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FACT SHEET 2015

CSSB 625

Ban the Use of Tasers and Stun Guns In Texas Schools

TASERS IN THE SCHOOL SETTING: AN UNNECESSARY TOOL THAT HAS RESULTED IN SEVERE INJURY

In 1978, only one percent of Texas schools reported having a police presence on campus. Today, most Texas schools report police presence from a local law enforcement agency or from the school district's own police department.¹ According to the Texas Association of School Resource Officers, these police officers fulfill three equal roles: (1) Law Enforcement Officer, maintaining a safe and secure learning environment; (2) Informal Counselor, serving as a confidential source of counseling for students and parents; and (3) Law-Related Presenter, promoting awareness of the law to students.²

In practice, police officers in schools primarily focus on the first role – that of a law enforcement officer – to the detriment of the other two. Challenges that officers face in schools are far different than the challenges they face on the streets, and different tactics are required to meet them. While all law enforcement officers receive training on use of force, that training does not include methods for working effectively with youth in an educational environment. It should come as no surprise, then, that **officers equipped only with training regarding adult offenders are overreacting in response to typical student misbehavior, treating students no differently than they would any other “perp.”**

Consider the case of Noe Niño de Rivera, a student at Cedar Creek High School in Bastrop, Texas. In November 2013, Rivera was Tased by a deputy with the Bastrop County Sheriff's Office for attempting to break up a fight between two of his classmates. Upon being Tased, Rivera fell to the floor and hit his head, which resulted in Rivera sustaining a severe brain injury and being placed in a 52-day medically induced coma.³

According to the deputies involved, the level of force used was necessary, as Rivera was “interfering with their duties.”⁴ However, a video of the incident – obtained by the *Austin American-Statesman* – shows differently. In the video, Rivera appears to be complying with the officer's request to step away from the fight and is seen walking away. Despite his compliance and lack of aggression, Rivera was still Tased.⁵ This incident is a clear illustration, not only of excessive use of force, but of an officer's overreaction to what many would deem typical student behavior.

The fight that Rivera attempted to stop involved his girlfriend and another female student,⁶ and while the context of the fight is unknown, one thing is undeniable: relationship drama among adolescents is normal. However, instead of separating the two girls and resolving the conflict at hand, officers chose to handle the situation in an extreme manner by enforcing their authority through a demonstration of force.

THE PHYSIOLOGICAL AND PSYCHOLOGICAL RISKS OF USING TASERS AND STUN GUNS ON STUDENTS

Tasers are equipped with two barbs (or electrodes) designed to pierce the skin; they carry 50,000 volts of electricity and are intended to “physically debilitate a target...until the target is in the fetal position on the ground...regardless of pain tolerance and mental focus.”⁷ Stun guns, which can only be used in close proximity to an individual – as they do not have detachable electrodes, like Tasers do – work by creating an electric circuit between the gun (usually powered by batteries) and the individual being stunned.⁸

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The use of these tools on youth (as well as on the elderly) has been highly criticized.⁹ According to the American Heart Association, being at the end of an electrical shock – as transmitted by a stun gun or Taser – can result in “irregular heart rhythm or cardiac arrest,” especially for those individuals who have heart complications.¹⁰ Because students do not and cannot legally be required to wear an indicator of their heart complications, there is no knowing whether a student who is Tased is at a greater risk of a near lethal side effect.

Researchers have also called attention to the negative effects that Tasers can have on an individual’s brain. A recent study found that, when Tased, individuals experience an electric jolt to the brain that can cause mild cognitive impairment to full-blown dementia.¹¹ Because childhood and adolescence are a period of ongoing neurological development, this finding warrants serious consideration when determining whether Tasers and stun guns should be used on students.

