



### C19 Stun Gun Fallacy: How the Lack of TASER Regulation Endangers Lives

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This presentation will provide attendees with information about TASERs and police policies and training with TASERs.

This presentation will impact the forensic community by providing medical examiners with information to the number of deaths related to TASERs continues to grow.

Police use of TASER stun guns to subdue suspects in California and around the nation has increased dramatically in recent years. Billed by their manufacturer, TASER International, as a non-lethal alternative to deadly force, TASERs have been purchased and deployed by a growing number of law enforcement agencies. However, while the TASER is less deadly than a traditional firearm, it is hardly the non-lethal weapon its manufacturer promotes under the slogan "Saving Lives Every Day."<sup>1</sup>

Between 1999 and September 2004, 75 people in the United States and Canada died in incidents that involved the police use of TASERs. Since then, that number has more than doubled to at least 153, with 15 post-TASER fatalities in northern and central California, including one case where a 21-year-old man was jolted 17 times within three minutes before he died.<sup>2</sup>

Despite the high fatality rate involved with stun gun use, officials at TASER International have yet to concede that their product has led to a single identifiable death and, despite concerns raised by medical experts, the company continues to downplay safety concerns.

TASER's controversial marketing practices have not gone unnoticed. The Scottsdale, AZ based company's promotion practices and safety claims are being examined by both the Securities and Exchange Commission ("SEC") and the Arizona Attorney General.<sup>3</sup>

Several law enforcement agencies have also begun to question TASER's safety claims and the efficacy of the weaponry. In March 2005, two major Department of Homeland Security law enforcement divisions announced that the departments were not purchasing TASERs because of safety concerns. "There are enough question marks about the safety of this device. The safety of officers and the public is always a concern. It was determined that the device just didn't fit," said Barry Morrissey, spokesperson for Customs and Border Protection.<sup>4</sup>

Moreover, in April 2005, the International Association of Chiefs of Police ("IACP") issued a report recommending that local law enforcement reassess its TASER training and establish policies. The IACP particularly noted the lack of safety studies, concluding that "independent data does not yet exist concerning in-custody deaths, the safety of EMDT [Electro-Muscular Disruption Technology] when applied to drug or alcohol-com-promised individuals, or other critical issues."<sup>5</sup>

In light of these concerns and the rising death toll associated with TASER use, the ACLU of Northern California ("ACLU-NC") conducted a thorough survey of 79 law enforcement agencies throughout northern and central California to determine how TASERs are being used. A close review of thousands of pages of policy and training materials used by departments reveals that, despite the growing number of deaths, increasing concern from medical and other experts about TASER safety, and extensive media coverage of problems associated with TASER use, the weapon remains largely unregulated.

Of the 79 departments surveyed, 56 have added TASERs to their weapons arsenals. Of those, 54 provided their TASER-use policies and/or training materials to the ACLU-NC, which concluded the following:

- Only four departments regulate the number of times an officer may use a TASER on an individual. The others place no restriction on the number of times a suspect can be shot. This is particularly troubling considering that several of the targets in California died after being jolted multiple times.
- Only four departments created any of their own training materials for their officers. The rest relied exclusively on materials produced by TASER International.
- The training materials produced by TASER International and relied on by local law enforcement grossly exaggerate the safety of TASERs, downplay their risks, and misrepresent medical studies on their effects. Most were published in 2003 and 2004 and are outdated considering the sobering facts that have come to light in the past year.

There are a couple of explanations for these results. Certainly, the failure of many in law enforcement to ask tough questions early on and take a skeptical approach to TASER International's representations provide a partial explanation for the lack of regulation. But TASER International is also largely responsible for the uninformed use of TASERs because its questionable marketing practices and exaggerated safety claims provide the basis for local police policy.

Given the increasing number of deaths associated with TASER use, the lack of independent studies on several critical safety issues, and the lack of policy governing the use of the weapon, the California Legislature and local law enforcement should act quickly to impose regulations on TASER use. The ACLU of Northern California therefore recommends several policy reforms including the following:

- **Pass Legislation.** The state legislature should pass a law that allows TASERs to be used solely as an



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alternative to deadly force. The British Government currently employs such restrictions.<sup>1</sup> TASERs are certainly a safer alternative to firearms, but until more independent safety studies are completed, law enforcement agencies should be restricted from using TASERs in non-life-threatening situations.

- **Adopt Stricter Policies.** Local government and local law enforcement should each independently adopt TASER policies. If local law enforcement will not restrict its TASER use to life-threatening situations, agencies should, at a bare minimum, adopt policies to minimize the risk of death such as prohibiting repeated shocks and protecting vulnerable populations such as the very young, the elderly and pregnant women.
- **Revise Training Materials.** Local law enforcement agencies should conduct comprehensive reviews of the TASER International training materials, revise them, and retrain all officers that have already completed the TASER International training.

While the TASER stun gun as the potential to save lives as an alternative to deadly force, it poses a serious health risk as long as it remains largely unregulated. State and local government should act quickly to impose regulations on the weapon so that TASERs do, indeed, save lives rather than end them unnecessarily.?

### References:

- <sup>1</sup> TASER International Web Site front page [www.taser.com](http://www.taser.com).
- <sup>2</sup> Robert Anglen, "153 Cases of Death Following Stun-Gun Use," Arizona Republic, October 21, 2005, available online at [www.azcentral.com](http://www.azcentral.com). <sup>3</sup>Robert Anglen and Dawn Gilbertson, "TASER Safety Claims Draw State Scrutiny," Arizona Republic, January 8, 2005; Greg Farrell, "SEC's TASER Inquiry Becomes Formal," USA Today, September 27, 2005. <sup>4</sup>Kevin Johnson, "Federal Bureaus Reject Stun Guns," USA Today, March 18, 2005.
- <sup>5</sup> International Association of Chiefs of Police, Electro-Muscular Disruption Technology: A Nine Step Strategy for Effective Deployment, April 4, 2005, p. 5.
- <sup>6</sup> Association of Chief Police Officers ("ACPO"), Operation Use of TASER Policy, p. 4 ("TASER will only be deployed in circumstances where firearms officers are authorized to carry firearms. TASER will be readily available and will only be deployed alongside conventional firearms."); ACPO, Operational Use of TASER Operational Guidance, p. 3 (Authorized Firearms Officers ("AFOs") are, in accordance with the ACPR Manual of Guidance on Police Use of Firearms, issued with firearms – where the authorizing office has reason to suppose that they, in the course of their duty, may have to protect themselves or others from a person who is in possession of a firearm, or has immediate access to a firearm, or is otherwise so dangerous that the officer's use of a firearm may be necessary.")

### TASERs, Police, Use of Force