

TOWN OF BRATTLEBORO

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PRESS RELEASE

TO: Media

DATE: Friday, February 8, 2008

FROM: Selectboard Members
And Barb Sondag
Interim Town Manager

Re; Gordon Black Report

Please call Cynthia (254-4541) if there is failure in transmission

Memorandum from the Selectboard regarding the Report:

On July 24, 2007, two protesters were arrested by the Brattleboro Police Department for unlawful trespass after trespassing on a privately-owned vacant lot on Putney Road. In arresting the protesters, officers used a Taser. Given the circumstances of the arrest, the Brattleboro Selectboard retained Attorney Gordon Black from Bennington County to conduct an investigation as to whether the use of force by the officers was justified within the department's then existing use of force policy. Attorney Black was recommended to the Selectboard by the Town Attorney. The Selectboard received the final report on Tuesday, February 5, 2007. Attorney Black's opinion is that while the officers were acting within the then existing policy, the use of force by the officers was excessive. In addition, Attorney Black recommends a more clearly defined use of force policy that incorporates language that officers be allowed to use a Taser only on suspects exhibiting "active aggression" and who are deemed likely to harm themselves or others, using the "reasonable officer" standard. He recommends "active aggression" be defined as an assault or imminent assault. The Town Manager is in the process of making the recommended changes to the Brattleboro Police Department's use of force policy. Any and all disciplinary action against the officers is a personnel issue and will be handled internally. The report is available on the Town website at: www.brattleboro.org. A copy of the report is available by request to the Town Manager's office at 254-4541.

Memorandum from Interim Town Manager regarding the report

Attorney Gordon Black has submitted his findings regarding the taser/protest incident of July 23, 2007. In the fall of 2007 Attorney Black was hired by the Town to perform an external investigation. Attorney Black was asked to answer two specific questions; "Did the officers work within the existing Use of Force policy?" and "Did the officers use excessive force when using the drive stun function of the taser on the two protesters?"

With regard to the first question, Attorney Black finds that "The use-of-force policy in place at the time of the incident did give the officers discretion in the use of the Tasers. That discretion – or, perhaps more correctly, the lack of a clear articulation of when the Taser device is authorized to be used and when it is prohibited from being used – unquestionably contributed to the incident." With regard to the second question, Attorney Black finds that "The decision in this case to use the Tasers on otherwise peaceful protestors who were chained to an object was hastily made, and was unnecessary and excessive." Attorney Black goes on to suggest additional language for the newly updated Use of Force Policy.

I firmly believe that the most important matter now, is how staff utilizes the report. Attorney Black recommends that the new Use of Force Policy be updated with language that includes clearly defined guidelines for the use of Tasers. Acting Chief Wrinn and I have already begun this work and will have a new policy ready within the week. Re-training of all officers on the new policy will then occur.

While this incident has been upsetting for the whole community, it did serve to bring citizens and officers together to discuss the use-of-force. Those discussions continued, as we looked for solutions to the Harmony Lot problems this past fall. I hope we continue to meet, and discuss, and solve the problems that face both the citizens and officers of our Town.

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Report on Investigation of Taser Deployment on July 24, 2007 by
Officers of Brattleboro Police Department

FACTS

On July 23, 2007 at approximately 1:00 p.m., a group of between fifteen (15) and twenty (20) protestors gathered at a recently cleared lot at the corner of Black Mountain Road and Putney Road. The police were notified, and Brattleboro Police Officers Gorman and Kirkpatrick responded to the scene. They attempted to identify an individual responsible for organizing the event, but no leader was identified. The police learned that the protest was apparently staged in reaction to a report that Cheshire Oil was planning on building a truck stop at that location. The protestors were planting flowers and erecting signs. The police contacted the owners of the property and learned that no such development plans existed and that there had been no plans or permit applications filed with the Town of Brattleboro for the site. The owners requested the officers to direct the protestors to vacate the property. The police conveyed this information to the protestors in an attempt to persuade them to leave on their own, but this attempt was not immediately successful. The police initially indicated that they would give the protestors an hour to leave the property. Reports are that it was raining quite heavily on July 23rd, and the police hoped that the rain, in addition to the information that no site development was imminent, would help disperse the gathering. The group of protestors was described by the officers of the Brattleboro Police Department as “a peaceful group there to protest big oil companies.”

