

# **TASER WARS**

## Bloomington's Version of "Shock and Awe"?

by

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### Will Bloomington Police Get These Controversial Weapons?

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*[Author's Headnote: On April 12, 2004, Police Chief Roger Aiken and City Manager Tom Hamilton attempted to get the Bloomington City Council to authorize spending \$129,425 to purchase for Bloomington Police officers one hundred Model X-26 Tasers (a Taser is a weapon similar to a pistol in shape that is capable of administering a severe, incapacitating electric shock as a purported alternative to lethal force). Aiken and Hamilton wanted the Council to approve the allocation request as an item on a consent agenda that would officially bypass public discussion and the requirement of a separate vote. A large portion of the public in attendance opposed this parliamentary maneuver, thinking that an issue as important as purchasing an arsenal of innovative, controversial weapons should be subject to public discussion—particularly since the supplier had already delivered the Tasers to the Police Department "as a personal favor" prior to the Council's approving the purchase or authorizing payment.*

*The public's presence at the Council meeting got the item removed from the consent agenda, and postponed the final vote for one month, during which time there would be further study and discussion of the advisability of purchase. Margot Mendoza, then-chair of the local ACLU chapter, sent a letter to the Minority and Police Partnership (MAPP) study group outlining the national ACLU's position on Tasers, including the training of police in their use as alternatives to lethal force, the potential dangers of severe electrical shocks to human beings, the need for official policies regarding how, and in what circumstances, Tasers are to be used, and police accountability to the public in recording, reporting, and reviewing their deployment.*

*After one month of study, purchase of the Tasers was approved. I published the article below in *The Indy*, a local alternative newspaper, with the express purpose of informing the public at large about Tasers and police*

*departments' desire to acquire them. The article, as well as the citizen testimony at the Council meeting, served to put the police on notice that citizens are concerned about Tasers in the hands of the police, that they will be watching to see how the police use them, and will be expecting police accountability.]*

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[Article]

The Bloomington Police Department wants to purchase one hundred Model X-26 Tasers both as an alternative to lethal force and as a means of preventing injury to police and the persons they are required to subdue. A Taser is a hand-held gunlike device which employs Electro-Muscular Disruption technology (EMD) to temporarily disable a human target. When the Taser is triggered, a cartridge of compressed nitrogen shoots two barbed darts up to 21 feet trailing two thin insulated wires. The darts embed in the target's flesh or clothing where a red laser dot has aimed them; and the attached wires deliver an electrical shock of 50,000 volts lasting up to five seconds. The shock overrides the central nervous system, disrupting the normal communication between brain and muscles, producing involuntary muscle contractions, and collapsing the subject into a fetal position. Thus incapacitated, the subject can be safely handcuffed.

At the Bloomington City Council meeting of April 12, 2004, Police Chief Roger Aiken's request was scheduled to be approved as Item 6J on the Council's consent agenda along with a number of other items. A consent agenda, if moved, is approved as a whole, without specific discussion, debate, or public comment on particular items. Item 6J, signed by Chief Aiken and City Manager Tom Hamilton—headed "Request to Waive Bid Process to Purchase Tasers"—asked the Council to approve "that the formal bidding process be waived to the amount of \$129,425" and to authorize the purchase of one hundred Model X-26 Tasers from "the sole source of supply, Ray O'Herron, the authorized distributor in the area."

Aiken and Hamilton stated the following rationale for buying Tasers: "In response to substantial injuries to police officers during arrests, staff respectfully requests approval to waive the formal bidding process to purchase Tasers to help reduce injuries by citizens resisting arrest." The purchase of Tasers is proposed as a way to reduce the costs to the City of police injuries and lost work time caused by confrontations with people who are resisting arrest.

The use of Tasers around the country has been controversial, since it remains an open question how safe they are, whether they could cause severe injury or death to people with pacemakers, heart trouble, or other

medical conditions such as asthma or epilepsy, or what their side- or long range after-effects might be.

The manufacturer claims that Tasers cause no lasting harm to the individual tased, and are certainly safer than the use of guns, clubs, and chemical disabling agents. They maintain that there have been no deaths directly attributable to Tasers (though at least 40 persons nationwide, mostly under the influence of drugs, have died after being tased—the deaths being attributed to drug-related causes). There has been litigation regarding injury Tasers are alleged to have caused.

Tasers are used by 4,000 U.S. police departments, including nearby Pekin, Danville, and Rantoul. Some cities have chosen not to purchase them, including Champaign, which decided not to buy 25 Tasers after citizens opposed purchase because they didn't trust the police not to abuse them against racial minorities. On March 24, 2004, Champaign Police Chief R. T. Finney withdrew his request for purchase on the grounds that building trust in community relations is more important than buying new weapons.

Given the importance of the issue, Alderman Karen Schmidt moved that Item 6J be removed from the consent agenda and treated as a separate item of business. Chief Aikin discussed at length the costs to the City of injuries incurred by police officers in subduing violent persons and those resisting arrest. He said that the use of Tasers would reduce work-related injuries and save the City money through having less workers' compensation, fewer lost days of work, and less overtime pay for fill-in workers. In Orange County, Florida, where Tasers are used, there have been fewer incidents of violent confrontation, and injuries to police were down from 120 in 2000 to 24 in 2002—a reduction of 80%. In Bloomington, over the last four years, injuries to officers caused by struggling, resisting arrest, and fast pursuits have resulted in workers' comp claims, lost time, lost wages, medical expenses, and disabilities amounting to an effective cost of \$886,275.

