

PORTLAND POLICE BUREAU  
TRAINING DIVISION  
IN CUSTODY DEATH REVIEW  
Case #06-84962

The Portland Police Bureau (PPB) Training Division reviewed the case file of this incident. This review was:

Prepared by - Lieutenant Dave Famous  
Consulted- Officer Don Livingston – Lead Defensive Tactics Instructor  
Reviewed by - Captain Eric Hendricks

This incident was broken down into the following elements:

1. The initial contact with Mr. Chasse
2. Foot Pursuit
3. Custody Procedure
4. Custody and Transportation

### **Training Background**

At the time of this incident:

Officer Chris Humphreys had been a Portland Police Officer for about 7.5 years and previous to that a Wheeler County Sheriff Deputy for about three years. During that time he received 1420 hours of training. He passed a two hour Crisis Intervention Team (CIT) Mental Health Awareness In-Service class on January 3, 2005. Additionally, Officer Humphreys passed a four (4) hour Foot Pursuit/Full Body Search In-Service class on May, 25, 2006 and was CPR certified.

MCSO Deputy Bret Burton had been a Deputy Sheriff for about 2.5 years. He had attended the Multnomah County Sheriff's Office annual In-Service training and was certified to carry the X-26 Taser. Deputy Burton stated he had not received any CIT training prior to this incident.

Sergeant Kyle Nice had been a Portland Police Officer for about 14.5 years. He was promoted to the rank of sergeant on October 23, 2003. During that time he received 3052 hours of training and was certified to carry the X-26 Taser.

Officer Troy Pahlke had been a Portland Police Officer for nearly 10 years. During that time he had received 1511 hours of training.

Officer Carl Weldon had been a Portland Police Officer for about 1.5 years. During that time he received 789 hours of training. He was certified to carry the Hobble Leg Restraint on June 6, 2005.

**Incident Overview:**

On September 17, 2006, Mr. James Phillip Chasse was initially observed by Officer Chris Humphreys and Deputy Bret Burton while covering Sergeant Kyle Nice when he was contacting another person at NW 18<sup>th</sup>/Everett Street. The officers described Mr. Chasse as acting in a bizarre manner as if he was under the influence of intoxicants or possibly suffering from a mental disorder. Once Mr. Chasse made eye contact with the officers, he immediately left the area in the opposite direction.

The officers again observed Mr. Chasse standing in the 1300 block of Northwest Everett Street. Based on Mr. Chasse's body language and actions, Officer Humphreys believed he might have been urinating on the street. The officers approached Mr. Chasse on foot and came to within 15 feet of him, at which point Mr. Chasse turned around, saw the officers approaching and ran in the opposite direction. Officers pursued Mr. Chasse on foot. As they reached him, Officer Humphreys pushed Mr. Chasse in the back with his forearm which caused Mr. Chasse to stumble to the ground. Mr. Chasse resisted the officer's attempts to take him into custody. During the incident, Mr. Chasse bit Sergeant Nice on the leg and attempted to bite Officer Humphreys on the arm. Deputy Burton used his Taser in the drive-stun mode, which had no apparent affect on Mr. Chasse.

After being taken into custody, Sergeant Nice requested medical attention for Mr. Chasse because he appeared to have lost consciousness. An ambulance crew and Portland Fire Bureau personnel responded to the scene, evaluated Mr. Chasse and determined his vital signs were normal. They relayed the information to the arresting officers who then transported Mr. Chasse to the Multnomah County Detention Center (MCDC) to lodge him on charges of "Assaulting a Public Safety Officer" and "Resisting Arrest".

While at the booking facility, Mr. Chasse was evaluated by the nursing staff who determined Mr. Chasse should receive further medical evaluation at a hospital prior to being accepted for booking. Mr. Chasse was transported towards Portland Adventist Hospital by Officer Humphreys and Deputy Burton. During the transport, Officer Humphreys noticed that Mr. Chasse was unresponsive. The officers pulled over at the nearest and safest location which was determined to be NE 33<sup>rd</sup>/Clackamas St. They immediately requested medical personnel respond to the location while they attempted to resuscitate Mr. Chasse. Medical personnel eventually arrived on scene and took over the resuscitation efforts. Mr. Chasse was later pronounced dead after arriving at Providence Hospital.

## **Analysis – Prior to the Foot Pursuit:**

### Officer Humphreys' observations and perceptions of Mr. Chasse while covering Sergeant Nice at NW 18<sup>th</sup>/Everett Street:

- Mr. Chasse's appearance and demeanor.
  - ✓ He looked disheveled and appeared to be a transient. (*Observation*)
  - ✓ He was rocking back and forth stiff legged with his back to the officers for several minutes. (*Observation*)
  - ✓ He probably was intoxicated and waiting for a bus. (*Perception*)
  - ✓ He sees officers in the area and immediately and rapidly walked away from the officers crossing the street. (Officer Humphreys thought Mr. Chasse risked being struck by a car at the intersection when he crossed the street so quickly. However, Mr. Chasse crossed "with the light" successfully.) (*Observation*)

Officer Humphreys told Detectives that, according to his training and experience over the years, it looked like Mr. Chasse was probably intoxicated, or under the influence of something. Officer Humphreys believed that Mr. Chasse walked rapidly away from them because he probably didn't want police contact—an example being he probably had a warrant.