After waiting until approximately 4:00 p.m., Officers Kirkpatrick and Evans checked to see if the protestors had dispersed. They discovered that there appeared to be about the same number of protestors as had been there earlier in the day. The officers again conferred with Police Chief John Martin and he told the officers “to be flexible” with the protestors, as the State’s Attorney was not likely to prosecute the protestors anyway. The officers contacted the owners of the property, and the owners agreed that the protestors could remain on the property overnight, but that they would need to vacate in the morning. Officer Kirkpatrick met again with the protestors and informed them they could stay the night, but needed to leave in the morning. No arrests were made, and no trespass orders were issued.

According to Chief Martin, he and officers Gorman, Kirkpatrick, and Rowell, conferred in the mid-afternoon of the 23rd. There was no concern expressed about the protestors’ potential for becoming difficult. The meeting ended with the understanding that the plan was to take no action against the protestors, as they were expected to be gone by morning. Chief Martin described his impression of the protest at that time as a nuisance, and certainly not substantially different than numerous situations with protestors at the Vermont Yankee corporate office.

It should be noted, that there is some discrepancy regarding the officers present during this afternoon meeting with Chief Martin. Captain Rowell reported that the Chief and he met with Lt. Kirkpatrick, as Gorman left work at 2:45 pm for a dentist appointment. Captain Rowell confirms, however, that he and the Chief told Kirkpatrick not to be “heavy-handed.”

Gorman left his shift at 2:45 pm for a dentist appointment, and did not return to work until the following morning. At approximately 6:00 am on the 24th of July, Officer Gorman drove by the site and observed two (2) protestors still on the site. All other protestors had left the scene. Officer Gorman conferred with Officer Kirkpatrick who informed Gorman that the

protestors has been allowed to spend the night, but they needed to remove themselves from the property in the morning. Officers Kirkpatrick and Gorman discussed the matter and decided to act early in the day before more protestors could arrive.

When Officers Gorman and Kirkpatrick arrived at the scene at approximately 7:00 am, they discovered that the two remaining protestors were chained to a barrel. There was no apparent way to unlock the protestors from the barrel, and the barrel was too heavy to move as it was filled with dirt. The police tried to remove the dirt from the barrel to make it lighter, but discovered that the bottom was filled with cement and rebar. The protestors refused to identify themselves. Officers Aleck and DiMarino had also arrived at the scene, as did DPW employees Looman and Murray.

The protestors were informed that they were under arrest for unlawful trespassing, and they were instructed to remove themselves from the property. The protestors failed and refused to cooperate with the police directive. The police advised the protestors that their non-compliance amounted to actively resisting arrest. The officers, as a group, discussed what to do. They decided to threaten the use of a Taser device on the protestors, and they briefly explained what the Taser was and what they intend to do in the hopes of eliciting cooperation. The male protestor is reported as saying that if he swung or kicked at the officers it was not intended as an assault, but would instead be a reaction to the Taser. With no cooperation evident, Lt. Kirkpatrick administered a shock to the male protestor, while DiMarino administered a shock to the female. Both protestors were “shocked” for one (1) to two (2) seconds in the forearm, using the Taser in “Drive Stun” mode. Despite this procedure, the protestors did not release themselves from the barrel. The officers then administered a two (2) to three (3) second shock to the female protestor, which caused her to cooperate and release herself from the barrel.

The male protestor was shocked on the bicep area a second time for three (3) to four (4) seconds. He still refused to comply. The officers then threatened the male with a five (5) second shock from the Taser. The male protested that the police were torturing him and that if they simply left him alone he would “quit from dehydration or hunger.” Officer DiMarino used the Taser a third time on the male, and he removed himself from the barrel. Officer DiMarino indicated that this third shock was one event, but involved three contact points because the male protestor was moving around and trying to get away from the Taser.

Although not every police officer reported that the protestors resisted physically to the attempts to remove them from the barrel, at least one officer reported that the male had attempted to ward the officers off with his hands and feet, and a citizen witness reported the same activity.

Each protestor was placed under arrest. The protestors were identified as Jonathan Crowell and Samantha Kilmurray.

The entire incident on the 24th, from initial contact to the implementation of the Tasers, lasted between thirty (30) and forty (40) minutes. Officers Gorman and Kirkpatrick were on scene from 7:02 am until the arrests at 7:40 am, and Officers Aleck and DiMarino were on scene from 7:18 am until the arrests at 7:40 am. At least one officer described his use of the Taser as a “minimal use of force to facilitate the arrest without either suspect being injured.”