Aikin said that in cities where Tasers are used, actual use of Tasers quickly declines. Once people know that Tasers are in police hands, they seem to be deterred from violent or resistant actions. Aikin said that the Model X-26 Taser the Department is requesting has, as an optional feature which can be purchased, a computer chip to be installed which would log in every use of that Taser with time and date.

Aikin introduced Chris Clapp, a member [of] the Human Relations Commission in Danville, where Tasers are used. Clapp said that on March 25 he had volunteered to be tased in Danville to see what it was like. Two

policemen stood behind him to catch him when he fell, and he was tased for one second. He said he wholeheartedly supports Tasers "100%. It does not hurt you."

Alderman Schmidt asked if the police would be given training in the use of Tasers. Aikin said, yes, and the public too: "We will use a public relations blitz to educate the public. Duane Moss and Tom Sanders [of the Bloomington Police Dept.] may get a DVD from the Taser manufacturer." He said that 100 Tasers were needed so that all officers would have one standard issue Taser each. He said the reason for that is, you want to have the Taser when you need it. If there were only a few, the one you needed might be back at the office. He said that there would be training costs: \$8.95 per training per officer, for 9 or 10 sessions. "Operation of the Taser is not cheap," he said. "It costs \$21.95 for each deployment [discharge]."

Mayor Markowitz asked if there were any in the audience who wished to speak to the issue before a vote was held on whether the City should authorize the purchase of Tasers. Several people came forward.

Jack Porter said that he felt it was an oversimplification to say that Tasers had caused no deaths. CBS reports that there have been deaths. In Champaign, he said, the Chief of Police has withdrawn his request for Tasers, thinking that community relations are more important than new weapons. Porter said the Bloomington Human Relations Commission as well as the Minority and Police Partnership should be involved in the deliberations before a decision is made in Bloomington. He said that an issue of such importance should have public discussion and comment. He urged the council: "Educate yourselves; get more information. Do not vote tonight to purchase."

Father Tom Shea, representing the Minority Advocacy Council, said the issue needs further study. There should be accountability if Tasers are used; there are always ways to get around responsibility. He felt that electrical shock that disrupts muscle working borders on the inhumane and immoral.

Francis Irvin said that if Tasers are used, he worries about children-juveniles under 17. Would Tasers be used on juveniles? he wondered. Some 16-year-olds are as large as adults. What effects do electrical shocks have on young people? He feels there needs to be more study/research done.

David Bentlin, representing the Bloomington Human Relations Commission, said Clapp's comments were interesting. In Danville, the Human Relations Commission was consulted. Since the use of Tasers has proved to be a controversial issue in some communities, Bentlin thinks the Bloomington Police Department should have consulted with the Bloomington

Human Relations Commission—which so far has not been consulted with. He would welcome the opportunity for a public hearing, where people representing both sides of the issue could discuss the matter, he said.

The Rev. Nathan Dixon, of Wayman AME Church, said that what he had heard in this meeting was that “Protection of the police is more important” than protecting the public. He said it makes him wonder, “What’s next?” He felt that if Tasers are used, tracking/monitoring of their use is necessary.

Dora Doyle said that she was concerned as a parent. The \$129,000 requested for Taser purchase could be better used to educate the public.

Patty Berndt had not planned to speak, she said, being present for other reasons. But as a person currently waiting for a liver transplant, she felt she should urge the Council to think closely and study to educate themselves, and hold public hearings. Would Tasers be used against suicidal people? Those with mental illness? Would they cause seizures in people with epilepsy? She said she would not want a donor liver from someone who had been tased.

Alderman Matejka shared his thoughts. He said he sees the Taser as a tool which can be used wisely or foolishly, and officers could tell lies to the Chief. Therefore, Matejka feels that there should be complete reporting every time a Taser is drawn and used, and the report should be made available for public view. He said the Council should refer the matter to the Minority and Police Partnership for study. He feels that a public hearing would be good. MAPP also could educate the public to understand what the police are up against. Before making a purchase of Tasers, he said, there should be an avenue for suggestions of concern from the community. MAPP was created to hear and discuss these things, he said. Police should develop reporting procedures. The public should have self-education.

Alderman Schmidt said that education for the City Council and the public is important. She moved that the issue be sent to MAPP for discussion for one month.

Alderman Sprague said he wants to arm the police to do their job. He said it bothers him to think of an officer on a weekend facing a group of college students who have been drinking.

Chief Aikin said there would be a 14-16 week delay for initial deployment of Tasers after obtaining them. There would be 4-6 hours of training per officer.

Mayor Markowitz said that MAPP would not provide a "yes or no" for the Council in their recommendations.

City Manager Tom Hamilton said that Tasers are a tool to protect the public at large from an even more hostile situation. Like any other use of force, Tasers would be used only in very strict circumstances. Sheriff Owens has put in a grant request to purchase Tasers, he said. Police should have Tasers to perform their jobs.

Chief Aikin said that since Tasers are so popular, and there is an 8-14 week waiting period to obtain them, the vendor has already provided them to the Bloomington Police "as a favor to us." The police already have them "in a box." If the City Council does not authorize the spending of the \$129,000, "we can send the box back," he said.

The vote was taken to delay a decision on the authorization of money to purchase Tasers for the Bloomington Police Department for one month, while the Minority and Police Partnership discusses the issue. The motion carried, with Alderman Matejka, Schmidt, Veitengruber and Whalen voting "Aye", Aldermen Crawford, Finnegan, Huette, and Sprague voting "Nay", and Mayor Markowitz voting "Aye" to break the tie. The Mayor said that she had been convinced by the citizens who spoke out that more study was needed before a final vote to authorize purchase.

Mayor Markowitz stated vehemently that the Council vote on May 10 would not be along racially divisive lines. She repeated that it will not be a racial issue.