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**NO CRIMINAL CHARGES TO BE FILED AGAINST VERMONT STATE TROOPER
FOR DEPLOYING TASER**

Attorney General William H. Sorrell and Orange County State's Attorney William Porter announced today that their Offices have completed independent reviews of a use-of-force incident that occurred on June 20, 2012, in Thetford, Vermont. The reviews considered whether criminal charges for assault or homicide were warranted. Both Offices have concluded that criminal charges should not be filed.

The review was solely to determine whether criminal charges should be pursued against Trooper David Shaffer. Under Vermont law, a police officer is entitled to use a reasonable amount of force to defend himself or herself or others if he or she reasonably believes that he or she or others are in immediate danger of bodily harm, that the use of force is necessary to avoid the harm, and that the amount of force used was reasonable under the circumstances. In a criminal case, the State bears the burden of proving beyond a reasonable doubt that the officer's use of force was unreasonable under the facts and circumstances of the case.

The review did not consider the existence of any pending civil litigation or the possibility of any future litigation.

Consistent with Vermont State Police policy, the investigation was assigned to a detective from a different Troop and Barracks than the trooper involved. Vermont State Police Detective Sergeant Lance Burnham of the Williston Barracks was assigned as the lead investigator. The investigation included recorded interviews with all persons who witnessed the deployment of the taser.

The investigation determined that after 3:00 pm on June 20, 2012, the Vermont State Police barracks in Bradford received two calls from personnel at the Dartmouth Hitchcock Medical Center requesting a welfare check at an address in Thetford, Vermont. Dispatch was told that an unidentified male at the address, who sounded intoxicated, had stated that he was suicidal and homicidal, that he had access to weapons and that he hoped the police would shoot him.

Vermont State Police troopers were dispatched to the residence. Upon arrival, the troopers knocked on the door and saw an unknown male inside who refused to answer the door or come out. The troopers then withdrew and requested that dispatch contact Theresa Davidonis – the homeowner. Ms. Davidonis told dispatch that there were no weapons in the house, that she did not want troopers inside her house and that she would go there.

Ms. Davidonis arrived at her home and went inside and determined that there was no one there. Ms. Davidonis subsequently found the unidentified male – Macadam Mason – in the woods near the house and could be heard arguing with him. Ms. Davidonis asked the troopers to leave because she said that their presence was aggravating Mason. She also said that she would take custody of Mason. After the troopers left her home she went back to work.

In light of the requested welfare check and the information provided, the troopers returned to the residence to personally confirm that Mason was okay. Trooper David Shaffer

was directed to assist with setting up a perimeter in the woods near the house. Tpr. Shaffer was not aware of reports that Mason had a history of seizures.

Tpr. Shaffer, armed with his department issued M-4 rifle on a sling, walked behind the residence in a wooded area in an attempt to secure the area. Tpr. Shaffer saw a male exit the woods on the east side of the home and recognized him as Macadam Mason from a prior contact.

Tpr. Shaffer directed Mason to get on the ground. Mason initially complied by sitting. Tpr. Shaffer approached Mason, radioing that he had contact. Tpr. Shaffer directed Mason to lie on the ground and show him his hands. Tpr. Shaffer had his rifle raised and pointed at Mason.

As Tpr. Shaffer continued his approach, Mason refused to comply with the orders to lie on the ground. Instead, he stood, used profanities and asked Tpr. Shaffer to shoot him. Tpr. Shaffer continued to approach Mason and noted that he had no weapons in his hands.

Tpr. Shaffer then transitioned from his rifle to his taser – his rifle remained slung from his body. Mason took at least two steps towards Tpr. Shaffer and, when Mason and Tpr. Shaffer were between 6 and 10 feet apart, Tpr. Shaffer deployed his taser. The darts struck Mason in the left chest and abdomen. A single five-second cycle was used. Tpr. Shaffer told investigators that he believed that Mason was going to physically assault him as he was closing the distance between them.

Upon being struck by the taser, Mason stood up straight and then fell backwards and to his right. The troopers approached him, determined that he was unresponsive and initiated CPR.

Rescue personnel responded, took over CPR and transported Mason to DHMC where he was pronounced dead.

Acknowledging the significant public interest regarding the use of tasers as a law enforcement tool, Attorney General Sorrell also announced that in March at the State House, he will convene a public forum on this issue before a panel that will include Allen Gilbert, Executive Director of the Vermont Civil Liberties Union, Ed Paquin, Executive Director of Disability Rights Vermont, Senator Alice Nitka, and Representative Bill Lippert.