

**The Bill Blackwood
Law Enforcement Management Institute of Texas**

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TASER GUN

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**An Administrative Research Paper
Submitted in Partial Fulfillment
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Leadership Command College**

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ABSTRACT

Today there exists more pressure from civilian committees' regarding the amount of excess force that law enforcement personnel use. Different civil rights organizations have also shown a concern about excess use of force for law enforcement officers, during an arrest. Law enforcement supervisors are looking for a tool that could be used effectively as a less lethal weapon.

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Different agencies have several less lethal options available to the individual officer. Some of the more commonly used less lethal weapons are OC spray, baton and the Taser gun. With the introduction of new, less lethal weapons, different agencies are faced with different ideals of how to employ the new, less lethal weapon. Another consideration might be removing one, or all of the current, less lethal weapons the officer now carries, and replace them with the Taser gun.

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Comment [s4]: Change "Or, Considering" to "Another consideration might be."

A survey was conducted during the module I class of June, 2004. There were 30 students in the class, however only 24 students responded. Data compiled from the different agencies indicated that each officer differed from a choice of the less lethal weapon preferred. Some agencies did not have the Taser Gun issued. Several agencies that issued the Taser Gun, did report a reduction in injuries to officers and suspects.

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Comment [s6]: Change "but" to "however."

Based upon the different responses from the different officers, I concluded that every incident involving a less lethal encounter is different. There should be several choices to the individual officer for the best type of less lethal option that is used.

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INTRODUCTION

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Today there exists more pressure from civilian committees about the excess use of force utilized by law enforcement personnel. Also, different civil rights organizations are becoming involved with excess use of force cases involving law enforcement agencies. Law enforcement supervisors are looking for a tool which could be used effectively as a less lethal weapon. With the selection of an appropriate less than lethal weapon, comes proper training. When proper training is not conducted and documented, an agency may be liable, including the county or the municipality that a department is part of. At the present time, there are several weapons on the market which fit in the category of "less than lethal". Some agencies are removing one or two forms of less than lethal weapons just to replace it..

The purpose of this research is to seek and determine if the taser gun can reduce injuries to both officers and suspects during an arrest. Also part of the research will be that only one type of less than lethal weapon is necessary. Specifically to answer the questions: Is there one less lethal weapon that is best used? The author will conduct an inquiry by research in several different ways in the use of the taser gun. First, a written survey was completed by the students of the Law Enforcement Management Institute of Texas. This class will consist of 20 officers from different agencies around the state of Texas. Additional research will be conducted by reviewing periodicals from different police magazines, journals and from Taser International.

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It is anticipated that the findings of this research will show law enforcement agencies who have the taser gun, have a reduction in injuries to both officers and

offenders. The agencies who do not have the taser gun could have higher incidents of injuries to both officers and offenders. The agency who has more incidents of injuries to officers, will also have more over time payments to cover the loss time for the officer that has suffered injuries. The worst case scenario is the officer, who was in a hand-to-hand combat with the suspects, and had his/her weapon taken and killed with his/her own handgun. An officer who was killed in the line of duty cannot be replaced in the agency or their family. Each law enforcement agency will have to make a decision about which weapon to carry in the force continuum. By using a taser gun as a less than lethal weapon, it could reduce injuries to both officers and suspects. The field of law enforcement would benefit due to the reduction of training hours. Training must be completed and documented for each officer that carries a taser gun. It further reduces over time payments for training.

REVIEW OF LITERATURE

In recent years, the number of lawsuits brought against police agencies and individual officers, has increased at an alarming rate. Administrators, the general public and especially the media, are very concerned with reports of alleged excessive force by officers. Unfortunately, public perception of officers and the use of force are frequently influenced by extensive media coverage of highly publicized incidents of excessive force. CASE LAW: As far as use of police force is concerned, the courts have not established specific guidelines for officers in regards to what force is appropriate for a specific situation, this gives

police agencies a great deal of discretion in writing of policies and force continuum design. A landmark case that decided by the U.S. Supreme Court was *Graham v. Conner* 490 U.S. 386, 104 L.Ed.2d 443, 190 S. Ct. 1865 (1989). This was a less than lethal force case, which also made it clear that the standard for an officer's use of force upon a seized free citizen was whether the force was objectively reasonable under the Fourth Amendment.