### Deputy Burton's observations and perceptions of Mr. Chasse while covering Sergeant Nice at NW 18<sup>th</sup>/Everett Street:

- Mr. Chasse's appearance and demeanor.
  - ✓ He was shuffling, gesturing, maybe talking to no one while he was by himself on the corner. (*Observation*)
  - ✓ He was possibly intoxicated, mentally ill, or had an outstanding warrant. (*Perception*)
  - ✓ "He had made a bee-line out of there—clearly indicating that he wanted no police contact." (*Perception*)

### Sergeant Nice did not observe Mr. Chasse while conducting his stop at NW 18<sup>th</sup>/Everett Street.

Sergeant Nice did state that he heard Officer Humphreys say something to the effect, "Guy down the block bee-lining away from us". Sergeant Nice stated that, "This is typical behavior of someone who has committed a crime or is wanted...to see the police, change direction and go somewhere else. So this obviously caught Officer Humphreys attention".



**The initial contact with Mr. Chasse:**

Deputy Burton stopped the patrol car and Officer Humphreys got out from the passenger side and took one or two steps toward Mr. Chasse. Deputy Burton exited the vehicle as well. Mr. Chasse reached down and grabbed his backpack and started to walk away with a stiffed legged gait. Officer Humphreys noticed a fresh wet outline on the rear and mid to upper thigh of Mr. Chasse's pants which led him to believe that Mr. Chasse had urinated on himself.

*(The estimated time that the officers make contact with Mr. Chasse is 5:18 p.m. Neither Officer Humphreys nor Deputy Burton advised dispatch that they would be contacting an individual at the location. Sergeant Nice requested another car to respond to the location at 5:20 p.m. This is the first time dispatch or other officers are aware that a police action is taking place in the 1300 Block of NW Everett St.)*

Deputy Burton whistled or yelled something similar to, "hey you!" Mr. Chasse turned and made direct eye contact with Officer Humphreys who described the look in Mr. Chasse's eyes as that of "absolute sheer terror". Officer Humphreys told Detectives that, "On his face, his eyes go wide and instantly when he sees me, it's just sheer terror. I have been a police officer for 10 years. I've had a number of subjects run on me before in the same scenario. I've never seen anyone look at me with sheer terror in their eyes. I knew instantly that he was going to run. He screams something, I don't know what it was, and I'm already saying he's going to run. I yell stop at least twice and I'm chasing him on foot going eastbound. At that point, with all of those prior facts, and especially now with the look on his face, I thought he either has a warrant, he's got drugs on him, he's got a weapon of some sort, or just the huge safety considerations because I'll never forget seeing that face."

Officer Humphreys told Detectives that he caught up with Mr. Chasse as they approached the southwest corner of NW 13<sup>th</sup>/Everett St. "I'm kind of matching his speed and I gave him a really hard shove with my forearms on his back as we're trained to do in foot pursuits. You run up behind them and hit them in the back to trip up their steps, break the rhythm of their steps, and that's exactly what I did. I think maybe he took one step after I hit him and he went down and I went right past him about one step. I tripped up my own rhythm too when I hit him and I took maybe one step and then I just went boom, down right on the ground. As I landed on the pavement, I rolled and as I rolled I went up on my left side."

Officer Humphreys said that he fell on the side walk as he went over and past him to his left. "He veered right and I basically went straight ahead. I went right over and did a shoulder roll. I flipped over on my stomach to crab walk...and started to get up. I see Mr. Chasse is starting to get up. At that point, Sergeant Nice is grabbing his arm and trying to get a hold of him." When Detectives asked Officer Humphreys if he landed on him in any way, Officer Humphreys replied, "no".

Deputy Burton said that as Officer Humphreys contacted Mr. Chasse, he used his body weight to knock him to the ground. Deputy Burton stated that he didn't know if Officer Humphreys pushed him, wrapped his arms around him, or if he landed on him. Deputy Burton stated, "All I know is they collided running in the same direction and both of them went to the ground".

Sergeant Nice stated that after he cleared his stop, he noticed Officer Humphreys and Deputy Burton pull to the curb to talk with a person, who was later identified as Mr. Chasse. Sergeant Nice assumed that this was the same person Officer Humphreys and Deputy Burton saw earlier. He didn't know specifically why they were contacting Mr. Chasse, and originally, he had no intention of stopping to assist.

Sergeant Nice watched them as he drove by and saw Mr. Chasse run. Sergeant Nice continued eastbound and pulled ahead of him, activated his lights, stopped and got out of his car and attempted to intercept Mr. Chasse. *Training Division Doctrine - Cover/Contact Foot Pursuits: The officer may choose the tactic of cutting off the path of the fleeing suspect. However, this may place the officer in front of the suspect at close quarters.*

Sergeant Nice said he believed Officer Humphreys wrapped both arms around Mr. Chasse and they fell to the ground fast. Sergeant Nice stated that, "It was just a straight bear hug type of tackle, I guess. It appeared that Officer Humphreys landed slightly off of the subject, kind of half on his right side and half on the ground."

Civilian witness statements also vary as to how Mr. Chasse was forced to the ground. For example, one witness stated that it was probably a push that knocked the Mr. Chasse to the ground; another witness described the action as a flying tackle, almost like a football tackle, during which Mr. Chasse was driven to the ground.

### **Foot Pursuit Training:**

Since at least the 1997-1998 In-Service, the Training Division has presented training on Foot Pursuit Tactics. This presentation is taught to Advanced Academy's as well. Officer Humphreys attended the Tactical Update Foot Pursuit Class given at In-Service on May 25, 2006.

