

## Public raises questions over police tasers

Written by Chris Lee

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Holyoke City Council welcomed a group of five citizens during its regular meeting Tuesday, Oct. 16.

Dorothy Ortner was joined by four others who had some questions and concerns for the council, as well as for Police Chief Doug Bergstrom, regarding the recently purchased tasers. Those joining Ortner were Cecilia Marquez, Jesus Jimenez, Mavis Farrell and Ken Frantz.

Ortner stated she received information on the use of tasers from Ken's wife, Paula, who is a doctor and has served the past five years as the chief medical officer for the entire state.

"We do appreciate the opportunity to speak to you," Ortner said last Tuesday. "As clearly as I can state the reason why I, we, want to address you as members of the city council and the Holyoke Chief of Police, is the new presence of tasers in our community. The purchase of four tasers implies that the threat to the community's peace and safety has reached a new level because of the behavior and actions of other community members."

Ortner said the community has not been informed of what the new use-of-force presence means except through the brief segment in the Sept. 13 Enterprise.

Ortner's first question was, "What are the current public safety concerns that have moved the police department to request the purchase of tasers for each officer?"

Bergstrom said it is an officer safety concern. "We usually have one officer on at a time. Our backup is anywhere from five to 10 minutes away. There are times when we get into a fight, we need another tool in the toolbox," he added.

Another issue is the pepper spray (or OC) doesn't affect everyone, according to the chief. He noted it can contaminate those around the suspect as well as the officers involved. Following an OC contamination, a decontamination process has to be conducted.

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Bergstrom said once a taser is deployed, the electricity will run for five seconds. Following the electricity, they are done. There is no decontamination process.

Bergstrom said a suspect will be taken to the hospital by EMS if the probes hit a sensitive area such as the head, face, neck, female breast area or groin. Farrell said her concern is if the medical facilities are aware. Bergstrom said he spoke with the EMS director who took the topic to an EMS meeting. Should someone get hit in a sensitive area with the taser, they most likely will be transported to the hospital with an officer in the ambulance to have the prongs removed.

Ortner said there are often domestic violence cases reported in the newspaper and wondered if the violence is usually over by the time police arrive. Bergstrom said, not necessarily.

“Are there other instances that the community may not be aware of but things you may be aware of?” Ortner asked.

Bergstrom said since they put the tasers into service (roughly Sept. 19), HPD had 158 calls for service. Out of those calls, there were four fights where tasers could’ve been deployed but were not. “We have had four altercations where somebody had been or is fighting when we arrive.”

Bergstrom explained they have a use-of-force continuum which begins with officer presence, verbal command, hand control, intermediate weapon and lethal force.

Bergstrom said tasers won’t be pulled out immediately upon arrival on a scene. Someone actively resisting, getting ready to fight, taking a fighting stance, will most likely prompt the officer to draw a taser.

By policy, passive resistance is not something the police will taser someone on. “It’s an act of aggression.” Ortner asked what that looked like and Bergstrom said someone taking a fighting stance to the officers.

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For officer safety, Bergstrom said they are allowed to use one level higher of force than what the suspect is using.

The chief said one of Holyoke's four officers has worked in a metro area and carried and used a taser before. He explained the act of pulling a taser out and simply pointing it at a suspect sometimes ends any confrontation.

The taser introduces a less lethal option. "It's another tool in our toolbox to hopefully not have to make the ultimate call when we have a split second to make that decision whether we take a life."

Having read some material from the American Medical Association, Ortner also wanted to know about a double deployment of tasers. Bergstrom said after the initial deployment, they look to see if they can accomplish the placing into custody after only one stun. "If we need to, we are allowed to take a second stun if for some reason it's not working."

Ortner asked if there was a time period between a first and second deployment and Bergstrom said it is determined by each individual scene.

The group said this is where the language barrier comes in. She noted how Holyoke has become bilingual. Ortner was concerned with those under the influence of alcohol and/ or drugs and their ability to understand an officer's orders. The chief said every situation is different. "Each officer is going to have to make that decision."

Focusing more specifically on the language barrier, Ortner asked if Bergstrom and his officers would be willing to learn simple commands in Spanish. "I would love to learn general commands in Spanish," the chief responded. He said doing it within the department's budget restraints would be important.

Ortner asked Bergstrom to give some examples of commands they would use. He said they

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would use such phrases as stop please, show me your hands, get on your knees, cross your ankles, put your hands behind your head and don't resist. The main objective is to get suspects to comply using verbal communication.

Marquez said learning a handful of commands shouldn't take too long. She also noted a conversational Spanish class is being held through Family Education Services. She added knowing simple commands could drive off any liability issues down the road.

Ortner also wanted to know what the training protocol was for those officers carrying a taser.

Bergstrom said Haxtun Police Department has an instructor from Taser International who has gone through the class to be an instructor. This individual came to Holyoke and gave the officers an eight-hour class on the use of tasers. As part of that, Bergstrom said he and one of the other officers took hits from the taser to know the effects of it—even though they weren't required to do so.

"Does it hurt?" Ortner asked.

"Yes, it does for the five seconds, but as soon as it's done the pain is stopped."

Ortner said she has seen pictures of those being tased, falling to the ground. "Does that necessarily happen with a tasing?" she asked.

"Probably more than likely it will, because your body, from my experience, locked up."

Per policy, Bergstrom said if a fall looks like it will hurt a suspect, they're going to try to not deploy the tasers.

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Finally, Ortner directed a question to the council and mayor Orville Tonsing. “What might a panel look like which would include citizens as well as council and police representatives to periodically review the frequency and circumstances of the use of a taser?” she asked.

Tonsing said current policy applies a periodic review.

“We have periodic downloads. We are able to download information on when they are activated, the duration and time of when the activation has occurred.”

Ortner agreed but said that doesn’t allow for the other element of citizens she mentioned. Tonsing said that’s a possibility. Bergstrom was quick to say those downloads become a piece of evidence in a criminal case, which isn’t discoverable until after a case has been taken care of.

It would have to wait until a later time for the public to view such things.

Ortner said she understands the importance of confidentiality.

“I think what we’re asking for, what we’re thinking about—and the ‘we’ I think is much larger than this group—if the community knows more, then the community can help more,” Ortner said.

“I would really recommend you do consider this kind of a panel.” She also said a town hall informational meeting offered to the public by the police department would be useful as well. “This would engage the community and foster cooperation.”

“To have the opportunity as a community member to go in and be a part of the discussion on what kinds of restraints were used in the past six months and what were the general circumstances, that’s helpful for the community so the community doesn’t build up ideas about what’s happening in the police force,” Frantz said.

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Councilman David Churchwell said, "I don't think we intend on using this as an everyday weapon. When we approved this, Doug thought of maybe one time this may have been used. We didn't purchase this because we thought the level of crime in Holyoke has escalated to a point that this is something they want to use. This is just another tool for these guys that keeps them safe."

Bergstrom added HPD, at the time they considered the purchase, was one of five departments in the judicial district that did not carry the tool.

Frantz said, "I think people are really understanding of the expectation and the response that you guys have to deal with, but it's really helpful to get this information out either in the paper or somewhere in the community so that people are aware of how the use protocol is. When you are caught in a position where you have to use it and somebody sees that happening, they may interpret it in all sorts of ways."

Farrell said she felt completely different about tasers after sitting through the conversation during last week's council meeting.

"We support you guys 100 percent, but there's a lot of public relations that can happen with the community," Frantz added.

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