INTRODUCTION

Although most people have a general understanding that a Taser is a device that produces an electric shock, many do not truly understand the nature of these devices. “Taser” is an acronym for “Thomas A. Swift’s Electric Rifle.” The inventor of the product, Jack Cover, named the device after a science fiction character, Tom Swift. “Taser” has become the genericized name associated with virtually all types of stun guns or electromuscular incapacitation devices (EIDs or EMDs). These devices can generate between 25,000 and 250,000 volts, and can be discharged for as long as a minute or more, although they are usually discharged for only a few seconds at a time. The devices typically use high-voltage, low-frequency, time-varying amperage DC current to produce pain and strong muscle contractions resulting in temporary incapacitation of volitional movement.

Tasers fire barbed electrodes. A shot from a Taser releases two (2) probes, and these probes must make contact with the target to complete the electrical circuit. The electrodes are attached by long, thin wires to a wave form generator that sends muscle-locking electric pulses into the target.

According to literature from the largest manufacturer, Taser International, the Taser devices are designed to “incapacitate dangerous, combative, or high-risk subjects who pose a risk to law enforcement officers, innocent citizens, or themselves.” The Taser devices are described as the only type of less-than-lethal weapon “that can stop a truly focused, aggressive subject,” and as specifically designed “to stop even the most elite, aggressive, and focused combatants.” The devices are described in the manufacturer’s literature as providing for the “maximum safety for both the officer and the subject by bringing dangerous situations quickly under control before force escalates to the lethal levels.”

In a June 2003 article of "Police, The Law Enforcement Magazine," the newest (at that time) Taser devices were described as weapons that caused an "uncontrollable contraction of muscle tissue that's been described as a full-body charley horse." The article reported further that the devices "can stop even the most focused and fit subjects."

Some Taser models, such as the model used by the Brattleboro Police Department during the incident at issue, also have a so-called "Drive Stun" capability. In this use, the device is held directly against a target without firing the projectiles. Use in this way is intended to cause pain without incapacitating the target. Literature published by the Taser International Company describes "Drive Stun" as the process of using the [electromuscular incapacitation] weapon as a pain compliance technique." The Drive Stun causes "significant localized pain in the area touched by the Taser, but does not have a significant effect on the central nervous system. The Drive Stun does not incapacitate a subject, but may assist in taking a subject into custody."

There is growing debate across the country regarding the use of these electromuscular incapacitation devices. A review of a wide sample of news reports from across the country suggests that law enforcement agencies typically take the position that Tasers are effective tools to incapacitate combative suspects while reducing the risk of injury to officers, suspects, and innocent citizens. They compare use of Tasers with other non-lethal methods such as Pepper Spray, and note that injuries appear to occur more often with the other methods than they do with Tasers. Proponents of Tasers also point to the training material for the Taser devices which suggest that the effects of the electric shock on the subject are temporary, that they have proven safe to use against a wide age range of subjects, and that repeated shocks pose no additional risks.

A study by the Potomac Institute for Policy Studies concluded: “Based on the available evidence, and on accepted criteria for defining product risk vs. efficacy, we believe that when stun technology is appropriately applied, it is relatively safe and clearly effective. The only known field data that are available suggest that the odds are, at worst, one in one thousand that a stun device would contribute (and this does not imply “cause”) death. This figure is likely not different than the odds of death when stun devices are not used, but when other multiple force measures are. A more defensible figure is one in one hundred thousand.”

Other groups, however, such as Amnesty International, are critical of the use of electromuscular incapacitation devices. They suggest, among other things, that U.S. police agencies are deploying EIDs inappropriately as a routine force option to subdue non-compliant or disturbed individuals who do not pose a serious danger to themselves or others. Additionally, there are ever-growing reports – totaling perhaps as many as two-hundred (200) – of fatalities throughout the U.S. and Canada related to, or following, the use of EIDs. Some of these deaths have been associated with fatal heart attacks believed to have been triggered by the electric shock. Others have listed the use of the Taser device as a secondary or contributory factor of death.

Recent articles in both the Journal of Trauma Injury, Infection, and Critical Care and the Journal of Surgical Research suggest that EMI devices are “being used increasingly despite a lack of objective laboratory data describing the physiological effects and safety of these devices.” The articles note that “there is no consensus in the biomedical community regarding their safety.”

