



CITY OF PORTLAND, OREGON



Bureau of Police

Dan Saltzman, Police Commissioner
Rosanne M. Sizer, Chief of Police

1111 S.W. 2nd Avenue • Portland, OR 97204 • Phone: 503-823-0000 • Fax: 503-823-0342

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MEMORANDUM (CONFIDENTIAL)

February 2, 2010

TO: Sergeant Kyle Nice #26853
Central Precinct

SUBJECT: Discipline: Suspension without Pay
80 Hours
IAD #2006-B-0016

Approved for 201 file.
S.L. 4/12/10

You are hereby notified that your conduct, while employed with the Portland Police Bureau, has not met standards acceptable to the Bureau. The charge is a violation of Directive 1051.00 – Taser, Less Lethal Weapon System. Under the City's Human Resources Administrative Rule 5.1 (8), a violation of Bureau rules is cause for disciplinary action.

BACKGROUND

You have been employed with the Portland Police Bureau since March 12, 1992. You were promoted to the rank of Sergeant on October 23, 2003. You received Command Counseling for a vehicle collision in March of 1998.

FACTS SUPPORTING PROPOSED ACTION

On September 17, 2006, other officers made contact with James Chasse. During this contact, Mr. Chasse fled, was chased, and eventually taken into custody. Mr. Chasse was struggling and bit you. Eventually, the Taser was deployed, but it did not have an effect on Mr. Chasse who continued to fight and struggle.

At one point, Mr. Chasse lost consciousness and you requested medical assistance. AMR personnel arrived along with Portland Fire Bureau employees. Rather than requiring AMR to transport Mr. Chasse, you decided to take him to jail because AMR did not believe he needed to be transported to the hospital. However, Mr. Chasse had mental health issues and both you and medical personnel believed he may have been under the influence of drugs (*IAD Interview with Sgt. Michael Barkley, November 14, 2007: Page 22, Lines 953-966 and 979-995; Pages 25-26, Lines 1117-1125*). This is precisely the type of incident for which the transport requirements in 1051.00 were written. When AMR offered to transport Mr. Chasse, you should have ensured that they did.

The post-Taser medical requirements in Directive 1051.00 are designed to protect both the subjects who have been tased and to protect officers from having a medical emergency arise in the back seat of their patrol cars. As a supervisor, it was your responsibility to recognize that Mr. Chasse exhibited conditions and behaviors that required medical transport.

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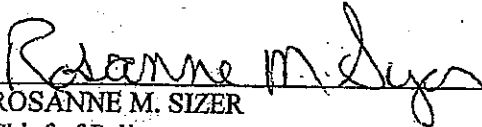
Police Information Line: 503-823-4636, TTY (for hearing and speech impaired): 503-823-4736 Website: <http://www.portlandpolicebureau.com>

In addition, you had information that should have been communicated to medical personnel. You knew Mr. Chasse had been a prolonged struggle, he passed out or stopped breathing, he had been tased, and you believed that Officer Humphreys had landed on Mr. Chasse. These are important facts that should have been relayed to the paramedics.

You were offered an opportunity to meet with me in person but you chose not to do so. I have considered the information Attorney Will Aitchison submitted on your behalf. I have determined that suspension in the amount of eighty (80) hours is the appropriate level of discipline in this matter. Any future conduct of this type on your part will result in more serious disciplinary action, up to and including discharge. A copy of this letter will be placed in your personnel file.

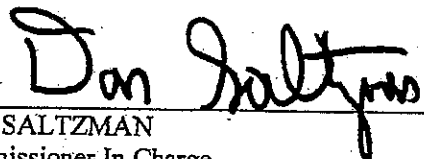
Under the provisions of the current labor agreement, you are entitled to file a grievance through your union, if you believe this action was not for just cause. A copy of this letter will be placed in your personnel file.

You are not being disciplined for political or religious reasons, but in good faith, and for the purpose of improving public service.



ROSANNE M. SIZER
Chief of Police

2/3/10
Date



DAN SALTZMAN
Commissioner In Charge

2/5/10
Date



SERGEANT KYLE NICE #26853

4-6-10 1544
Date/Time

I certify that I have read and received a copy of this notice.

- c: PPA President R. Scott Westerman
Director Yvonne Deckard - Bureau of Human Resources
Wayne Ferrell - Bureau of Human Resources
Steve Herron - Bureau of Human Resources
Police Bureau Personnel File (201)
Discipline File

RECORD RETENTION: 10 years after separation

AUTHORITY:

OAR 166-200-0090(7)

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