

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

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

Plaintiffs,)

v.)

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

TRANSPORTATION DISTRICT OF OREGON;)

and AMERICAN MEDICAL RESPONSE)

NORTHWEST, INC.,)

Defendants.)

COPY

No. CV-07-0189-HU

DEPOSITION OF

DON K. LIVINGSTON

Taken in behalf of Plaintiffs

* * *

August 26, 2008

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Portland, Oregon

Shannon K. Krska, CSR

Court Reporter



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1 ~~Police Bureau?~~

2 ~~A. Yes.~~

3 ~~Q. More than once?~~

4 ~~A. Yes.~~

5 Q. Were you deposed as a training person with
6 knowledge about training or was your conduct at issue
7 in that case?

8 A. I was deposed as a trainer for the police
9 bureau regarding defensive tactics. I was also
10 deposed as a classmate of an individual who was
11 terminated.

12 Q. Okay. What other case was it where you were
13 deposed as a trainer?

14 A. As a trainer, it was the Sery, Officer Sery,
15 shooting and the suspect was James Jahar Perez.

16 ~~Q. Okay. Was there a transcript prepared of
17 that deposition, do you know?~~

18 ~~A. I never saw it, but there was a --~~

19 ~~Q. All right.~~

20 ~~A. -- court reporter and everything so I'm
21 assuming there was.~~

22 Q. All right. Let me go through a couple of
23 rules so that you and I understand each other. When I
24 ask you a question and you answer it we will all
25 assume that you understood it, so it's important for

1 have a limited target area.

2 Q. The question is: Are you taught or do you
3 teach, in the police bureau, not to strike someone in
4 a certain spot on a body with an elbow?

5 A. And the answer is it's situational.

6 Q. Okay. Is that the answer?

7 A. Yes.

8 Q. All right. Is the answer the same for
9 knees, it's situational?

10 A. Yes.

11 Q. And is it the same for feet?

12 A. Yes.

13 Q. So there's no part of the body where there's
14 a prohibition against using some type of a strike?

15 A. No.

16 Q. It's all situational?

17 A. Yes.

18 Q. Okay. And is there any limitation on
19 striking someone anywhere on the body when the use of
20 deadly force is not justified?

21 A. Yes.

22 Q. Okay. Go ahead, tell me about that.

23 A. Well, a kick to the head, for instance,
24 would be construed deadly force, so the situation
25 would have to justify the use of deadly force in order

1 to kick somebody in the head.

2 Q. Okay.

3 A. The same thing with a knee to the head.

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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, DON K. LIVINGSTON 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 109, 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 20th day of October, 2008.



Shannon K. Krska

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