It is also of note that the United Nations Committee Against Torture recently reported that use of Tasers can be a form of torture, due to the acute pain they cause. While no one is

suggesting that the Tasers in this matter were used in a tortuous manner, the U.N. report gives an indication of the serious concern raised by the use of these devices.

Brattleboro is clearly not the only community struggling with defining the appropriate usage of Tasers. As an example, on September 17, 2007, during an address by Senator John Kerry at the University of Florida, police forcibly removed Andrew Meyer, a 21 year-old undergraduate student, from the audience. The police restrained Mr. Meyer through use of direct force and then “Drive Stunned” him with a Taser. The incident was recorded, and the video was circulated quickly and widely on television and the internet. Mr. Meyer’s repeated use of the phrase “Don’t tase me, bro!” became an oft- repeated phrase in popular culture and was designated by the Yale Book of Quotations as the most memorable quote of 2007. Similar reports of Taser use on individuals, including school children, have surfaced across the U.S. and Canada.

The larger issue which has erupted from these incidents is the question of when, if ever, it is appropriate to inflict significant pain on an individual who is not a threat to himself or others. A review of numerous news reports and articles from across the country reveals that people have begun questioning whether stun guns actually encourage police brutality since they leave almost no visible scarring or bruising, as beatings would. Questions have been asked whether the absence of physical scars on a subject removes a psychological restraint on officer behavior that would otherwise be present. Does the alleged “safeness” of the Tasers actually encourage police to inflict an unwarranted amount of pain on individuals who commit only minor crimes, not because the individuals are engaged in active aggression towards anyone, but because the police are anxious to gain compliance, and they believe they are not inflicting any permanent injury?

DISCUSSION

In the present case, the two protestors chained themselves to what amounted to an immovable object. The protestors were situated on a vacant commercial lot, and there is no evidence that they were either threatening to harm others or harm themselves. It was early in the morning and they were not described by anyone involved as being engaged in any activity that could conceivably be described as aggressive or particularly disruptive.

On the other hand, the protestors refused to identify themselves to the police officers, refused to vacate private property after repeated directions to do so, and intentionally interfered with the police officers' initial (and reasonable) efforts to release them from the barrel they had chained themselves to.

The use of the Tasers in the "Drive Stun" mode against the unarmed protestors was clearly an effort to gain compliance with the officers' directions, but the use of the Taser against these passive resisters – people who refused to comply with commands but did not otherwise interfere with the officers, and certainly posed no physical threat – is, in this writer's view, excessive. The police were on the scene for less than forty (40) minutes (and in two officers' cases, barely twenty (20) minutes) before they resorted to the use of the Tasers. This quick action fails to show appropriate patience and restraint in attempting to resolve the situation. Under any use of force policy, this conduct must be perceived as being hasty. Even if the protestors could be characterized as having ultimately engaged in physical conduct intended to prevent the police from gaining control, it is clear that the conduct was not in any way an attempt to harm the officers or any other party. The use of the Tasers was, in my judgment, unwise and unreasonable under the circumstances.

The fact that the officers and one eye-witness reported that the male protestor was actively resisting by trying to ward off the officers is not surprising. As indicated earlier, the “Drive Stun” mode requires direct contact of the device to the subject. The Taser International Operating Manual specifically indicates that “due to automatic reflex actions, most subjects will struggle to separate from the Taser device. When the Taser device is used in “Drive Stun” mode and the subject struggles to get away it may be difficult to maintain contact between the device and the subject.” Importantly, there is no allegation that the female protestor resisted physically at all.

The use-of-force policy in place at the time of the incident did give the officers discretion in their use of the Tasers. That discretion – or, perhaps more correctly, the lack of a clear articulation of when the Taser device is authorized to be used and when it is prohibited from being used – unquestionably contributed to the incident. The police officers justified their actions in their reports by indicating that they used the Tasers to facilitate the arrests. While this may theoretically comply with the broad language of the use of force policy, it clearly shows a lack of appropriate restraint, as had been encouraged the day before by Chief Martin.