The "objective reasonableness" test replaced the subjective shock conscience test when the officer's use of force is directed against a seized free citizen. The "shock conscience test" was the prior standard established under *Johnson v. Glick* 481 F.2d 1028 (2d Cir. 1973) Denied. Where the extent of the force used by the officer was so sadistic, it shocked the conscience 414 U.S. 1033, 38 L. Ed 2d 324, 94 S. Ct. 462 (1973). This was a very difficult standard to prove or prosecute due to the subjectivity of the test: however, *Graham* replaced this subjectivity with the objective reasonableness standard. The objectivity reasonableness test is basically a balanced assessment that weighs the person's right to privacy and physical integrity, against the government's legitimate interests in taking actions against the person. In other words, the more heinous the person's activity or threat level, the more force an officer may justifiably use. "Subjective" refers to what the officer believes or intends, which is not relevant to any situation: "objective" refers to what the officer knows. This is critical in determining the appropriateness of an officer's force.

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Comment [cen10]: Change to "assessment" since you already used "test."

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According to *Graham*, every use of police force, whether it be non-lethal or deadly, requires a case specific review of: the severity of the crime at issue; the apparent threat posed by the subject to officers and others; whether the subject is

resisting seizure; whether the subject is attempting to flee and use of force is to be judged from the perspective of a reasonable officer coping with tense and fast evolving situation.

Under the guidelines of the Graham decision, an officer is not required to use the minimum amount of force necessary to affect an arrest, or control a suspect. An officer needs only to select a level of force that is objectively reasonable. However, many department policies compel an officer to use the least amount of force necessary to affect an arrest. This is a common occurrence. As department policies can be and often are often more restrictive than the law actually requires them to be.

An officer can actually be in violation of a department use of force policy, yet not be in violation of federal guidelines in accordance with the Graham decision. According to *Smith v. Freland* 954F. 2d 343 (6th Cir, 1992), the issue is whether the officer violated the constitution, not local police force. What all this translates to is that an officer may be immune from criminal prosecution for a Fourth Amendment violation, yet still is subject to administrative sanctions for a policy violation. Therefore, it is incumbent upon the individual officer to be aware of department policy as well as federal guidelines when applying a use of force. When it comes to the use of force, there are many of issues that must be considered. It would be unrealistic to think that all of these topics are running through the minds of officers prior to every use of force, and the most important thing to remember is the use of force needs to be reasonable in relation to the circumstances. After control is achieved, the escalation of force should ideally come to the end. Many officers get themselves into a bind because they do not

always realize the difference between using force to control and utilizing force to punish. When an officer has to use force, problems occur because the officer does not always know when to stop. With this in mind, if an officer has to use force, it should not be that difficult to defend, or justify, once control has been established. With the courts, police administrators, the media and the public carefully scrutinizing the actions of law enforcement officials regarding use of force incidents, it becomes important that the officers work smarter and remember that the role of law enforcement is to diffuse and control the situation, not to create one with an excessive or unreasonable use of force. Jess Grundy, (2003)

Now there is a new Taser on the market. It is the X26 from Taser International. The new Taser X26 with the shaped Pulse Technology is a lighter, and smaller weapon. The new Taser integrates new technology, making it more effective and easier to use. It is now in production and being shipped. The M26 points and feels very much like a duty pistol but has a bright yellow stripped marking. It was shaped this way for ease of training by taking advantage of hand motions and muscle memory already in place and to increase accuracy under stress.