### **Training Division Foot Pursuit Tactical Doctrine:**

Pursuing subjects on foot is one of the most dangerous police actions that officers can engage in. A police officer involved in a foot pursuit is at a total disadvantage unless a cover officer is present. Many foot pursuits end with the subject being tackled by the officer and a grappling match ensuing. Because of a police officer's instinct to pursue and apprehend a fleeing subject (the predator-prey instinct), the adrenaline rush and "must catch" mindset often overshadow safe tactics in apprehending the subject.

## **1 – Advantages and Disadvantages of Foot Pursuits:**

### **A. Advantages**

1. The immediate apprehension of the subject.
2. More likely to locate and/or recover evidence or contraband in the suspect's possession.

### **B. Disadvantages**

1. Action-reaction principle applied against the officer by the suspect.
  - a. The suspect stops and turns around on the officer while the officer's momentum takes him into the suspect.
  - b. The suspect pulls out a weapon (gun or knife) before the officer has time to react.
  - c. Because of the close proximity of the suspect, the officer has minimal time to assess a threat.
2. Predator-Prey Instinct
  - a. Because police officers are ingrained to catch those who run, they end up tackling a potentially armed suspect and risk losing their weapons to the suspect.
  - b. Many times, officers chase individuals who run for no reason, and the officer doesn't know why he is chasing someone until he catches him.
3. Apprehension Dangers
  - a. Because officers run at different speeds, one may outrun her cover. When the officer catches up to the suspect, she may be alone when she attempts custody.
  - b. Many times when a suspect is taken down, there is a physical confrontation during the custody.

## **2 - Danger versus Public Safety:**

*Risk to public safety versus benefit of capture is an issue that should be part of an officer's thinking at the onset of a foot pursuit. Factors such as severity of the crime, environment, availability of additional officers, are just a few of the considerations that should be part of the officer(s) evaluation.*

*Personal considerations such as physical limitations, familiarity with the area and ones own knowledge of the subject are factors that also influence considerations.*

### **3. Knock-Down Technique:**

When officers catch up to the suspect, they often grab onto him and take him to the ground. To maintain a position of advantage and the officers' balance, the knock-down technique was developed.

The technique also allows the officers to use more options of control while the suspect is on the ground and the officers are on their feet.

#### **A. Technique:**

While the officer is paralleling the suspect and gets close enough to touch the suspect, the officer should shove the suspect hard from the rear, in the middle of the back between the shoulders.

This will cause the suspect's body to go ahead of his feet and fall forward onto the ground.

The officers (cover and contact) will then veer off at an angle away from the suspect's arms and get distance between the officers and the suspect, while the officers then move to the head of the suspect.

The officer will then give verbal commands to the suspect to stay on the ground and get into a prone position, as follows: "Hands out away from your body. Palms up. Cross your feet. Put your ear on the ground."

The officer also has some time to consider options while the suspect is trying to recover from the fall. The options include:

1. Physical control with the cover officer there (two on one control to custody).
2. The use of pepper spray or the baton.
3. High risk, if the situation dictates.

#### **In-Service Class 2005-2006 Tactical Update – Foot Pursuits:**

One of the issues discussed during the Foot Pursuit Update class addresses physically terminating a foot pursuit.

"Pursuing officer(s) may have the opportunity to employ the defensive tactic of pushing the subject to the ground and allowing them to physically terminate the foot pursuit in its early stages. Early termination of a foot pursuit will favor the officer(s) involved, and would significantly reduce the risk to public safety."

"After a foot pursuit has been physically terminated by the officers(s), correct procedures should be followed. Proper defensive tactics, firearms skills and correct custody procedures should be adhered to."



## **FOOT PURSUIT - ANALYSIS:**

The Portland Police Bureau (PPB) Training Division teaches all officers to try and adhere to certain concepts and philosophies that make up the framework for its Tactical Doctrine. I have reviewed this incident within the framework of the Fundamental Concepts of Tactics and Tactical Advantages.

The Fundamental Concepts of Tactics are:

1. Have a Leader
2. Have a Plan
3. Be Adaptable
4. Don't Assume
5. Communicate
6. Correct Mistakes

The Tactical Advantages are:

1. Cover and Concealment
2. Numerical Superiority
3. Distance
4. Element of Surprise

Since at least 1999, the Portland Police Bureau's Advanced Academy Patrol Tactics curriculum has included training that is directly related to contacting individuals on the street. The Course Title of this class is called, "Individual Encounter's". Two components of this class are listed below.

Initial Assessment:

1. Type of contact. Is it a call driven contact, or a self-initiated contact?
2. Number of subjects being contacted.
3. Is there a mention of weapons?
4. Are there drugs or alcohol present? What is the demeanor or condition of the individual?

