you observe?

Ginsberg: I was across the intersection in my car.

Courtney: Okay.

Ginsberg: Uh, and I was stopped for crossed traffic looking to my right facing southbound.

Courtney: So you're on uh, are you on uh, 13<sup>th</sup> then?

Ginsberg: Yes, I was on 13<sup>th</sup> facing southbound.

Courtney: At the intersection of Everett?

Ginsberg: Correct.

Courtney: Okay.

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Ginsberg: I was in the right lane, I was the first car.

Courtney: Okay.

Ginsberg: Looking to my right to make sure that I could cross Everett at first I saw the PPB car in the right lane, or the southbound lane pulled to the right at an angle. And the thing that I noticed was it said Transit Police which I thought was odd...

Courtney: ...Uh-huh...

Ginsberg: ... Who would Transit Police be pulling over there and I saw two officers get out in PPB uniform.

Courtney: Uh-huh.

Ginsberg: Saw the homeless guy standing there, he looked like a scruffy homeless guy, but you know, it looked like he was just standing there and...

Courtney: ...Now which way is this guy facing?

Ginsberg: At that point, he was, I believe he was facing the officers so he would have been facing westbound.

Courtney: Okay.

Ginsberg: And then before I moved the Multnomah County Sheriff's vehicle came past that and also pulled over sort of at the corner of the intersection, almost in front of me, sort of at my say, one o'clock almost.

Courtney: Now you say Multnomah County Sheriff, you mean, Portland Police vehicle?

Ginsberg: No, I think the second person who I saw I thought was a Multnomah County Sheriff.

Courtney: okay.

Ginsberg: White vehicle but the green uniform is my recollection.

Courtney: Okay. But it was a, it was a white car.

Ginsberg: I believe so yeah.

Courtney: Okay.

- Ginsberg: Uh, and so that, that officer was sort of further uh, east of the homeless guy.
- Courtney: Uh-huh.
- Ginsberg: And he was still on the drivers side of his vehicle standing there with his door open when the homeless guy turned counter-clockwise until he was facing eastbound and the officer said hey, he's running and then they all just went, he didn't take more than a step and all three officers, the two that I saw from the first Transit vehicle and second, the third person I mean from the, who I thought was a Sheriff sort of tackled him like a pretty, a pretty aggressive flying tackle.
- Courtney: Uh-huh.
- Ginsberg: Threw him right onto the ground. And again I didn't move my car yet 'cause I was like you know, lets give the officers room to work.
- Courtney: Right.
- Ginsberg: I really wasn't in the mood to jump in the middle of it.
- Courtney: Right, no, huh-uh.
- Ginsberg: And it seemed like they were on top of him sort of wrestling him around for awhile and then it was clear that they had the, the sort of scene under control. And my windows were open both front drivers side and passenger side, it was nice weather out. And so I proceed straight through the intersection southbound and went right past as they were on top of him and uh, I heard him saying mercy, mercy and then I continued on my way.
- Courtney: You heard the uh, subject say mercy, mercy?
- Ginsberg: Yeah, yeah, they were all sort of at that point on top of him trying to force his arms back so they could, I assume, handcuff him.
- Courtney: Okay. And you continued southbound?
- Ginsberg: That is correct.
- Courtney: And were you alone or was there another witness in the car?
- Ginsberg: I had my baby son with me.
- Courtney: Your, oh your son, baby son.

