

April 25, 2013

House Government Operations Committee
115 State Street
Montpelier, VT 05633-5501

Hon. Donna Sweeny - Chairperson
Hon. Dennis Devereux – Ranking Member
Committee Members

Re: Taser Legislation

I was in error today when I mistakenly thought that I meet before the Judicial Committee of the House in regard to Tasers. It was in fact your committee.

I herd what the ACLU attorney said and the other individual. And I would implore you to disregard their statement and change the legislation again.

What I heard seemed like the Police just walk around and arbitrarily tasered people. Keep in mind that before any police action there has to be reasonable suspicion of a crime. That has to escalate into probable cause. Once probable cause has been established the officer has to act to enforce the law. Do you agree?

So we have all those legal steps that have to be taken. So then the question becomes how to gain compliance. How does and officer do that?

Given that we have all these constitutional and legal protections against false arrest – why fight the police. One has the courts, the ACLU etc.

So why would one want to fight the police? Try and get away? Sue them later for excessive force? Just plain "wise guys."

Changing the legislations back to way it was to make it easier for the ACLU to sue, doesn't dramatically change the use of the tasers. It can't because Officers many times make split second decisions.

If you change the wording that you have sensibly arrived to what the ACLU guy suggested then you put the officer at a disadvantage. And to legislate or trying to legislate how cops do their day-to-day job doesn't make sense. You'll make it easier for lawyers to sue just on the semantics of should and shall – without dramatically altering when an officer uses a taser.

Why give the individual who wants to fight the advantage? Why?

Passive Resistance – what does that mean? If you're in violation of the law and fail to comply then what is an officer to do? How does the officer decide what is passive resistance? And by they way "just raising your hand" can and is a treat. How does the Officer know the individual is not a marshal artist?

Passive resistance I can only conclude means demonstrators who Are in fact violating the law, impinging on the rights of others – correct. Once a demonstration exceed the bounds their demonstration then they are simply violating the law that applies to everyone else.

The phrase "move or be tasered" is simple and direct and give a rational person a chance to make a choice. Do you want your officers to injure themselves removing theses individuals? Lets bring rational behavior and common sense back to our daily lives!

I know that what I am about to write is politically incorrect, but it needs to be said. Mentally ill people hurt themselves and others daily. They usually are not rational and very difficult to manage. I know I dealt with emotionally disturbed people as an EMT.

That is a simple fact. Every day in Rutland we responded to an emotionally disturbed person. Almost always it was resolved without violence. However, one time we fought a person to the ground with a knife that injured a mental health worker. Luckily we weren't injured.

Another time, a guy bigger than me and the officer I was working with, clocked him with a round house and knocked him to the ground. I had to deal with him while the other officer got –up. I was sore the next day. I am positive that if we had a taser this person was rational enough to know that it would hurt. By the way this officer was being reasonable, calm and he knew the individual.

Please note in both cases we were called by the mental health workers that couldn't deal with the individual.

The sad fact is that the Taser may be the way only way to safely manage an irrational person that is highly motivated.

Again I urge to pass the legislation as presented and let the CJTC manage the issue. This is not contrary to what my testimony was – they provide great training – it's just hard for constable to get it.

One other thought about Vermont training officers vs the company. I ask, who would you rather face in court Taser that has to defend itself has the funds to hire great lawyers, has the in house experts, the endurance and motivation or a lawyer being paid to defend a town or cop?

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