What, then, should the police have done? The Protestors had placed themselves on private property, the owners had asked the police to have the protestors removed, and the protestors failed and refused to comply. A review of multiple Police Department policies which allow and provide guidance on pain compliance techniques reveal that most typically allow an officer to use a Taser in “Drive Stun” capacity to attain compliance from passively or aggressively resisting individuals only when the officer reasonably believes that the use of such a technique appears necessary to further a legitimate law enforcement purpose. Among the factors officers are instructed to consider before using such a device are: 1) the potential for injury to the

officers or others if the technique is not being used; 2) the potential risk of injury to the individual to be controlled; 3) the nature of the offense involved; 4) the level of resistance of the individual(s) involved; 5) the need for prompt resolution of the situation; and 6) whether time permits other reasonable alternatives. Even were these precise guidelines in place, the factors which might justify use of the Taser in “Drive-Stun” mode are simply not present.

It is worth noting that the police officers’ initial efforts to talk to, and reason with, the protestors was extremely effective, as by the morning of July 24, 2007, only two individuals remained at the protest site out of the original fifteen (15) to twenty (20). Further discussion, combined with the passage of time, might very likely have resolved the stand-off. In fact, the male protestor was specifically reported as saying that if the officers would simply leave them alone they would get hungry and thirsty and leave on their own. The “laid back”-“take no action” approach suggested by Chief Martin in the initial meetings of the officers on July 23rd seems, in retrospect, to have been most appropriate under the circumstances. The protest was little more than a nuisance and there seemed to be little reason to escalate matters to involve the use of pain compliance devices. The protestors were occupying a vacant commercial lot. There was no urgency to resolve the matter quickly, as the protestors were not obstructing traffic, impeding pedestrians, or interfering with any adjacent business.

A more clearly defined force policy, including guidelines for the use of Tasers, is imperative for any modern police force. This writer recommends that officers be allowed to use a Taser only on suspects exhibiting “active aggression” and who are deemed likely to harm themselves or others, using the “reasonable officer” standard. “Active aggression” should be defined as an assault or imminent assault. An example of an appropriate policy language is as follows:

An officer may use a Taser in the following circumstances:

- A. To defend him/herself or a third party from what is reasonably believed to be an immediate threat of physical injury or death.**
- B. To prevent the commission of suicide or self-inflicted serious physical injury.**
- C. To deter vicious or aggressive animals that threaten the safety of the officer or others.**

Tasers should not be used, either through the use of a shot probe or through Drive Stun mode:

- 1. Punitively;**
- 2. As a prod or escort device;**
- 3. To rouse an unconscious, impaired or intoxicated individual;**
- 4. Against any person displaying passive resistance;**
- 5. Against a handcuffed or restrained individual.**

Absent exigent circumstances, officers should avoid activating multiple Taser devices against a single subject at the same time.

This writer is aware that the Brattleboro Police Department has adopted a use of force policy with an effective date of October 26, 2007. This policy is an excellent step forward in better defining use of force. The justification of non-deadly force, however, appears to contain the same wide grant of discretion that many have contributed to the underlying incident. The policy states that an “officer is justified in using non-deadly force upon another person(s) when and or to the extent that he/she reasonably believes it necessary to control a situation, effect an arrest or detention, overcome resistance or defend themselves or others from harm or to accomplish a legal purpose.”

This broad discretion is tethered somewhat by the Law Enforcement Code of Conduct which states that “a police officer will never employ unnecessary force or violence and will use only such force in the discharge of duty as is reasonable in all circumstances. The use of force should be used only with the greatest restraint and only after discussion, negotiation and persuasion have been found to be inappropriate or ineffective. While the use of force is occasionally unavoidable, every police officer will refrain from unnecessary infliction of pain or suffering and will never engage in cruel, degrading, or inhuman treatment of any person.” It is the absence of clearly articulated and defined directions for the police officers which continue to be problematic. A grant of authority to use a Taser to “control a situation, effect an arrest or detention or to “accomplish a legal purpose” is a very broad grant of authority, and opens the door to divergent interpretations and future problems.


CONCLUSION

This writer does not question that Tasers are an important and effective law enforcement tool for dealing with aggressive and hostile subjects. The devices capability of incapacitating a combative subject without a high risk of injury is a vital tool for law enforcement. The use of the Taser in “Drive Stun” mode as a pain compliance tool, however, should be significantly limited to extraordinary situations where it is believed that a subject poses an immediate threat of physical injury to the officer, him/herself or others. The decision in this case to use the Tasers on otherwise peaceful protestors who were chained to an object was hastily made, and was unnecessary and excessive.

The Town of Brattleboro should continue to review its use of force policy on a regular basis as improvements in equipment are made, and as new research regarding the effects of these less-than-lethal weapons emerge.

Materials referred to in this report are attached hereto. Also see www.taser.com.