Radio Procedure:

1. Try to broadcast on the radio before you arrive, or at least as you arrive if possible.
2. Try to give basic information:
  - a. Number of subjects
  - b. Reason for contact
  - c. Sex, race, age
  - d. Location

*When stopping and contacting a person or suspect on the street, the Training Division teaches officers to advise dispatch of their location and the circumstances. This is for the officer's safety, the safety of citizens nearby, and the safety of any responding units who may end up being called to the scene. This is consistent with the Fundamental Concept, "Communication," and is standard practice in the Portland Police Bureau. Stopping individuals on the street, without advising dispatch of the location and circumstances, is in-consistent with the Training Division's Tactical Doctrine.*

**Analysis of the initial contact with Mr. Chasse:**

Upon review of this case file, no articulated information was found that documented the fact that Mr. Chasse had committed a crime; or that he displayed behavior, that indicated he was dangerous to himself and/or others, prior to the initiation of the foot pursuit and knock-down technique. The following observations and perceptions are factors that Officer Humphreys said he used when he decided to pursue Mr. Chasse:

- a. The belief that Mr. Chasse had urinated in public.
- b. Mr. Chasse possibly had an outstanding warrant for his arrest.
- c. Mr. Chasse possibly had illegal drugs in his possession.
- d. Mr. Chasse might have been armed with some sort of weapon.
- e. Mr. Chasse screamed, had the look of sheer terror on his face, and ran from the police.

*Although the belief that Mr. Chasse had urinated in public may be reason enough to contact him on the street, initiating the foot pursuit and deploying the knock-down technique, based on the above information, is in-consistent with the Training Division's Tactical Doctrine.*

Officer Humphreys, believing that Mr. Chasse may have committed a crime, relied on his instinct to pursue and apprehend a fleeing subject; rather than observing significant criminal or dangerous behavior prior to engaging in the foot pursuit and deploying the knock-down technique.

*Risk to public safety versus benefit of capture is an issue that should be part of an officer(s) thinking at the onset of a foot pursuit.* Risk to public safety includes the safety of the person being pursued. The severity of the crime; ones own knowledge of the subject, including physical condition, perceived or observed physical limitations of the subject, and the immediate environment are factors that should be included in the officer(s) evaluation when deciding whether or not to pursue an individual on foot. These factors are especially important when deciding whether or not to push the subject to the ground.

#### **The physical application of the Knock-Down Technique:**

The fact that Officer Humphreys tripped and fell while initiating the knock-down technique is understandable given the slight downward slope of the sidewalk, coupled with the full-blown sprint and the likely adrenaline rush experienced as he pursued Mr. Chasse on foot running at full speed.

Although tripping and falling can occur unexpectedly at times when performing the knock-down technique, the knock-down technique is tactically superior to a traditional tackle with an immediate grappling match occurring on the ground.

After Officer Humphreys landed on the ground, he started to get up. *This is consistent with the Tactical Advantage – Distance.* Officers are taught to obtain distance between the officer(s) and the suspect once the suspect is on the ground. Obtaining distance allows the officer(s) time to consider options. *Officer Humphreys attempt to get back on his feet is also consistent with the Fundamental Concepts - Be Adaptable and Correct Mistakes.* By getting back up on his feet, Officer Humphreys could regain a position of advantage and regain his balance; this would afford him more options of control while Mr. Chasse is on the ground.

Pushing Mr. Chasse to the ground, in the effort to terminate the foot pursuit, allowed Mr. Chasse the opportunity to physically terminate the foot pursuit by surrendering. *This is consistent with the training Officer Humphreys received during In-Service.* Instead of surrendering and physically terminating the foot pursuit by staying on the ground, Mr. Chasse started to get up.

At this point, Sergeant Nice grabbed Mr. Chasse by the left arm and Deputy Burton tried to control his legs joining Officer Humphreys attempt to gain control in the effort to place Mr. Chasse into custody. *This is consistent with the training given at In-Service which states, "After a foot pursuit has been physically terminated by the officer(s), correct procedures should be followed. Proper defensive tactics, firearms skills and correct custody procedures should be adhered to."*

*Physical control with the cover officer(s) there, (two on one control to custody), is a basic custody procedure taught to officers by the Portland Police Bureau's Training Division.*

#### **Analysis - Custody Procedure:**

Once on the ground, Officer Humphreys, Deputy Burton, and Sergeant Nice struggled to handcuff Mr. Chasse and place him into custody. Mr. Chasse was screaming, kicking, and resisting their efforts to have him roll over onto his stomach. Deputy Burton was trying to control Mr. Chasse's legs, while Sergeant Nice tried to control his left arm, and Officer Humphreys grabbed his right arm.

#### ***Sergeant Nice's Perspective:***

Sergeant Nice grabbed Mr. Chasse's left wrist and elbow and rotated his arm momentarily pinning him to the ground. Sergeant Nice attempted to pin his shoulder down by placing his knee on Mr. Chasse's left shoulder blade but couldn't get into a good position.

As he did this, he felt a sharp pain in his lower leg. Sergeant Nice looked down and could see Mr. Chasse biting the inside of his right calf. Sergeant Nice was surprised at what he saw and pulled his leg away. "After he bit me, I told him, do not bite me." As the struggle continued, Sergeant Nice felt a tugging on his right leg again. He looked down and Mr. Chasse had gotten hold of the cuff of his right pant leg with his teeth. Sergeant Nice pulled his right foot back and kicked Mr. Chasse in the upper chest while telling him, "Don't bite me". After the second attempt to bite Sergeant Nice, he pinned Mr. Chasse's jaw to the ground with his right boot, "for a while to keep him from biting me".

Sergeant Nice stated that Mr. Chasse also attempted to bite Officer Humphreys. He observed Officer Humphreys punch Mr. Chasse once or twice in the face, with a closed fist, as Mr. Chasse attempted to bite him.