Separately, psychological experts have cautioned against the use of such tools in a school setting, stating, “kids respond to different situations in different ways.”¹² Though seeing another student get Tased or stunned might not resonate as a traumatic event for some, others who normally experience violence in their community or home could have those traumatic experiences exacerbated and be “set off” by the event.¹³

USING “LESS THAN LETHAL” TOOLS ON STUDENTS: A PRACTICE THAT CONTRADICTS THE PREMISE OF “COMMUNITY POLICING”

As discussed above, the second and third roles that a school officer fulfills, simultaneously with law enforcement, are (1) an informal counselor, and (2) a law-related presenter who promotes awareness of the law to students.¹⁴ Each of these roles help officers implement a larger strategy more commonly known as “community policing.” In order to effectively apply a community policing strategy, law enforcement should focus on “community partnerships, problem-solving, and organizational transformation.”¹⁵

Unfortunately, the use of “less than lethal” tools, such as Tasers and stun guns, to “subdue” students does not accomplish the goals put forth by the Texas Association of School Resource Officers and the Department of Justice. Instead, use of such tools contradicts those efforts by instilling fear and mistrust in the students and families served by police in schools. Best practice indicates that methods such as de-escalation, conflict resolution, and building rapport better serve law enforcement officers in reaching those goals.¹⁶

KEY FINDINGS

- **Over the past decade, police in schools have been using tools and tactics more commonly reserved for encounters with hostile citizens on the street.**
 - » From 2012 to present, Pasadena, Texas, school police have **used force 129 times, drawing and pointing their firearms 24 times, using pepper spray twice, and using nightsticks 4 times.**¹⁷
 - » From 2006 to 2009, Austin ISD, which keeps fairly complete police records relative to the rest of the state, reported that its campus police **drew guns on students eight times, used pepper spray 26 times, used Tasers four times, and used police dogs once.** They used **batons or physical force 258 times.**¹⁸
 - » From 2006-2009, El Paso ISD reported that its campus police **used a baton once, pepper spray once, and physical force 34 times** to control students.¹⁹

- **Using police tactics against unarmed students has resulted in serious injury and, in some cases, death²⁰, as well as a decline in parent confidence in Texas schools to educate and monitor students in a safe and appropriate manner.**
- **According to the American Heart Association, being at the end of an electrical shock – as transmitted by a stun gun or Taser – can result in “irregular heart rhythm or cardiac arrest,” especially for those individuals who have heart complications.²¹**
- Psychological experts have cautioned against the use of Tasers and stun guns in a school setting, stating, “kids respond to different situations in different ways.”²² Though seeing another student get Tased or stunned might not resonate as a traumatic event for some, others who normally experience violence in their community or home could have **those traumatic experiences exacerbated and be “set off” by the event.**²³
- The use of Tasers and stun guns is a practice that contradicts the overall goal of community policing. **Best practice indicates that methods such as de-escalation, conflict resolution, and building rapport better serve law enforcement officers in reaching community-policing goals.**²⁴

COST-SAVING AND PUBLIC SAFETY-DRIVEN SOLUTIONS: SUPPORT CSSB 625 BY SENATOR HINOJOSA

CSSB 625 will prohibit law enforcement officers who work in a school setting from using Tasers and stun guns on students. In order to ensure that no student faces the near lethal consequences associated with Tasers and stun guns, CSSB 625 prohibits their use by officers while on a school campus. Given that there are more effective alternatives that can be used to de-escalate youth misbehavior (e.g., rapport building, conflict resolution, and active listening), this ban on Tasers and stun guns is a legislative safeguard that protects students and families from harm, while reducing the risk that school districts and local law enforcement will face civil litigation.