- Ginsberg: Yeah, yeah, he'll be two this year so...
- Courtney: ...Yeah, okay well this... And then can you tell me how this take down occurred, be more specific on that sir.
- Ginsberg: It really seemed to happen very fast and, and candidly. I thought it was really pretty rough. Because it didn't seem like he was running and it seemed like the officers immediately went running at him and I, I think it was one of the PPB officers really sort of did like a flying tackle of him, almost like a football tackle.
- Courtney: Like where he would wrap his arms around the guy?
- Ginsberg: And sort drove him onto the ground.
- Courtney: And how did the officer fall?
- Ginsberg: Uh, on top of him. So the, the Mr. CHASSE, is that his name?
- Courtney: CHASSE.
- Ginsberg: CHASSE, okay. So it seemed like CHASSE hit the ground with the officer right on top of him.
- Courtney: Okay. Okay. And did you hear any uh, conversations from the officer at that point when he, when they first got out of the car, could you hear if they were talking to him, having a ...
- Ginsberg: ...I, I don't recall the exact words but I, I think they said something like hey, and then as he, as Mr. CHASSE turned away from them, because he clearly saw them, they immediately said you know, he's running, go and they all sort of you know, ran after him, jumped on him right away.
- Courtney: Um-hm. And could you tell what Mr. CHASSE was doing when the officers stopped to get out to talk with him.
- Ginsberg: It just looked like he was standing there. Um, you, you know I've seen the papers obviously now...
- Courtney: ...Right...
- Ginsberg: ...but it, it didn't seem to me that he was urinating.
- Courtney: Okay.

Ginsberg: I, it just seemed to me like he was standing there looking like a scruffy homeless guy.

Courtney: Right.

Ginsberg: Um, but it did not seem to me like he was urinating.

Courtney: And when you saw him he was facing towards the officers?

Ginsberg: Originally facing, I gotta close my eyes to get my direction, yeah, he was originally facing westbound and then turned eastbound after the officers pulled into the scene.

Courtney: Okay.

Ginsberg: So, but he had his back to me when he was doing that turn, he was turning counter-clockwise.

Courtney: Okay.

Ginsberg: Not that he turned towards to face me, but he turned with his face away from me is my recollection.

Courtney: Okay. And then he uh, immediately started running and, and...

Ginsberg: No, but he didn't run, he took maybe one step and then...

Courtney: ...The officers were...

Ginsberg: ...The officers were just on top of him.

Courtney: Okay.

Ginsberg: He never ran.

Courtney: Okay.

Ginsberg: He did turn, but he never ran.

Courtney: Okay. And did Mr. CHASSE say anything when he turned?

Ginsberg: Not that I heard.

- Courtney: Okay. And did it look to you like all three of the officers uh, jumped him or knocked him to the ground or was it like one officer?
- Ginsberg: I think it was more than one officer.
- Courtney: More than one officer.
- Ginsberg: Certainly by the time I pulled through the intersection all three officers were certainly on top of him.
- Courtney: Um-hm.
- Ginsberg: Uh, but I think there was sort of one officer who tackled him and then two officers who also jumped on after the initial tackle.
- Courtney: Okay, and you said, correct me if I'm wrong, but earlier you said the officer that tackled him landed on top of him?
- Ginsberg: That's my recollection, yes.
- Courtney: Okay. And did the other officers that uh, were behind him or whatever, did they land on top of him?
- Ginsberg: I'm really not positive.
- Courtney: Not positive, okay. And did you see the officers use any kind of um, force against this subject, other than you, you know, you described the struggling to get him handcuffed, were they um...
- Ginsberg: ...You mean like their, like a PR or tasing or something like that?
- Courtney: Like, yeah, any kind of less lethal something or even with their uh, punching, kicking things of that nature?
- Ginsberg: No, I really didn't. I saw them sort of wrestling with him when they had him on the ground when they were trying to force his arms back and he was, he was, his arms were not back.
- Courtney: Um-hm.
- Ginsberg: Uh, and that, that was sort of.. once they had landed on him they were trying to force his arms back and that's when all three of them were top of him trying to force his arms around.

