

VPR News

Records Show Stun Gun Use Against People In Mental Crises (Part I)

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VPR/John Dillon

Vermont State Police Director Col. Thomas L'Esperance briefs reporters following Macadam Mason's death in June.

Ten times in the past 18 months, state police fired electronic stun guns at people threatening suicide or at others experiencing a mental health crisis.

That's according to police records and video recordings obtained by Vermont Public Radio under the state's open records law.

VPR made the request after an emotionally distressed Thetford man died from a state police stun gun shock. The incident in June put a spotlight on how police respond to people who may not have committed a crime, but who are distraught and in crisis.

State police say the weapons save lives. But advocates say police may have violated their own policies governing Taser use.

State police are never sure what they'll find when they're called out to an emergency. On April 30 of last year, a state police officer drove to a residential group home in Dorset. The trooper was responding to a report that a young man was fighting with his caregiver.

A state police video shows the man running from the house as the cruiser drives up. The officer gives chase. What happens next is a jumble of sound and images captured by a wireless microphone and the camera in his cruiser.

"What's his name?" the officer yells, as he chases the man.

The man screams repeatedly that he does not want to be taken to the hospital. The officer fires a shot with his Taser. After the young man is restrained, the officer explains to the man's caregiver what happened.

"What I got him with was a Taser. It doesn't cause any damage to him at all, but it will keep him calm and controlled," he says. "I just don't you to be freaked out by what I did. Okay?"

Yet stun guns can cause damage - even death.

A New Hampshire state medical examiner concluded last month that 39-year-old Macadam Mason of Thetford died from an electric shock to the chest after police shot him with a Taser.

Like Mason, the young man police subdued in Dorset was distressed and upset. The officer's report of the incident also notes he was developmentally disabled and "mentally impaired."

And that's where the debate over Taser stun guns in Vermont has focused. Are police too quick to reach for these weapons when confronting someone who's suicidal, or experiencing a mental health crisis?

AJ Reuben is a lawyer for Disability Rights Vermont who forced a change in state police stun gun policy. The revision happened in late 2011 after Reuben complained that police fired a Taser at a young Coventry man who has Down syndrome.

The man was physically small - just five feet tall and 110 pounds. He was shot with a jolt of 50-thousand volts when he refused orders to move. Police said the shock was justified, since his refusal could be seen as a precursor to violence. Reuben had a different perspective.

"We didn't see it that way," he says. "We saw it that he was just a young man who didn't really know what was happening. And he simply pulled away because he didn't like to be grabbed. And he wasn't about to become violent. He was just wanting not to be grabbed."

Under the legal settlement reached with Disability Rights Vermont, Reuben says, state police must now avoid using a stun gun if a person's disability makes it difficult to follow commands.

"That does not justify the use of force," he says. "There has to be some aggressive, dangerous action."

Law enforcement officials say electronic weapons reduce injuries and allow them to make arrests or defend themselves without resorting to firearms.

Public Safety Commissioner Keith Flynn says that, around the country, worker compensation claims decline when police are equipped with Tasers.

"Because anytime that an officer has to go hands on with someone that certainly creates a risk for the officer," Flynn says. "It creates a risk to the person they're going hands on with."

But when a person is suicidal, mentally impaired or emotionally distraught, they may not fully understand what's going on. Reuben sees a place for stun guns. But he says being shocked with one can make a traumatic situation worse.

VPR obtained dozens of internal reports documenting stun gun incidents involving state police.

State police say the weapons were deployed 50 times in the 18 months since they were issued to uniformed troopers. The records show that - including the June incident in Thetford - the stun guns were fired 10 times against people experiencing some form of mental health crisis.

Many of the incidents took place before the October 2011 settlement between Disability Rights Vermont and state police. Reuben notes that the agreement was limited to restricting stun gun use on people with a communications-based disability.

Reuben examined the reports at VPR's request. He says from his review that police apparently did not violate the narrow terms of the settlement agreement.

But Reuben says the reports show police apparently breached other policy restrictions, including not shooting people in the neck, face or chest, or in situations where they could fall and hurt themselves.

"I would say that in many of the incident reports on Tasers that I was able to review, those types of rules were violated," he says.

Reuben and other advocates believe the weapons should only be used when deadly force is justified.

"The reports we read were replete with people who were having mental health crises, suicidal people and other folks who were having emotional problems that weren't being dangerous to anyone," he says. "And in cases where someone is suicidal and they're just not willing to comply, that's not an appropriate use of Tasers."

For example, in April 2011, police confronted a woman they described as "out of control and known to have past mental health issues." When she ignored orders to put her hands behind her back, police broke down the door to her bathroom and pulled her - half naked - off a toilet. She resisted, and officers shot her several times with a stun gun.

That case was extreme. But the underlying circumstance was not unique. The reports show that when police deploy their electronic weapons, it's often to gain compliance with their orders.

In June 2011, they responded to a house in Pownal where a young man had threatened to kill himself.

The police report described the man as mentally impaired. He was just over five feet tall and weighed 124 pounds. The recording of the incident shows two officers first tried to convince him to get help.

"You know what, there are people up at the hospital who can talk to you about that and help you smooth this over so you don't feel like this any more," an officer says. "Does that sound like a plan?"

"No," the man replies through a locked door. "I don't want to go with nobody."

"Well, unfortunately, we need to do something tonight because obviously there's something bothering you," the trooper replies. "You just told me you want to slit your wrists and go to sleep."

The man refuses to open the door. He then tries to run away, and police draw their stun guns. They order him to drop the hammer he's carrying. They scuffle, and a trooper fires his Taser.

Public Safety Commissioner Keith Flynn would not discuss individual cases, or comment on whether police had ever violated stun gun policy.