DATED AT Sunderland, Vermont this 1st day of February, 2008.



Gordon P. Black

Date: Fri, 8 Feb 2008 08:39:33 -0500 [08:39:33 AM EST]
From: Gordon Black <gblack@applejackart.com>
To: bob@fisherandfisherlaw.com, bsondag@brattleboro.org
Subject: *****SPAM***** methodology

Bob and Barbra:

I didn't connect with Bob yesterday, but his office called and mentioned a single word to me yesterday: "methodology." I will take a stab at what I believe this means.

First, the use of the phrase methodology implies, to a certain extent, that my report is an expert opinion subject to a so-called Daubert analysis. I have never purported to be, nor do I consider myself in any way, an expert in the use of Tasers or in Police procedure. I looked at this assignment as an "independent review" of an incident which happened to involve a Taser.

My "method" in this review was to first find out as much as I could about the Taser device itself, otherwise known as an electromuscular incapacitation device. This involved reading material from Taser International, police magazines, web sites, and other published materials, including a few medical journals. I was particularly interested in the recommendation of the manufacturer itself as to what the devices do and "when" the devices were appropriate for use. As you all know, there is a huge volume of this material out there.

I then reviewed the written material provided by Brattleboro to try and discern the fact pattern. This material involved, but is not limited to, multiple written statements from officers involved, including sworn affidavits, arrest reports, supplemental statements from each officer, multiple memoranda from supervising officers, e-mails from the Police Department to the Town offices, a sworn statement from a citizen witness, responsive materials gathered in the Town's own investigation, and even a video of a portion of the incident circulating on "You-Tube."

It was clear that there was not a significant dispute present in the police reporting regarding the time line of the Taser use itself on the 24th. I recognize that there is a discrepancy in the reports of the Chief and the Captain as to whether Officer Gorman was present for an afternoon briefing, wherein it was purported that the Chief essentially told the Officers to not get "heavy-handed." I have come to the conclusion that Gorman was not, and could not, have been there, as his dentist appointment very clearly had him out of the station at the time the Chief reported the meeting. However, I did not see a dispute regarding whether Officer Kirkpatrick was present for a so-called briefing with the Chief and the Captain (although, of course, there are different versions of what precisely was said in the meeting), and both Gorman and Kirkpatrick agree that they conferred on the morning of the 24th before they went to the scene.

In any event, I decided to essentially "take the evidence as reported in a light most favorable" to the Police Department. In other words - I essentially accepted everything the police reported in their sworn affidavits and written reports, and then reviewed the situation with the question of whether I believed, as an "independent reviewer," that the use of the Taser was appropriate at the time it was used. I came to the conclusion that it was not. The use of so-called "less than lethal" weapons almost implies that police have used less force than they would have been entitled to, but clearly this is not the case. I trust that none of us can imagine that it would have been acceptable for the officers to shoot the protestors with a gun. It is also hard to imagine

the policemen pulling out billy clubs and using them against the protestors chained to the barrels, or the policemen hitting the protestors with their fists. I don't believe the officers, themselves, would have ever imagined engaging in such conduct. If these options are almost unimaginable, how can the intentional infliction of what has consistently been described by subjects (including police officers who have experienced a shock in training) with words like "intense pain," and "like getting hit by a sledge hammer, " be acceptable? The quick - and not entirely complete answer should be - only when the officers are using the device to protect themselves or others. That was not the case here.

Bob Fisher and I spoke about this briefly, and I will suggest now that the better practice, based on my knowledge and experience, would have been to give the protestors a flash citation to appear in court. If the protestors failed to appear, the judge could have issued an arrest warrant. That warrant would then have given the officers, and the department, much firmer ground to take action. While I recognize that some may not see the subtle distinction between arresting a person who has committed a misdemeanor in the officers' presence and arresting a person pursuant to an arrest warrant issued by the Court, I suggest that there is an important difference in the way such action is perceived by others in the community. An arrest warrant changes the scenario from one where the officer may be perceived as being frustrated and impatient with a subject, and therefore uses a pain compliance tool to get the person to follow directions, to a situation where the officers are enforcing the directions and orders of the Court. I don't mean to suggest that an arrest warrant opens the season for use of Tasers, but only that involving the Court by requesting an arrest warrant gives the arrest - and the reasonable methods of accomplishing it - the Court's imprimatur that simply doesn't exist otherwise.

I hope this helps clarify the report.

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