The firing end of the taser is a hollow square that contains two contacts. A small, rectangular cartridge is snapped into the end. When the trigger is pulled, compressed nitrogen blows two plastics, protective doors away from the cartridge and shoots two metal probes or darts up to 15 or 21 feet, depending on the cartridge. These darts are similar to straightened fishhooks, and remain attached to the gun on one end by thin, insulated wires. The probes affix themselves to

the clothing, or skin of the assailant and an electrical jolt is sent from the gun down the wires to the probes. This current can penetrate two inches of clothing. When the assailant receives the shock, it overrides his motor nervous system, his muscles involuntarily contract, and he is incapacitated and falls to the ground. The Taser is safe to use because it interferes with the communication between the brain and the nervous system. Also, Taser does not rely on impact or penetration nor does it destroy nerves or muscles. When an assailant, who is still hooked up to the wires becomes combative again, additional pulses can be given.

There are many advantages to adding a Taser to a patrol officer's equipment. The main advantage is that an assailant with a knife, club, or similar weapon can be incapacitated from a distance up to 21 feet, allowing for less chance of injury to officer and assailant. Total incapacitation takes less than a quarter of a second. In addition, only the person who receives the shock is affected. It will not transfer to anyone touching the assailant, so officers can readily reach out to handcuff him, or separate him from others if he is arm locked or restrained with another compliance hold during a civil disturbance.

The Taser can be used in locations such as hospitals, or courtrooms where chemical agents can cause unwanted reactionary problems. There is no chance of cross-contamination to the arresting officer, or bystanders. Mental focus, training, alcohol, body size, or drug induced dementia cannot override the Taser's effect. The Taser will not cause long term injuries-the only injuries might be skin irritations; slight burn marks or blisters where the probes attach to the skin. Studies have shown that the electricity produced will not interfere with a

pacemaker, nor will it cause a heart attack. And often, just displaying the weapon or threatening to use it, especially when the party sees the red laser dot, will elicit compliance and keep a situation from escalating.

Within the Taser is a data port that can download information to a computer. Information such as how often the weapon had been used, time and date of each activation for the most recent 585 firings. The Taser uses the batteries to release a five-second charge of 50,000 volts. While this sounds like a tremendous amount of electricity, it is delivered at a low 0.68 amp and 26 volts watts, much less than the shock one might receive from a household current. The Taser delivers 18 pulses per second for the five-second hit. When fired, they also discharge up to 40 small identification tags called AFIDs that look much like colored confetti created by a hole punch. On each tag is a number that tells exactly which one fired the probe, even if all of the cartridges carried by the officer have been deployed, the Taser can still be used as a handheld stun gun. Jim Weiss (2003).

Use of non-lethal weapons has increased in recent years as law enforcement agencies search for ways to subdue violent and uncooperative suspects, without resorting to deadly force. Taser guns, an alternative to choke holds are designed to electrically shock and temporarily incapacitate suspects, enabling police officers to take them into custody without inflicting significant, serious, or permanent injury to “the suspect, the arresting officers or innocent bystanders”. The promise of a taser gun is they quickly end the suspect’s resistance, making use of more severe non-lethal and lethal weapons unnecessary. With increasing use of Taser guns, police agencies have become

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better targets for civil litigation. Police agencies are sued most frequently under 1983 for an alleged violation of the Fourth Amendment. When use of a Taser gun is an issue in an excessive or unreasonable use of force case, the constitutional issue is whether the Fourth Amendment's objective reasonableness standard was violated. Since use of Taser guns are not per se unconstitutional, "courts" look to a variety of factors to determine their constitutionality. Of cases litigated thus far, courts have considered the following factors in assessing reasonableness:

- whether officers received training for the safe and appropriate use of taser guns:
- whether the jurisdiction had a policy on use of taser guns;
- whether officers followed stated policy on use of taser gun; and
- whether a supervisor at the scene of the taser incident created policy.

Since most jurisdictions using a taser gun have policy on its use, a frequently litigated issue involves jurisdictional liability for officer failure to adhere to existing policy. Since most jurisdictions using taser guns have policies on their use, a frequently litigated issue involves jurisdictional liability for an officer's failure to adhere to existing policy. M S Vaughn; C R Ramirez (1992)

Since its introduction in 1999, the Advanced Taser M26 has found it's way onto the belts of thousands of officers in North America and around the world. It is one of the most popular less-lethal weapons in the history of law enforcement. The Taser is far from perfect. The X26 incapacitate subjects by electro muscular disruption (EMD), an uncontrollable contraction of muscular tissue that's been described as a full-body charley horse. Thousands of tests by Taser on SWAT