- Courtney: Okay.
- Ginsberg: But I didn't see them punching him, I didn't see them kicking him, I did not see any of them using a baton or a taser or anything like that.
- Courtney: Okay. And of course you were gone from the area by the time they had him handcuffed?
- Ginsberg: Correct.
- Courtney: Okay, and did uh, um, would you say this guy's uh, passively resisting or is he actively resisting their...
- Ginsberg: ...I, I would say he was passively resisting. You know, all three of them were on top of him trying to move his arms around but it also seems from his yells like he was already at that point in pain.
- Courtney: Right, right. And did you notice, did he have anything with him?
- Ginsberg: I, I don't recall, I, I don't remember seeing anything like shopping cart but he might have had a bag with him, but I, I'm not positive.
- Courtney: Okay, and then um, you described three officers to me did you see any other officers on the scene other than the three?
- Ginsberg: Not initially. Uh, my wife was shopping at the uh, the, the whole foods down the block and when I picked her I mentioned what I'd seen and because we were actually going past the scene to go where we were going uh, I did see many more vehicles there later. But when I left the scene initially I only saw the three officers I mentioned.
- Courtney: Okay, and what was happening when you passed the scene later?
- Ginsberg: Well we, we were a block away from it at that point..
- Courtney: ...Oh, I see.
- Ginsberg: One block further south and we could see down the block on 13<sup>th</sup>, we could see that there was a lot more vehicles but we couldn't really see what was happening because there were many uh, police vehicles at that point.
- Courtney: Right. So uh, this running that's been described, it was only a few steps before the officers had him to the ground then apparently?

- Ginsberg: I, you know he maybe took one step maybe just a pivot step even if I were to describe it.
- Courtney: Okay.
- Ginsberg: You know he turned and the officers responded immediately and they were on top of him.
- Courtney: Okay.
- Ginsberg: You know the first thing that caught my eye when I first pulled up and I came to a full stop.
- Courtney: Um-hm.
- Ginsberg: I saw the homeless guy, he wasn't going anywhere so I wasn't concerned that he was going to step in front of my vehicle and then when I started to move forward I saw the, the white Transit Police vehicle sort of pull over fast, you know rapid deceleration, I was like oh, uh, and that was why I stayed put because the officers immediately popped out of their vehicle.
- Courtney: Um-hm.
- Ginsberg: And so I wasn't in the mood to sort of get in the way of anything they were going to do.
- Courtney: Now when he, when you first saw him how far um, up the, the street was he?
- Ginsberg: Maybe one or two car lengths. They pulled into the parked car lane at an angle so the passenger side of the nose of the cruiser was in the parked car lane but the back of their vehicle was still in the travel lane.
- Courtney: Okay, and then as you've described it they're on the south side of the street.
- Ginsberg: That is correct.
- Courtney: Okay, okay I think that pretty well sums it up. Anything else you can think of that I haven't asked you?
- Ginsberg: I don't think so.
- Courtney: Okay, MARK let me get some information here, you middle initial?
- Ginsberg: J.

Courtney: And what is your business address there?

Ginsberg: It's 621

Courtney: Uh-huh.

Ginsberg: SW Morrison

Courtney: Uh-huh.

Ginsberg: Suite 900.

Courtney: Um-hm.

Ginsberg: Portland, 97205.

Courtney: 97205. And uh, you spell your last name G...

Ginsberg: I-N-S-B-E-R-G.

Courtney: Okay. Um what we're doing is I'm passing this information off to, to Chris Mascial at the DA's office who has, you know, the case and is in the process of presenting to the Grand Jury. She will probably want, you know, she's bringing most witnesses in to testify. Are you available uh, tomorrow or Monday?

Ginsberg: Yes, I can make myself available.

Courtney: Okay, uh, we'll let you know. I'll have Chris give you a call probably in the morning.

Ginsberg: Okay.

Courtney: And lets see, I've got your business phone, is that the best way to get a hold of you?

Ginsberg: Yes.

Courtney: Okay, I appreciate it MARK.

Ginsberg: I um, let's see, tomorrow I will be in by about 10:00 AM and then Monday I'm available all day so I can do it either.

Courtney: Okay great. Okay, thank you MARK.

Taped Statement Transcription  
Case #06-84962

October 5, 2006  
Page 10

Ginsberg: Thank you.

Courtney: You bet, bye-bye.

Transcribed Verbatim With Punctuation Added 100506/1057

*J. B. Stalinski*

*JB*

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