

Opinion Taser use info hard to access

Police, council skirt Sunshine Law rules.

BY ED BERG

Columbia residents need information from the Columbia Police Department regarding adherence to proper procedures, guidelines and accountability for Taser use since its adoption of the Police Executive Research Forum (PERF) standards in May.

The Aug. 1 incident in which officers accused Alan Giles of urinating in public and subsequently shot him with pepper spray and then twice with the Taser intensifies our concern about whether the Columbia department follows PERF standards in training, regulations and oversight.

Past cases involving Ricky Coleman, Phillip McDuffy and Stanley Harlan provide graphic examples of the grave harm Tasers can cause. These serious injuries and one death underscore how essential it is for the public, through the Missouri Sunshine Law, to have access to all pertinent information about Taser use by Columbia police.

The Coalition to Control Tasers has requested documents for the PERF standard period of May to August. We have consistently encountered delay, incomplete reports and high charges.

This difficulty of accessing information is not a new problem.

When the Columbia City Council in June 2008 voted unanimously to use a U.S. Department of Justice grant (unspecified funds that could have been used for any equipment) to ultimately arm all officers with Tasers, the decision surprised and alarmed many residents. This "tipping point" decision and the subsequent educating and activating by the coalition all contributed to the people's understanding that better standards and adherence to these standards were urgently needed.

These developments underscore how crucial it is that the public knows it has the right to — and indeed must have access to — all pertinent information about Columbia police Taser use. Yet those seeking information, including copies of cases and data the department sends to manufacturer Taser International Inc., were typically unable to obtain the docu-

ments.

In the summer and fall of 2008, the coalition informed the city council of the perennial difficulties and delays regarding Sunshine Law requests for Taser deployment documents. In October, the council mandated that the police department furnish the documents directly to the council itself, but not to the coalition, and then it released them publicly at no cost.

The council's roundabout procedure raises the question: Was the Sunshine Law written solely to fulfill the requests of city councils, other public bodies and the "important people" of Missouri? No. The Sunshine Law was written to ensure ordinary taxpaying citizens can directly find out what their government is doing on their behalf.

According to the Sunshine Law (Chapter 610.026) and Columbia city ordinance (Chapter 2, Administration Section, 2-25.5, Fees), charges for providing documents may be waived if the following two stipulations are met: 1) the information is in the public interest because it is likely to significantly contribute to the public's understanding of the activities of the government — which we believe is the case with the Taser issue; and 2) the requester would not commercially benefit — which our volunteer coalition would not. All Sunshine Law requests should be scrutinized according to these two stipulations, and public document fees should be waived only if they meet these two criteria.

Here's one example of our Sunshine Law difficulties. On May 15, a suicidal, mentally ill man was tased — the first deployment of a Taser under PERF, we were told by police personnel. On May 17, a coalition member submitted a Sunshine Law request for records on this case and, as the form allowed, requested fees be waived. Finally on June 15, the coalition received scant information — six pages that cost 84 cents per page. Of four officers' reports, we obtained only one. They said the other three were currently classified as "investigative."

In the past, the coalition has received estimated costs of \$1,400, \$800 and \$400 to be paid before receiving the requested documents. History shows the power of the purse often has

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been used to withhold information from the public.

The unique power of the police to detain, restrain and use force on alleged lawbreakers requires the highest order of responsibility and transparency, both to their own professional standards and to the people they serve. Yet, too often those in our democratic society who insist upon police accountability encounter obstacles and are even labeled troublemakers.

The Coalition To Control Tasers seeks peaceful cooperation with our police department and city council. But cooperation is difficult

under the current circumstances.

In the spirit of participatory democracy and invoking the Sunshine Law and Columbia ordinance, the coalition again insists our police department release, with fees waived, all documents regarding people threatened or shot with a Taser since May.

The public's eye on the public's Taser documents is the only way to verify compliance with PERF standards.

Attorney Ed Berg is a member of the Coalition To Control TASERS, on whose behalf he wrote this commentary.

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