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officers, elite warriors, and martial artists have proven that EMD can stop even the most focused and fit subjects. The secret to the X26's efficiency is what Taser calls a "shaped pulse." The X26 breaks the resistance of the subject's clothing and skin once, uses a small part of its charge to maintain that opening and pushes the rest of its energy through with little resistance for 19 pulses per second for the first two seconds and 15 pulses per second for the next three seconds. Taser says the result is "a weapon that requires is a weapon that requires less energy but causes 5 percent more of the EMD effect on the target". The effect of the X26's shaped pulse is even more debilitating than Taser's previous models, but the company says it remains perfectly safe. As with the M26, the X26 has been extensively tested on animals, and the studies have shown that the incapacitation is temporary with no permanent effects on the subject. David Griffith (2003).

To say that TASER pulse wave technology has been "over-studied" by the medical community would be an understatement. Since the TASER was first invented, there have been concerns about applying the electrical current to human subjects and the direct medical consequences. Some of the medical consequences which were hypothesized to be caused by the TASER's current included: causing heart attacks, long term seizure activity, and the potential to cause pacemakers to fail. To date, all medical research that has been done on the TASER has found that when used on a normally healthy adult, the electrical current supplied by a TASER (50,000 volts 5 watts) is extremely safe to use and will not effect cardiac muscle, effect pace makers, or cause long term seizures. It should also be noted that in July 1999, Constable John Macdonald, of the

Ottawa-Carlton Police Department, supplied the University of Ottawa Heart Institute all of the US medical research available on the Taser for review. Dr Hendry, Co-Director of the Pacemaker Clinic, stated, "I have reviewed the information you provided and I am reassured that this system appears to be safe for its use in controlling violent offenders." Dr. Hendry further went on to say, "Certainly the device appears to be quite effective in controlling violent offenders and I suspect that the extremely limited potential for causing serious injury is far outweighed by the importance of controlling the offender safely and quickly." To date, there has never been a death directly related to the current used by the TASER. Although there have been some serious injuries that have been sustained as a result of the TASER being used, these were secondary injuries such as: blunt trauma injuries from a person falling after being shot with a TASER, 1 incident of a TASER dart puncturing an eye, and two incidents where the TASER current ignited suspects who were soaked in a flammable liquid. These types of injuries although possible, are NOT very probable especially if an officer has received proper training as to when and when not to deploy a TASER. The most common injury reported are the puncture wound that are left by the TASER darts if they puncture a subject's skin. Although easily removed by medical staff, the darts will leave a small "bee sting" type puncture wound. Associated with this puncture wound will be discoloration (redness), about the diameter of a pencil shaft. This redness is, this redness is medically classified as a first degree burn caused from the electrical current of the TASER. If the TASER current is applied for more than 4-5 seconds, a smaller blister (second-degree burn) may appear at both probe points. This blistering is the body's

natural defense against the slight heat being generated by the TASER current. The redness and the blistering will usually disappear within a week, without any complications or medical intervention needed. It cannot be emphasized enough, that TASER pulse wave technology weapons that use 50,000 volts and 5 watts have been medically proven to be safe when used on normal healthy suspects. Although there are always risks when using any force option to control violent behavior, the medical risks posed by the TASER are very minimal when compared to blunt trauma injuries caused by empty hand impact techniques and baton strikes, or even the trauma caused by an officer's firearm.

METHODOLOGY

The research question that will be looked at is: Can there be one less lethal weapon that is best used? By using the TASER gun as the only less than lethal weapon, it could reduce injuries to both officers and suspects. If the agency chooses to replace all less than lethal weapon etc: ASP baton and OC spray with the taser gun, this could reduce training hours that an officer is required to attend to be certified to carry and use these weapons. To become certified to carry an ASP baton, this is an eight-hour class. For an officer to become certified to carry and use OC spray, this is a four-hour class. There is other less than lethal weapons such as the claw and the nun chucks (requires marshal arts training). To help prevent and reduce liability lose, less lethal weapons require recertification every year. Total man-hours will greatly increase with each and every less than lethal weapon that the department requires to use and carry. When an agency decides to replace all less then lethal weapons with

just one less then lethal weapon such as a TASER, the department saves man-hours and money. As with any type of weapon, training for each officer must be completed and documented.