#### ***Deputy Burton's Perspective:***

As Mr. Chasse was screaming and kicking, Deputy Burton tried to grab his legs but he could only hold onto one leg as Mr. Chasse continued to kick.

Deputy Burton said he removed his Taser from the holster and removed the cartridge preparing to drive-stun Mr. Chasse. (He decided he wasn't going to use the cartridge probes when he applied the Taser to Mr. Chasse because of the close distance.) At the time, Sergeant Nice didn't feel that the Taser would be effective so he told him, "No, don't use the Taser".

Deputy Burton believed he punched Mr. Chasse in the back, as a pain compliance tactic, in the effort to get him to stop resisting. He also used the knuckle of his right index finger and pressure pointed Mr. Chasse's ribs as a pain compliance tactic to gain control. When these techniques failed, Deputy Burton drive-stunned Mr. Chasse with the Taser. "It wasn't more than a few cycles. It was obvious that it was having no affect on him; so I re-holstered and went about trying to control him again." Sergeant Nice asked dispatch to send another car to their location. He felt that they had fought Mr. Chasse to a stand still, but needed help handcuffing his hands behind his back.

***Officer Humphreys Perspective:***

As Officer Humphreys grabbed Mr. Chasse's right arm and attempted get him onto his stomach, he heard Sergeant Nice say, "Stop biting". Officer Humphreys said he saw Sergeant Nice strike Mr. Chasse one time with a closed fist in the head/shoulder area. He didn't actually see where the blow landed.

Officer Humphreys told Detectives, "All of a sudden I feel this heat on my right forearm...I see Mr. Chasse on his side, but his head is turned towards my arm which is on his shoulder trying to keep him locked down. His teeth are on my right arm. I draw my forearm back and it strikes him across the face and then I come down with a closed fist strike across Mr. Chasse's face and I'm yelling don't, no, stop biting."

Officer Humphreys said he saw Deputy Burton apply the Taser to Mr. Chasse ("He believed it was into his leg") but the Taser had no affect.

**Analysis: Strikes - Kicks - Arm Bar / Knee Application - Taser**

**Portland Police Bureau Levels of Control:**

Adequate control is essential. It is imperative that the police officer establish and maintain superior control in any law enforcement situation. The police officer should approach each control situation with a margin of advantage that ensures success and is reasonable for the situation. The police officer should never use control at a level less than he or she feels necessary. The level of control a police officer uses will be dictated by the facts of the particular situation.

The **Five Levels of Control** are a basic breakdown of control methods.

They are:

- a. Mere presence and demeanor
- b. Verbal control
- c. Physical control, aerosol restraints, Taser
- d. Impact weapons and less lethal specialty munitions
- e. Deadly physical force

**Strikes (punches) and kicks are included in the following Level of Control:**

**Impact Weapons:**

Impact weapons are those methods of control that are readily capable of causing injury to a subject. These impact weapons may vary as continuous research develops more effective ways to control violent and aggressive individuals. Impact weapons are designed to deliver immediate force to individuals to alter their behavior.

**Strikes & Kicks** - Strikes and kicks are not the safest methods to control a subject's violent resistance, because of the possibility of injuries to the officer's hands or legs. Strikes and kicks may be used as a reasonable option when other options are not accessible or available, or when the distances are too close and the reaction time limits consideration of other options.

The Baton, Strikes and Kicks are authorized as a method of control to be used by the officer when the subject engages in Aggressive Physical Resistance (or when the subject indicates the intent to engage in aggressive physical resistance).

*Aggressive Physical Resistance defined: Physical actions of attack or threat of attack, coupled with the ability to carry out the attack, which may cause physical injury. Examples include, but are not limited to striking, kicking, biting, throwing objects capable of causing injury, head butting and taking a fighting stance.*

Officer Humphreys, Sergeant Nice and Deputy Burton were engaged at close quarters on the ground when struggling with Mr. Chasse. They were struggling to gain control when Mr. Chasse bit Sergeant Nice, and attempted to bite Officer Humphreys. The distance was too close, and the reaction time was too limited (immediate), for them to reasonably consider using the baton.

Sergeant Nice said he placed his right foot on Mr. Chasse's jaw line in the effort to pin his jaw to the ground. He hoped that this would prevent Mr. Chasse from biting him again. *(Using his foot in this manner was not a strike. It was an attempt to stop Mr. Chasse from biting him again by stabilizing his jaw.)*

Sergeant Nice was using both of his hands, while trying to control Mr. Chasse's left arm and complete the handcuffing procedure. *Using his foot to control Mr. Chasse's head, in the effort to prevent him from biting again, is not an un-reasonable option.* The only other option, in this moment, may have been to deliver additional kicks. Releasing the arm bar, at this point in the struggle, would not have been a reasonable option as Sergeant Nice would have lost the advantage of the control hold he had obtained up to this point; and this might have increased the probability that additional strikes and kicks would need to be applied. Attempting to pin Mr. Chasse's head to the ground in this manner, most likely would cause less injury to Mr. Chasse, then delivering additional strikes and/or kicks to his body.

The technique Sergeant Nice used, when he applied the arm bar, reverse wrist lock, and knee on the shoulder blade attempting to pin Mr. Chasse's shoulder to the ground, is consistent with the *Basic Prone Custody Procedure*. Note: Officers are instructed to keep the knee off of the back or spine.

