



April 15, 2014

Hon. Rick Perry
Governor of the State of Texas
Office of the Governor
State Insurance Building
1100 San Jacinto
Austin, Texas, 78701

Delivered via regular and electronic mail

Dear Governor Perry,

On the heels of another Tasing in an Austin-area school,¹ we write today to again urge you to take action to ensure that children are protected from abusive uses of force in our public schools. Editorials in the Houston Chronicle, San Antonio Express-News, Austin American-Statesman, and most recently a piece in the New York Times have supported our call for an end to dangerous police practices in schools. It has been more than six weeks since our original request for action.

In our February 26, 2014 letter, we documented evidence of inappropriate use of Tasers and pepper spray on Texas public school students, and expressed deep concern about the Bastrop ISD incident involving Noe Niño de Rivera, which left him with a traumatic brain injury. Video shows that Noe was neither acting aggressively, nor wielding a weapon. Use of Tasers and pepper spray has become far too routine in public schools, despite rigorous restrictions in other child-serving settings including juvenile lockups. Just yesterday, a student was Tased in a Round Rock high school in an incident strikingly similar to Noe's. As was the case with Noe, the Round Rock student was Tased after attempting to break up a fight.² He was not involved in the fight, and reports do not suggest he posed a significant threat to the officer who Tased him.³ Thankfully, it does not appear as though the student suffered significant injuries, but Noe's case clearly indicates the extreme risk that Tasers pose to young people.

¹ Claire Osborn, *Officer uses Taser on Round Rock student trying to break up fight*, Aus. Am. Statesman, April 14, 2014.

² *Id.*

³ *Id.*

These cases are not unique. Just weeks after Noe was Tased, a middle school student in suburban Houston was Tased by a school police officer when she refused to exit a school bus after a verbal argument with another student.⁴ Despite Taser International's own warnings that multiple uses of their product carry grave dangers,⁵ dangers that may be heightened for children – this child was shocked twice.⁶

Similar uses of force were deemed excessive in a recent Department of Justice (DOJ) investigation *when used on adults*.⁷ These incidents, and others cited in our February letter, make clear that the safety of Texas' students requires *both* local control over safety plans and security practices tailored to each community *in addition to* minimum statewide standards for the way officers treat our children.

It simply makes no sense not to extend the same protections to children in public schools that we extend to youth in Texas' juvenile facilities. While we appreciate the need for ensuring safety, common-sense restrictions would surely allow officers to protect the school community from harm, while at the same time restoring confidence that children, like Noe, will never again suffer injury due to the inappropriate use of a weapon like a Taser.

Failing to take action leaves children at risk. Texas students and families cannot wait for the legislature to reconvene in 2015. We again call on you to take immediate action. **Place a moratorium on Taser and pepper spray use on students by Texas' school police officers to ensure no more innocent children suffer the consequence of inappropriate use**, and task the School Safety Task Force with working with stakeholders statewide to study these issues and make recommendations for appropriate guidelines or legislation.

We look forward to your prompt response.

Sincerely,

Texas Appleseed
Texans Care for Children
Texas Criminal Justice Coalition
Texas Network of Youth Services
American Civil Liberties Union of Texas
Disability Rights Texas
Mexican American Legal Defense and Educational Fund
National Alliance on Mental Illness, Texas

⁴ KTRK, *Girl resisting officer hit with Taser*, December 10, 2013, available at <http://abclocal.go.com/ktrk/story?section=news/local&id=9355616>

⁵ Taser Intnt'l, *Taser CEW Warnings, Instructions, and Information: Citizen* (2013).

⁶ KTRK, *supra* note 2.

⁷ U.S. Dep't of Justice, Letter from Jocelyn Samuels, Acting Assistant Att'y Gen., to Hon. Richard J. Berry, Mayor, City of Albuquerque (April 10, 2014).