The author will conduct an inquiry by research in several different ways. First a survey of participants of the Module One class 20 participants of Law Enforcement Management Institute of Texas in the use of the taser gun. Additional research will be conducted by reviewing periodicals from different police magazines and journals and from Taser International.

It is anticipated that the findings of this research will show that law enforcement agencies that have the taser gun have a reduction in injuries to both officers and offenders. The agencies that do not have the taser gun may have higher incidents of injuries to both officers and offenders. The agency that has more incidents of injuries to officers will also have more over time payments to cover the loss time for the officer that has suffered injuries. The worst case scenario is the officer, who was in a hand-to-hand combat with the suspects, and had his/ her weapon taken and killed with his/her own handgun. An officer that was killed in the line of duty cannot be replaced in the agency or his/her family. Each law enforcement agency will have to make a decision about which weapon to carry in the force continuum.

FINDINGS

A survey was conducted of 30 police supervisors who where attending the Law Enforcement Management Institute-Module I. The supervisor varied in rank from Sergeant to Chief of Police and worked for counties or cities ranging from

2000 to over 250,000 citizens. The written survey asked about what type of less lethal weapon that was carried by each department. This survey asked about what type of injuries were sustained by the officer or the suspect. Each officer was also asked which less lethal weapon the/she would carry if a choice were given to them. Twenty-five out of 30 surveys were returned. These 25 surveys were analyzed to determine if only one type of less lethal weapon would be required and what type of weapon that is.

Types of Less Lethal Weapons carried.

None	Taser	O.C	Baton/ASP	Bean Bag
	3	23	22	1

Usage for Less Lethal Weapons.

Taser	O.C	Baton/ASP	Bean Bag
2	11	1	1

Failure effect of Less Lethal weapon.

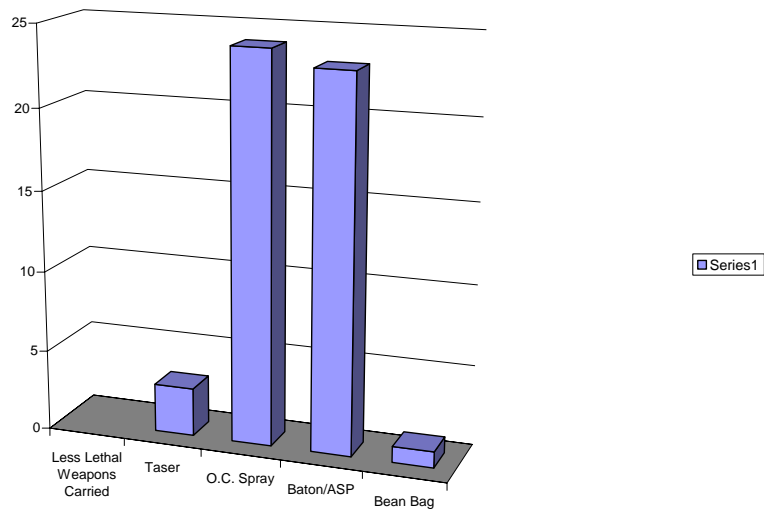
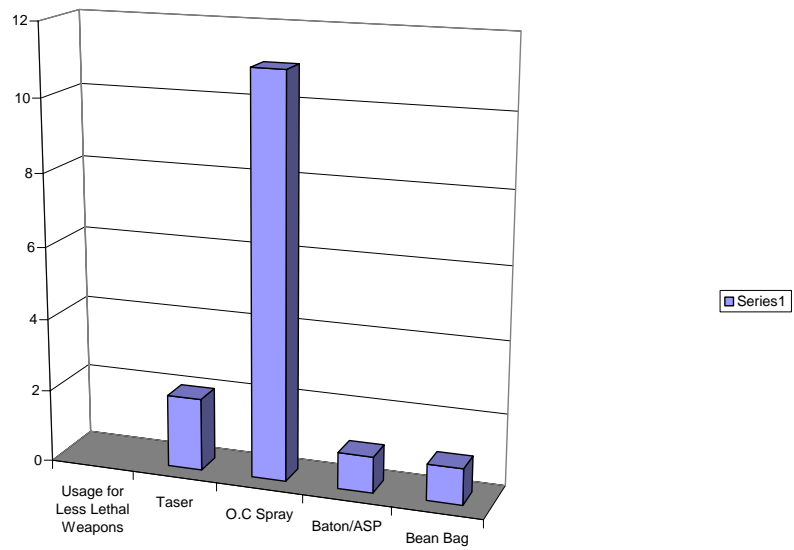
Taser	O.C	Baton/ASP	Bean Bag
2 (1 dog)	5	4	1