*Utilizing strikes and kicks to overcome aggressive physical resistance, at close quarters, is consistent with the training Officer Humphreys and Sergeant Nice received in Defensive Tactics as taught by the Portland Police Bureau's Training Division.*

**Taser:**

*(Although Deputy Burton was not a member of the Portland Police Bureau at the time of this incident, I have reviewed his deployment of the Taser from the Portland Police Bureau Training Division's perspective.)*

The Taser is a less lethal weapon system that delivers electrical energy, and is deployed against subjects who are placing themselves or others in danger of physical injury and/or death. The Taser is designed to incapacitate a person rather than injure him/her. This allows members to take a combative person into custody with a minimum risk of injury to all of the parties involved. The amount of control or force used in the encounter will be governed by the circumstances of each situation taken as a whole in accordance with the Bureau's levels of control.

**The Taser is included in the following Level of Control:**

**Physical Control:**

The method of control that is used in every arrest situation is physical control. Physical control consists of the physical application of control holds and pressure points, aerosol restraints, and the use of the Taser. The degree of physical control that is necessary to take subjects into custody or control their behavior, is determined by the level of resistance of the subject.

Deputy Burton said he removed his Taser from the holster and removed the cartridge as he prepared to drive-stun Mr. Chasse. (He decided he wasn't going to use the cartridge probes when he applied the Taser to Mr. Chasse because of the close distance). Sergeant Nice told him not to use the Taser because he didn't believe it would be effective at the time.

Deputy Burton knew that Mr. Chasse was biting at both Officer Humphreys and Sergeant Nice. He said that he punched Mr. Chasse in the back and pressure pointed him in the ribs because Mr. Chasse was biting and kicking and wouldn't put his hands behind his back. When this had no affect, he deployed the Taser in the drive-stun mode on the upper leg or butt. The Taser had no apparent affect on Mr. Chasse and the struggle continued.

Deploying the Taser in the drive-stun mode is a pain compliance technique and does not have the advantage of "locking up" any muscle groups. Deputy Burton decided not to deploy his Taser, using the cartridge probes, because of the close distance. He thought that it would be better to remove the cartridge and drive-stun Mr. Chasse.

*Portland Police Bureau Training Division's Recommendation: Rather than use the Taser in a Pain Compliance Mode, "Dart" the subject then drive-stun in another part of the body to lock up some muscle groups in order to gain more physical control over the subject, or to distract him long enough to complete the handcuffing procedure.*

**Handcuffing – Hobble (Maximum Restraint):**

Officer Troy Pahlke arrived at the location and helped Officer Humphreys and Sergeant Nice handcuff Mr. Chasse and roll him onto his right side in a recovery position. Officer Carl Weldon arrived shortly after Mr. Chasse was handcuffed.

Sergeant Nice asked Dispatch to send Medical Code 3 to the scene. He advised that they had a subject who appeared to be unconscious and had been fighting with police. AMR and PFB arrived and evaluated Mr. Chasse. Sergeant Nice confirmed with AMR that Mr. Chasse was medically stable. Sergeant Nice stated to Detectives, "They asked if I wanted him transported. I said, no, we have criminal charges on him. He'll be going to jail." Sergeant Nice also told Detectives, "Without any specific reason or desire by ambulance (AMR) to take him to a hospital, he was going to jail. As soon as we started to search him, he became combative again. I didn't want to fight with him anymore. So, I directed them to put him in maximum restraint."

***Maximum Restraint defined:***

*Placing an in-custody person with hands secured behind the back, legs secured together, and the legs and hands connected together behind the back of the subject with the legs flexed at the knees. The length of the hobble restraint cord used to secure the hands to the feet will be such that the lower legs are no closer than a 90-degree angle in relationship to the person's trunk.*

*Members are authorized to use hobble restraint cords when necessary to subdue or secure a violent or unruly person. Restraint cords should not be used in lieu of handcuffs.*

Officer Carl Weldon applied his hobble restraint cord to Mr. Chasse at the direction of Sergeant Nice thereby placing Mr. Chasse in maximum restraint. Officer Weldon told Detectives, "I wrapped it around his feet once, tightened it, then fed the loop up and around the handcuffs and then back down to the loop, effectively keeping his legs bent at about a 90-degree angle, preventing him from kicking or rolling."



*Officer Weldon's application of the hobble leg restraint cord is consistent with the training he received when he was certified to carry the hobble by the PPB Training Division.*

After the hobble restraint cord was applied, Mr. Chasse was immediately placed on his side to allow free movement of his chest and stomach for breathing functions. The intent is to not allow body weight or the restraints to restrict the lung's ability to fill and expel air.

After medical personnel (AMR) evaluated Mr. Chasse, Officer Humphreys was presented with a medical release form to sign since Mr. Chasse was restrained and was unable to sign for himself. Officer Humphreys couldn't remember ever having to sign a medical release form as an officer but went ahead and signed it.

Sergeant Nice stated that Mr. Chasse was carried to the patrol car, (still kicking and screaming), while in maximum restraint, by himself, Officer Humphreys and Officer Pahlke. Mr. Chasse was placed into the back of the patrol car and laid onto his side, seat belted in, so he wouldn't lie on his stomach.

Deputy Burton and Officer Humphreys transported Mr. Chasse to MCDC. *(This is consistent with the Training Division Tactical Doctrine that states: "A subject who is transported in the maximum restraint position shall have a two-officer transport. The second officer shall monitor the subject for changes in behavior and signs of distress.")* Officer Humphreys observed Mr. Chasse and spoke with him in route to MCDC as Deputy Burton drove the patrol car.

