

Law Enforcement Advisory Board Meeting
State House, Room 11, Montpelier
Minutes of Meeting
February 27, 2014

- Chairman Rick Gauthier called the meeting to order at 6:06 pm and gave an introduction about the purpose of the meeting. Introductions of the Board included: Karen Horn, Vermont League of Cities and Towns; Michael O'Neil, representing the Vermont State Police; Major Walter Goodell (representing Colonel L'Esperance); John Treadwell, Attorney General's Office; Paco Aumand, Criminal Justice Services; Rick Gauthier, Executive Director of the Vermont Criminal Justice Training Council; Chief Tom Hanley, Middlebury Police Department representing the Chiefs Association; and non-Board member, Suellen Royea, Administrative Assistant. (The meeting was audio recorded.) Those in attendance from the public included: Rhonda L. Taylor, Jeffrey Dworkin, Dennis Devereux, Theresa Davidonis, Holly Davidonis, Joanna Cole, Donna Sweaney, Allen Gilbert, Barry Kade, Jeff Carr, Ken Stethem, Anne Mook, Mike Henry, James Feelian, and Lori Ziglar.
- The meeting began with the following public comments:

Jeff Dworkin gave a review of the process and conclusions of the Montpelier Committee on Tasers. He highlighted 10 suggestions:

1. The language used in the policy should be tight and should not leave the public vulnerable;
2. Law enforcement officers need more training;
3. If the weapon is to be used, it should be under the standard of imminent/immediate threat;
4. Law enforcement officers should be equipped with body mounted cameras;
5. All tasers should be tested frequently to ensure it is operating properly;
6. All data should be stored indefinitely;
7. Create a citizen review board to review the annual reporting of taser use;
8. Drive stun mode should be prohibited;
9. The enumeration of vulnerable populations should be full and complete; and
10. Language requiring the escalation of use of force should be included in the policy.

A copy of the conclusions was distributed to the Board members. Paco Aumand asked if the citizen review board would be at the local or state level. Mr. Dworkin did not know if it could be a regional or state approach, but noted that the citizen board would have to have all available information available.

Rhonda Taylor, mother of McAdam Mason, spoke about the death of her son, her thoughts and concerns. A copy of her comments can be found attached to these notes. She also had a list of victims that have been killed by tasers since 1983.

Theresa Davidonis, former girlfriend of McAdam Mason, presented her recount of the incident and her fear of law enforcement officers. She wondered why it took so many officers for one person and added that the victim did not make any attempt to attack the police officers during the incident.

Ken Stetham gave a presentation on the technology and tests that could determine if a CEW is properly operating. He felt that the technology was developed and deployed pre-maturely as there are no standards for performance, training, and use of CEW. Mr. Stetham suggested that CEWs be subjected to the same forensic examination as a firearm, and law enforcement receive more training regarding vulnerable populations. He also noted that the RCMP (Royal Canadian Mounted Police) is recognized as having the best practices and policy.

Lori Ziglar spoke briefly about the testimony she heard at a committee meeting about the draft policy and suggested the language/police be consistent with the Supreme Court's decisions. Ms. Ziglar noted that substituting imminent for immediate troubled her. She felt that a policy should set a standard and then be practiced instead of codifying what the practice is. In addition, she reviewed her request for use of force information and the difficulty to obtain the information.

Barry Kade suggested the certification process include a process for de-certification. He also suggested that officers back off in some situations based on a comment made at a prior meeting that law enforcement will win, but it doesn't have to be today.

Rick Gauthier closed the public comment portion of the meeting by thanking everyone for coming and noted their comments are very helpful and will be discussed at length as the Board proceeds. The meeting broke at 7:15 pm and resumed at 7:25 pm with Board members only present.

- Paco Aumand inquired about the process to discuss the issue and advance it to a resolution. He suggested that this be the top of the list for 2014. Rick Gauthier reviewed that a model policy and key elements were created and that the House Government Operations Committee is taking testimony. In addition, John Treadwell noted that some language has been proposed and is consistent with our recommendations.
- Karen Horn asked about the essential components and how comments from the ACLU were being incorporated. John Treadwell noted that we have a draft and we need to resolve those and suggested to identify the critical issues.
- Tom Hanley asked about the status/purpose of future public meetings. Rick Gauthier answered that some of this was to bring public awareness. Rick also noted that there was a request for notice of meetings to be published in local newspapers.

- John Treadwell offered to supply copies of some testimony heard at the legislature.
- Paco Aumand asked about how to move forward on measurement. Major Goodell noted that Rick Smith spoke at the hearing and went point by point and resolved the issues Ken made. There was a suggestion to invite Mr. Smith to the next public meeting. There was some discussion around measurement, measurement devices, the potential financial impact on agencies, and creating a standard for measurement.
- Tom Hanley inquired about the status of the draft. John Treadwell noted that there are some concerns that need to be addressed. There was a question about the timeline. Rick Gauthier noted that if we get a revised draft out in April, we should be okay. Legislature is working on essential components versus a model policy and this will be a topic we will revisit each year.
- Paco Aumand suggested discussing body cameras and a citizen review board in the future. It was noted that the number of uses of force/taser are on the decline, probably due to training and public awareness. Also to be discussed will be the public comments heard.
- Rick Gauthier suggested that we postpone the 2014 Business plan discussion. Paco Aumand noted that the last business plan went through 2014. The next regular meeting is scheduled in April, 2014. The next Public meeting will be March 20, 2014 in Derby and then there will be a public meeting on a Saturday at 10:00 am in Bennington, which is still being scheduled.
- Paco Aumand made a motion to adjourn. The motion was seconded by Mike O'Neil. The meeting adjourned at 7:59 pm.

