



### **C21 USA: Excessive and Lethal Force? Amnesty International's Concerns About Deaths and Ill-Treatment Involving Police Use of TASERS**

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After attending this presentation, attendees will formulate a healthy suspicion about the potential role TASERS might play—not as the sole cause—but as a contributing factor in TASER related deaths.

This presentation will impact the forensic community by providing an unfiltered version of Amnesty International's position on the issue of TASER use. The community will see that the organization is neither anti-TASER nor anti-law enforcement, and that respected independent bodies have raised serious questions about the safety of TASERS—specifically, could TASERS be one of a number of factors that work in combination to lead to death.

"The work of law enforcement officials is a social service of great importance and there is, therefore, a need to maintain and, whenever necessary, to improve the working conditions and status of these officials."<sup>1</sup> Furthermore, "a threat to the life and safety of law enforcement officials must be seen as a threat to the stability of society as a whole."<sup>2</sup>

International human rights standards call on governments and law enforcement agencies to "develop a range of means as broad as possible and equip law enforcement officials with various types of weapons and ammunition"<sup>3</sup> and that "these should include the development of non-lethal incapacitating weapons."<sup>4</sup> It is self-evident that TASERS are less lethal or injurious than firearms, and Amnesty International acknowledges that there may be situations where TASERS can effectively be used as an alternative to firearms in order to save lives.

TASERS are widely promoted by U.S. police agencies as being a useful force tool, safer than many other weapons or techniques used to restrain dangerous, aggressive and focused individuals.<sup>5</sup> However, it appears that TASERS are commonly used to subdue individuals who do not pose a serious and immediate threat to the lives or safety of others, and Amnesty International's research shows that TASERS are being used in situations where police use of lethal force – or even batons – would never be justified. Instead of using them as an alternative to firearms in the United States,<sup>6</sup> most departments place them at a relatively low level on the "force scale."<sup>7</sup>

In many reported instances police actions using TASERS appear to have breached international standards on the use of force as well as the prohibition of torture and other cruel, inhuman, or degrading treatment or punishment. Amnesty International considers electro-shock weapons to be open to abuse because the weapon can inflict severe pain at the push of a button without leaving substantial marks, and can inflict repeated shocks. TASERS in "drive" stun gun mode are particularly open to abuse, as they are designed specifically for "pain compliance"<sup>8</sup> and tend to be used against individuals who are already in custody or under police control, often with multiple shocks.<sup>9</sup>

As discussed in the report, Amnesty International is concerned about the safety of stun weapons and the lack of rigorous, independent testing of their medical effects. When the organization's report was released in November 2004, Amnesty International had documented the deaths of 73 people who were reported to have died in the USA and Canada after being struck by M26 or X26 TASERS since June 2001. In the nine months since the report's release, that number has more than doubled. Amnesty International's is also concerned that the risks associated with TASERS increase as they become more widely deployed.<sup>10</sup>

While coroners have consistently attributed TASER-related deaths to factors including drug intoxication and pre-existing heart disease, medical opinion continues to suggest potential health risks from TASERS. Medical evidence shows that TASER shocks may exacerbate a risk of heart failure in cases where people are agitated, under the influence of drugs, or have underlying health problems. TASERS may have exacerbated breathing difficulties caused by factors such as violent exertion, drug intoxication, or use of other restraint devices, thereby triggering or contributing to cardiac arrest.<sup>11</sup>

As a result of these unresolved questions, Amnesty International believes that the TASER cannot be ruled out as a possible contributory factor in some deaths. In a growing number of cases, coroners have found TASER shocks to have directly played a role—along with other factors such as drug intoxication and heart disease—in contributing to some deaths. Recently, the medical examiner in Cook County, Illinois listed the TASER as the primary cause of death with other underlying factors.

Amnesty International is calling on U.S. state, federal, and local authorities to suspend all transfers and use of TASERS and other electro-shock weapons pending a rigorous, independent inquiry into their use and effects. Acknowledged medical, scientific, legal and law enforcement experts who are independent of commercial and political interests should carry out this inquiry. The inquiry should rigorously assess the effects of electro-shock weapons, taking into account human rights standards regulating the treatment of prisoners and use of force; it should



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include the systematic examination of all known cases of deaths and injuries involving the use of such weapons.

Where U.S. law enforcement agencies refuse to suspend deployment of TASERS, the organization is recommending that departments strictly limit their use to situations where the alternative would be use of deadly force, with strict guidelines, reporting and monitoring systems. Amnesty International further notes that measures such as stricter controls and training on the use of force and firearms are likely to be more effective in reducing unnecessary deaths or injuries.

### References:

1. The United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials [http://www.unhchr.ch/html/menu3/b/h\\_comp43.htm](http://www.unhchr.ch/html/menu3/b/h_comp43.htm) .
2. *ibid.*
3. *ibid.*
4. *ibid.*
5. "This non-lethal system is solely designed to stop the most hardened of targets: extremely violent, aggressive, goal-oriented and drug induced suspects." *TASER International website. O&A, 10/25/04.*
6. "TASERs are reliable devices that utilize innovative technology to stop violent suspects and provide effective alternatives to lethal force." *TASER International Website, "SAVING LIVES: MAKING LAW ENFORCEMENT SAFER," 10/25/04.*
7. "... recent survey conducted of the more than 6,000 agencies deploying the TASER in North America showed that 86% of agencies had the TASER on a similar level with pepper spray (pepper level or before)." *TASER Non Lethal Systems: Reducing Injuries and Saving Lives.*
8. "The drive stun mode affects the sensory nervous system ONLY making it a pain compliance weapon that will not cause EMD." *TASER International Instructor Certification Plan, Version 12.0, November 2004.*
9. "The students should anticipate using additional cycles to subdue suspects ... almost half the deployments required additional discharges to obtain compliance. 1st cycle changes the behavior and the subsequent cycles allow for apprehension in most cases." *TASER International Instructor Certification Plan, Version 12.0, November 2004.*
10. "The numbers will continue to increase with the number of devices sold," Steve Tuttle, Director of Communications, TASER International, Atlanta Journal Constitution, May 29, 2004.
11. "Repeated, prolonged, and/or continuous exposure(s) to the TASER electrical discharge may impair breathing and respiration, particularly when the probes are placed across the chest or diaphragm." *TASER International Training, Bulletin 12.0 – 04, June 28, 2005, [http://www.taser.com/documents/12-04\\_Restraint.pdf](http://www.taser.com/documents/12-04_Restraint.pdf).*

### Human Rights, Amnesty International, TASERs