Prior to arriving at jail, Deputy Burton called MCDC and said, "We got a guy who needs a spit sock, is bleeding and combative, he's hobbled and we're going to need assistance." *(Officers are directed to notify jail personnel that a subject has been transported in the maximum restraint position.)*

*The techniques used to hobble, carry, secure, observe, and transport Mr. Chasse to MCDC, are consistent with the hobble leg restraint training doctrine taught by the Portland Police Bureau's Training Division.*

When Officer Humphreys and Deputy Burton arrived at MCDC, Officer Humphreys and Jail Deputies carried Mr. Chasse from the car to an isolation cell in the maximum restraint position. They removed the hobble restraint cord and exited the cell.

Nursing staff observed and then refused to accept Mr. Chasse at MCDC for booking until he had been evaluated further at a hospital. Officer Humphreys said that after the nurse refused to accept Mr. Chasse, she walked away. Officer Humphreys and Deputy Burton did not receive any information from the Jail Nurse to suggest that there was an urgency regarding his condition. The nurse didn't advise the officers that Mr. Chasse needed to be transported to the hospital by ambulance; and no official at MCDC offered to call an ambulance. Officer Humphreys said, "Great! So medical clears him to come here, but jail won't take him so now we are stuck in the middle." Officer Humphreys told Deputy Burton that they would now need to transport Mr. Chasse to Portland Adventist Hospital.

*(The Jail contracts with Portland Adventist Hospital for care of in-custody individuals. Officers and Deputies routinely transport persons, who are in-custody, to this hospital for minor medical treatment prior to being lodged at MCDC.)*

Officer Humphreys and Deputy Burton discussed options pertaining to the type of restraint they would need to apply to Mr. Chasse during transport. Because of the distance and time it would take to drive to the hospital, Officer Humphreys didn't want Mr. Chasse placed in the maximum restraint position.

Jail Deputies offered to let them use leg chains to secure his feet. Officer Humphreys and Deputy Burton agreed. Deputies re-handcuffed Mr. Chasse and applied leg chains to his ankles. *(The leg chains have about a foot and a half of chain, between each leg, so that he would have been able to walk slowly. He would have been able to straighten out his legs, unlike the maximum restraint position.)* Deputy Burton said that Mr. Chasse started resisting again as they re-handcuffed and applied the leg chains.

Deputies carried Mr. Chasse out to the patrol car and laid him in the back seat on his side. As they left MCDC, Mr. Chasse sat up in the seat and started yelling and became animated again. As they drove towards the freeway, Officer Humphreys could hear Mr. Chasse mumbling. Officer Humphreys rolled up the windows as they got on the freeway so he could monitor Mr. Chasse closely. As he did this, he looked back and noticed Mr. Chasse was now leaning up against the passenger door.

Officer Humphreys made the following observations as they proceeded on the freeway:

- ✓ Mr. Chasse was leaning against the passenger door.
- ✓ Mr. Chasse had stopped mumbling and was quiet.
- ✓ He couldn't tell if Mr. Chasse was breathing.
- ✓ Mr. Chasse's left arm "looked stark white".

Officer Humphreys instructed Deputy Burton to take the next exit (NE 33<sup>rd</sup> Avenue) and to call for medical as they pulled to the curb off the exit ramp. Mr. Chasse was removed from the backseat. Officer Humphreys noted that Mr. Chasse wasn't breathing. Chest compressions were started and resuscitation efforts continued until medical arrived. Mr. Chasse was transported to Providence Hospital by ambulance where he was later pronounced deceased.

**TACTICAL SUMMARY:**

Officer Humphreys and Deputy Burton did not advise dispatch that they were contacting a person (Mr. Chasse) in the 1300 Block of NW Everett St.

The Training Division realizes that there may be times when officers are confronted with an emergency situation on the street that requires immediate action and response. During an immediate emergency response, it may not be practical or safe to broadcast information on the radio, until action is taken and the situation stabilizes. This is discussed in Patrol Tactics training and is sound Tactical Doctrine.

Upon review of this case file, no articulated information was found that indicated Officer Humphreys and Deputy Burton were seeking the initial contact with Mr. Chasse due to an emergency situation. In fact, Deputy Burton told Detectives that he told Sergeant Nice, just prior to leaving NW 18<sup>th</sup>/Everett St., "We may be going to go look for that guy (later identified as Mr. Chasse)... 'It was sort of a casual search' ... 'We were going to stop him just to chat him up and see what he had to say.'"

- ❖ *Based on the above information, the fact that Officer Humphreys and Deputy Burton contacted Mr. Chasse on the street, without advising dispatch of the location and circumstances, is in-consistent with the Training Division's Tactical Doctrine.*

Sergeant Nice observed Officer Humphreys and Deputy Burton stop and contact Mr. Chasse on the street; he originally had no intention of stopping to assist. As he drove by he observed the officers in foot pursuit; he immediately pulled over and attempted to intercept Mr. Chasse. When the situation became relatively stable, he advised dispatch of the location and circumstances and requested another unit to assist at the scene. The Training Division considers a foot pursuit to be an emergency situation.

