

Subject: Joint Press Release - Vermont State Police Mediate Agreement with Disability Rights Vermont



State of Vermont
Department of Public Safety
Vermont State Police



Press Release

Vermont State Police Mediate Agreement with Disability Rights Vermont

Colonel Tom L'Esperance, Director of the Vermont State Police – [802-244-7345](tel:802-244-7345)

A.J. Ruben, Supervising Attorney, Disability Rights Vermont – [802-229-1355](tel:802-229-1355)

Waterbury, VT – 10/21/11 – On October 11 the Vermont State Police reached an agreement with Disability Rights Vermont (DRVT), Vermont's protection and advocacy system for people with disabilities and mental health issues, regarding a change to the state police's Electronic Control Device policy, commonly known as the Taser policy. The policy revision was prompted by a complaint from the DRVT, stemming from an April 6, 2011 incident involving the tasing of a person with a disability.

The incident occurred in Northeastern, Vermont on April 6 when troopers responded to a residence at the request of developmental services and mental health professionals. A 23 year old male with disabilities including Down Syndrome, was told by his care providers that he was to be transported to a new placement, however was refusing to get dressed and accompany them out of the residence. The troopers attempted to escort the subject from the residence. In the process the subject physically pulled away from troopers and Trooper Paul Mosher deployed his Taser. Subsequently, the man was assisted into his care provider's vehicle, evaluated at the emergency room, released uninjured, and transported to the pre-arranged shelter.

As a result of the mediation and mutual agreement with the man's family, represented by DRVT, the revised state police policy will include the following changes:

- Persons with cognitive impairments will be included within "special populations", which are identified as requiring special consideration before being subjected to the use of an ECD.
- A person with cognitive impairments is an individual that the officer, based on training, experience, and other available information, perceives to be a person with a disability detrimentally impacting their ability to communicate, move voluntarily, understand or comply with directions.

- ECD use shall be authorized if a person with a cognitive impairment has a weapon or presents an articulable, imminent risk of harm to self or others.
- If not, EDC use shall only be authorized if there are no other reasonable alternatives to maintaining safety or taking a subject into custody.
- Mandatory Interacting with People Experiencing a Mental Health Crisis training developed pursuant to Act 80 for all Vermont State Police sworn members using a taser, with a subsequent two-year recertification in Act 80 training.

“We are pleased with the outcome and the spirit of cooperation in working with the family and DRVT to create a policy that will help protect citizens with disabilities, while providing more clearly defined direction for our troopers,” said Colonel Tom L’Esperance, Director of the Vermont State Police. “Our mission is to provide professional, accountable, and compassionate law enforcement services to all Vermont citizens and visitors to the State of Vermont.”

"Disability Rights Vermont appreciates the willingness of the Vermont State Police to listen and positively respond to the concerns raised on behalf of the young man who was the subject of the painful taser episode. The actions taken by the state police, including the change of policy, are progress in the continuing effort to restrict the use of the taser against individuals with disabilities for non-threatening disability-related behavior. DRVT appreciates the effort put forth by the family of the young man to establish this policy change," said A.J. Ruben of Disability Rights Vermont.

###

Stephanie Dasaro | Vermont State Police - Public Information Officer
103 South Main Street | Waterbury, Vermont 05671
[802-241-5277](tel:802-241-5277) (PIO) | [802-279-9773](tel:802-279-9773) (cell) | [802-241-5443](tel:802-241-5443) (Webmaster)
[VSP Website](#) | [Facebook](#) | [Records Requests](#)