Citations

- ¹ Texas Appleseed, “Texas’ School-to-Prison Pipeline: Ticketing, Arrest & Use of Force in Schools” (2010): 3.
- ² Texas Association of School Resource Officers (TASRO), “Triad Approach” (accessed April 2, 2014), <http://tasro.org/page-621155>.
- ³ CNN, “Texas Student Tased by Police Exits Coma, Enters Rehabilitation, Attorney Says,” (February 2014), <http://www.cnn.com/2014/01/31/us/texas-taser-high-school-student-coma/>.
- ⁴ KXAN, “Police Group Defends Tasing of Bastrop Student,” (January 2014), <http://kxan.com/2014/01/27/police-group-defends-tasing-of-bastrop-student/>.
- ⁵ Austin American Statesman, “Video, Documents Raise New Questions in High School Student Taser Case,” (January 2014), <http://www.statesman.com/news/news/local/video-documents-raise-new-questions-in-high-school/nc5h4/>.
- ⁶ CNN, “Texas Student Tased by Police Exits Coma, Enters Rehabilitation, Attorney Says,” (February 2014), <http://www.cnn.com/2014/01/31/us/texas-taser-high-school-student-coma/>.
- ⁷ The Progressive, “The Trouble with Tasers,” (May 2005), http://www.progressive.org/mag_amctaser.
- ⁸ Slate Magazine, “How Do Tasers Work?: Heavy On the Volts, Light on the Amps,” (November 2006), http://www.slate.com/articles/news_and_politics/explainer/2006/11/how_do_tasers_work.html.
- ⁹ The Progressive, “The Trouble with Tasers,” (May 2005), http://www.progressive.org/mag_amctaser.
- ¹⁰ Douglas P. Zipes, “Sudden Cardiac Arrest and Death Associated with Application Shocks from a TASER Electronic Control Device,” American Heart Association (February 2012), <http://circ.ahajournals.org/content/early/2012/04/20/CIRCULATIONAHA.112.097584.abstract>.
- ¹¹ Live Science, “Taser’s 50,000-Volt Jolt Can Mess Up Your Brain,” (October 2014), <http://www.livescience.com/48241-taser-shock-affects-cognition.html>.
- ¹² The Huffington Post, “All Over the Country, Kids are Getting Shocked With Tasers and Sprayed with Chemicals in Schools,” (April 2015), http://www.huffingtonpost.com/2015/04/03/taser-pepper-spray-in-school_n_6882920.html.
- ¹³ Ibid.
- ¹⁴ Texas Association of School Resource Officers (TASRO), “Triad Approach” (accessed April 2, 2014), <http://tasro.org/page-621155>.
- ¹⁵ U.S. Department of Justice, Community Oriented Policing Strategies (COPS), “About” (accessed February 29, 2015), <http://www.cops.usdoj.gov/Default.asp?Item=35>.
- ¹⁶ Richard James, Joan Logan, and Scott Davis, “Including School Resource Officers in School-Based Crisis Intervention: Strengthening Student Support,” School Psychology International (April 2011) 32, 2, 210-224.
- ¹⁷ Houston Chronicle, “Pasadena family accuses school officer of ‘brutal and excessive’ beating:’ Parents claim excessive force used against son by school officer,” (February 2015), <http://www.houstonchronicle.com/news/houston-texas/houston/article/Pasadena-family-accuses-school-officer-of-brutal-6064567.php#0>.
- ¹⁸ Texas Tribune, “Texas Schools Rarely Track Force against Students,” <http://www.texastribune.org/2009/11/25/schools-rarely-track-force-against-students/>.
- ¹⁹ Ibid.
- ²⁰ Derek Lopez was shot and killed by Officer Daniel Alvarado of the Northside Independent School District Police Department in San Antonio, Lopez was unarmed. My SA, “Officer Who Shot Student Had History of Not Following Orders: 12 Warnings, 4 Suspensions. Why was the NISD Cop Who Killed an Unarmed 14-year-old On the Job,” (May 2011), <http://www.mysanantonio.com/news/article/Still-on-patrol-1388322.php>.
- ²¹ Douglas P. Zipes, “Sudden Cardiac Arrest and Death Associated with Application Shocks from a TASER Electronic Control Device,” American Heart Association (February 2012), <http://circ.ahajournals.org/content/early/2012/04/20/CIRCULATIONAHA.112.097584.abstract>.
- ²² The Huffington Post, “All Over the Country, Kids are Getting Shocked With Tasers and Sprayed with Chemicals in Schools,” (April 2015), http://www.huffingtonpost.com/2015/04/03/taser-pepper-spray-in-school_n_6882920.html.
- ²³ Ibid.
- ²⁴ Richard James, Joan Logan, and Scott Davis, “Including School Resource Officers in School-Based Crisis Intervention: Strengthening Student Support,” School Psychology International (April 2011) 32, 2, 210-224.