- ❖ *Due to his close proximity to this foot pursuit, the immediate response and delay in notifying dispatch of the situation by Sergeant Nice, is consistent with the Training Division's Tactical Doctrine.*
- ❖ *Initiating the foot pursuit and deploying the knock-down technique, based on the information contained in the case file, is in-consistent with the Training Division's Tactical Doctrine.*
- ❖ *The physical techniques applied during the application of the knock-down technique, as described by Officer Humphreys, are consistent with the Training Division's Tactical Doctrine.*
- ❖ *Utilizing strikes and kicks to overcome aggressive physical resistance, at close quarters, is consistent with the training Officer Humphreys and Sergeant Nice received during Defensive Tactics instruction; and is consistent with the Training Division's Tactical Doctrine.*

- ❖ *The deployment of the Taser by Deputy Burton, in the effort to overcome aggressive physical resistance, is an option that is consistent with the Training Division's Tactical Doctrine.*
- ❖ *Officer Weldon's application of the hobble restraint cord is consistent with the training he received when he was certified to carry the hobble by the Training Division.*
- ❖ *The techniques used to hobble, carry, secure, observe, and transport Mr. Chasse to MCDC, are consistent with the hobble leg restraint training doctrine taught by the Portland Police Bureau's Training Division.*
- ❖ *Providing a two officer transport towards Portland Adventist Hospital, provided Officer Humphreys the ability to constantly monitor Mr. Chasse for changes in behavior and signs of distress. This is consistent with the Training Division's Tactical Doctrine. This afforded the opportunity for Officer Humphreys and Deputy Burton to initiate emergency medical aid procedures quickly when Mr. Chasse's condition deteriorated rapidly.*

**RECOMMENDATIONS:**

- 1- Offer the forty (40) hour Crisis Intervention Team (CIT) training to all uniform officers and sergeants in the Portland Police Bureau. *(This has been mandated by the Chief of Police and the Bureau is currently in the process of completing this mandate.)*
- 2- Revise emergency medical procedures to include the following:
  - A. Direct Bureau members to advise EMS personnel of the custody status of the subject, as well as any use of force used against the subject, when EMS is called to the scene.
  - B. Direct Bureau members not to sign a medical refusal form on behalf of the subject.
  - C. Decide who will have the responsibility of determining the appropriate mode of transporting the subject to the hospital, when medical staff at MCDC refuses to admit him or her for booking.
  - D. Direct Bureau Members not to transport a subject who appears to be suffering from excited delirium unless cleared by on-scene EMS.

*These and related issues have been addressed in the new directive, 630.45 Emergency Medical Custody Transports, which became effective on January 30, 2007.*

3- In-Service Training:

A. Review person encounter doctrine through scenario-based training; and include the following performance objectives:

1. Demonstrate effective communication skills.
2. Demonstrate good defensive tactic skills.
3. Demonstrate the proper use of force.
4. Demonstrate proper positioning.
5. Demonstrate the proper use of cover.

B. Review Directive 1010.20 - Use of Physical Force; through scenario-based training and classroom instruction. The performance objectives should include demonstrating a thorough understanding of the Levels of Resistance which are:

1. Passive resistance: Actions that do not prevent or attempt to prevent the members attempt to control a subject. Examples include when the subject merely goes limp and/or fails to comply with verbal commands with no other overt signs of physical resistance.
2. Physical resistance: Actions that prevent or attempt to prevent a member's attempt to control a subject, but do not involve attempts to harm the member. Examples include, but are not limited to, tensing muscles, pulling away, and fleeing.
3. Aggressive physical resistance: Physical actions of attack or threat of attack, coupled with the ability to carry out the attack, which may cause physical injury. Examples include, but are not limited to striking, kicking, biting, throwing objects capable of causing injury, head butting and taking a fighting stance.

- 4- Advanced Academy Training:
  - A. Introduce Crisis Intervention Team (CIT) training incrementally over time during the Advanced Academy.
  - B. Include CIT scenario-based training, during Patrol Tactics instruction interwoven with other disciplines, incrementally over time throughout the Advanced Academy.
  - C. Reinforce person encounter doctrine, and applicable statutes and policies related to initiating foot pursuits, through scenario-based training and classroom instruction, incrementally over time throughout the academy session.
- 5- Develop and disseminate a roll-call video to Bureau members, produced by the Training Division, pertaining to foot pursuits; highlighting the dangers of foot pursuits and the Knock-Down technique.
- 6- Develop and disseminate a roll call video to Bureau members, produced by the Training Division, discussing the proper application of the Taser when engaged at close quarters with a violent individual.
- 7- Expand the Training Division's Foot Pursuit Tactical Doctrine when discussing Danger versus Public Safety. Provide additional emphasis outlining factors that should be considered at the onset of a foot pursuit; including the severity of the crime, applicable statutes and policies, ones own knowledge of the subject including physical descriptors (i.e. male or female, size ratio to the member, and muscularity), and the immediate environment.
- 8- Some of the symptoms displayed by Mr. Chasse, during this incident, were symptoms commonly associated with "excited delirium" and are listed below:
  - 1) - Violent resistance or physical struggling with officers.
  - 2) - Incoherent screaming/yelling.
  - 3) - Subject suddenly goes unconscious after a struggle.
  - 4) - Talking incoherently.
  - 5) - Profuse sweating.

It would be beneficial for members of the Police Bureau, AMR, and the Medical Examiners Office, to attend the National Sudden Death and Excited Delirium Conference, which is presented annually to first responders, investigators, and medical professionals. This would provide continuing opportunity to incorporate up-to-date information, when developing on-going policies and protocols.