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Final rewrite for Thursday

Date: Thu, 27 Feb 2014 06:23:15 -0500

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To: Rhonda[+], Darlene - Washington, DC Soto[+], Darlene Soto[+]

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Good Evening!

I would like to thank you for holding this public discussion hearing!

I am the mother of MacAdam Lee Mason. Lee would have just celebrated his 41st birthday on Feb 4th. We were not able to see him, talk to him or hold him, because he was killed June 20, 2012 by a taser to his chest, causing his immediate death. He left behind a daughter, a son, a girl-friend, a step-father, brother, a very large extended family group and friends and a mother who loved him and will always miss him.

In trying to understand what the LEAB committee and House Government Operations Committee is struggling with in creating a statewide Electronic Weapon devise policy, I can only compare that with the development of policies within my own field...

As an RN of over 20 years, I have found myself in many,many situations with patients who are ill, or confused, or handicapped, or combative. I have always had training, policies and regulations to guide my interactions, providing a care continuum of practice, supported by education, certification and re-certification. IF I am having difficulty caring for my patient because they are recovering from a seizure, or they have a behavioral handicap, or a mental illness, or a diagnosis such as Alzheimer's...(even a patient with an infection can become confused and combative), then there are other nurses and healthcare personal trained to help deescalate the situation before injury or death occurs to either patient or healthcare worker. This too, should be a similar expectation when there are 4-5 officers on a scene and only one has the taser drawn. Others should be able to help deescalate and bring the situation back under control, especially if there is no other weapon except the officers'! Policies, training and video documentation help to keep people honest and give them the ability to function well within varying situations.

Nurses have evidence-based practice and public opinion that helps to dictate policies, training and regulations. If I should do something wrong in my practice, I have accountability and responsibility to my patient, their family, my profession, my license, and to the facility who's policies and regulations I support by working there. In turn, those same regulations and policies support and protect me in my practice.

I think that this is what you are trying to accomplish, as well!

Of interest:

I've read that there are fewer workman compensation injuries and claims with use of an "taser" than with officers that use procedures such as restrain and hold techniques taught to them at their Police Academy. I am worried that this is a factor in encouraging increased use of the devise nationwide! If so, training, practice, specific guidelines and support will surely reduce Workman Compensation and loss of work-time injuries, without taser use when not appropriate... while keeping officers safe.

Also of note: officers are tased in training sessions so that they have a sense of what it feels like, and they are alright after, so it must be ok. I think that this is a false sense of ok. They probably haven't just had a seizure, or are handicapped or have diminished capacity to understand what is happening or being yelled at repeatedly to comply. Those officers probably also weren't shot in the face, or had their heart defibrillated, or in the stomach, when 4 months pregnant or shot in the groin. Why would it be ok to shoot someone else there! Thus, parameters around location to use this device need to be spelled out within your policy as well. From a recent article regarding testimony made by Rick Smith, the CEO of Taser International at a statehouse meeting here last Thursday "Smith said he's been Tased seven times. When the charge stops, "You're back to normal," My son will never be back to normal and it only took once to kill him.

By June 20, of 2012, there had been over 700 deaths from tasers...my son was number seven hundred and forty seven!

Amnesty International considers that the use or threat of painful electric shocks to subdue non-compliant individuals who do not pose a serious, immediate threat to themselves or others, is an unnecessary and disproportionate use of force which can sometimes amount to torture, or other cruel, inhuman or degrading treatment.

So...

PLEASE don't tell me that a taser is not a lethal weapon. Tasers or electronic weapons are ONLY less than lethal if they are used within regulated and trained parameters at the hands of those also trained in methods to avoid use of excessive force and are held accountable for same.

I tried researching other statewide Electronic weapon device policies and could not find one. It would be nice not to re-create the wheel. I did find that Conn has several precincts using similar policies, which is still not what is needed, but maybe worthwhile to look at some of their guidelines and those of other states and pull from the best of all.

Besides daily testing for the current discharged before and after use, (NOT just a spark check) there HAS to be consistent use of device training with yearly re-certification, statewide regulations that cannot be open to interpretation, significant mental health training for ALL officers, also with yearly re-cert: active CPR certification and reported, measurable officer accountability reviewed by a non-biased group. A policy that encompasses all of these components, plus, will not only protect the police officers and the public that they are sworn to serve, but prohibit excessive force and senseless, irreparable loss.

By ~~me~~ In creating a Statewide Comprehensive Electronic Weapon policy, Vermont has the opportunity to set a precedence that will be applauded and followed by all other States. It's also ok with me, if you call this policy "The MacAdam Act"!

In closing, there are many days that I would trade the rest of my life for one minute with my son Lee. On behalf of myself and all of the parents out there that have lost their child by death from a taser or electronic weapon device, I thank you for the policy you are going to pass...that will guide, limit and protect ALL!

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