Flynn notes that state police commanders reviewed each case when the devices were used. But their comments were blacked out in the reports the agency provided.

Flynn is a former state cop. He says back when he was in uniform, officers carried oak night sticks, not Tasers. He says the electronic weapons are a better alternative. And he says it's difficult to second-guess the trooper's choice to use a Taser.

"It's hard to make judgments on them without understanding all the circumstances," he says. "Did the use of the Taser on a person that was suicidal, did it end up in saving that person's life and stop them from furthering the act of committing suicide? If that were the fact and that were done, then that was a successful deployment of the Taser."

Flynn says the 10 cases of Taser use on mentally distraught people is not that high a number, considering how often police are called to emergencies.

Flynn says state police have not yet changed stun gun policy as a result of the incident involving Macadam Mason, the Thetford man who died after he was shocked. But Shortly after Mason's death, Flynn and Mental Health Commissioner Patrick Flood announced a joint agency response to people in crisis. Flynn says a team of mental health workers should be on the scene with police, if possible.

"If someone is barricaded in a home and threatening harm to other people, and it's someone mental health is familiar with, we want them to help us defuse the situation," he says.

Flood says the teams are not fully in place, in part because of difficulties in hiring people at the mental health agencies.

"But the thing that is in place right now is a mental health response," he says. "They have to talk to police. They have to do everything they can in terms of collaboration.

Flood says if mental health counselors had talked to Macadam Mason, the incident would have ended differently.

"I very much believe it could have. I think it could have made a difference if a mental health person could have intervened with him, and not just law enforcement," he says.

And there are signs that the collaboration may be working. Last month, police reported that they had worked closely with mental health counselors to prevent a young Charlotte man armed with a handgun from killing himself.

The public records on which this story was based covered the use of stun guns 48 times. State police say since then, the weapons have been deployed twice more.

VPR News

Taser Death Shines Spotlight On Police Stun Gun Use (Part II)

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By John Dillon

The June death of Thetford resident Macadam Mason has focused new attention on electronic weapons used by state police.

Mason died after being shot by a state police stun gun. The incident has prompted calls for more oversight of the state police and changes to their use-of-force policy.

VPR used the state's access to public records law to obtain dozens of internal state police reports that detail when and how troopers used electronic stun guns in the field.

One incident a year ago was fairly typical, except for the number of times the police fired their weapons. Two officers responded to a report that an intoxicated man was breaking windows outside his apartment. The police report says the man called 911 for help so he could stop smashing things.

The man sounded upset and out of control. A police recording of the incident shows the officers also became agitated when the suspect refused to be handcuffed.

"Do I have a weapon in my hands?" the man shouts, as he resists the attempts to subdue him.

The troopers give him one more warning, and then fire their Tasers. When it was over, the police had shocked the unarmed man seven times.

Then, according to state police policy, they read him a prepared script to assess his medical condition.

"Do you wish to be medically evaluated, yes or no?" the trooper asks.

"Yes, sir," the man replies.

He later asks: "Why did you guys Tase me more than that? I did not come after you."

The man's question - why did police shoot him with a stun gun multiple times - is not answered in the official report. Nor is any review of the incident available to the public. Public Safety Commissioner Keith Flynn says he won't comment on internal affairs investigations.

But Flynn says he's committed to strong oversight of the state police, including its use of electronic stun guns.

"And that helps us foster public confidence, which is something that we need to do," Flynn says. "People need to believe in the integrity and professionalism of their state police agency."

Flynn says the State Police Advisory Commission provides citizen oversight. The seven-member panel has a broad charge to advise the commissioner on policy and internal discipline. The advisory commission will review the findings of the Macadam Mason death investigation, and may recommend changes to the state police use of force policy.

Nancy Sheahan is a Burlington lawyer and chair of the commission, known by its acronym "SPAC." She says the commission helped the agency write the current stun gun policy, and has also reviewed citizen complaints of stun gun incidents.

"The way it would work is someone would make a complaint of excessive force and that is reviewed by the office of internal investigations.," she says. "And then as they're investigating, they report to SPAC about their progress. ... And we will indicate whether we feel the recommendation is appropriate or not."

Sheahan says that in her time on the panel it has not overruled the state police on stun gun cases.

"I recall reviewing incidents," she says. "I don't recall ever disagreeing with an ultimate recommendation."

Robert Appel is the executive director of the Vermont Human Rights Commission. He says the advisory panel lacks independence and is not truly accountable to the public.

Appel says he was frustrated when he tried to find out from the commission if disciplinary action was taken against an officer that Appel believes made a racially motivated arrest. He says the State Police Advisory Commission would not release information on the case, although the law allows such a release.

"So I don't see consistency. I don't see transparency. And I don't see any public access to that process," he says. "So I think we're woefully lacking in terms of holding all law enforcement agencies accountable."

Appel says the panel is too close to law enforcement, and that Sheahan's law firm has defended town police departments in lawsuits.

He says a better model is an inspector general or public advocate who would have investigative power, and report more directly to the public. He says the current commission can launch conduct its own reviews.

But "we have no idea what frequency, what the outcomes are, how that process works. So it's very hard to accept the notion that state police have a meaningful citizen review process," he says.

Sheahan says the commission does provide independent oversight.

"SPAC is independent in that nobody on SPAC is a member of the state police," she says. "So I'm not really sure what he has in mind, but we are independent from state police."

The stun gun debate is likely to reach the Legislature this winter. Thetford Rep. Jim Masland was a neighbor of the man who died last June after the Taser shock.

Masland says he wants to review the state's stun gun policy. And he says the June death in his hometown shows that police lack the experience or training for dealing with people experiencing a mental health crisis.

"I'm likely to introduce a bill mandating much more training for anyone who has a Taser at his disposal," he says.