Injuries from Less Lethal weapons.

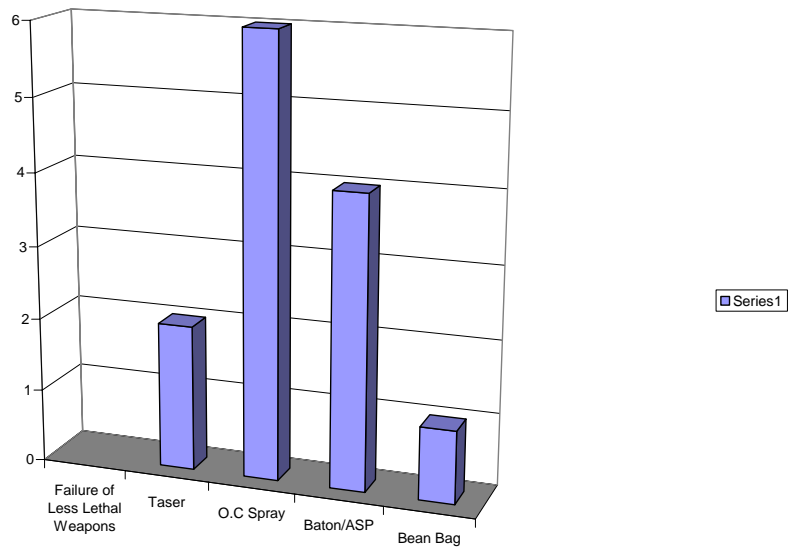
Taser	O.C	Baton/ASP	Bean Bag
1	4		1

Officer choice of Less Lethal Weapon to carry.

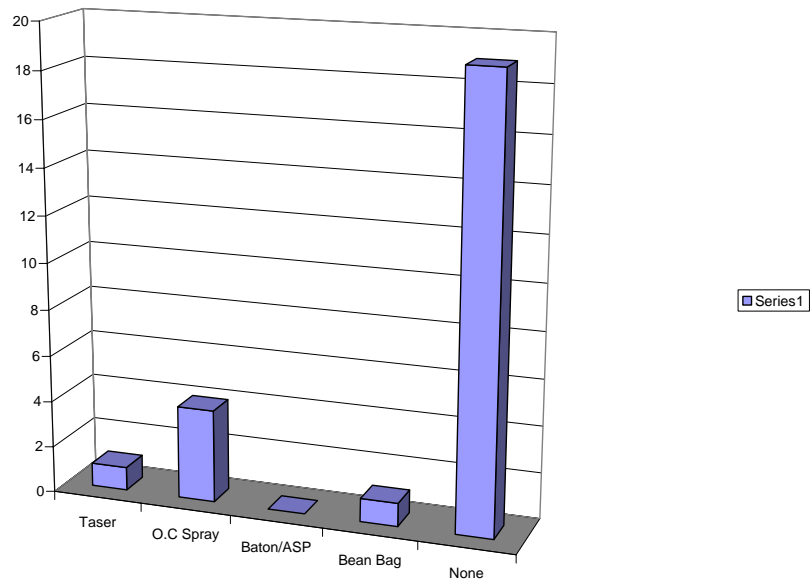
None	Taser	O.C	Baton/ASP
2	10	8	4

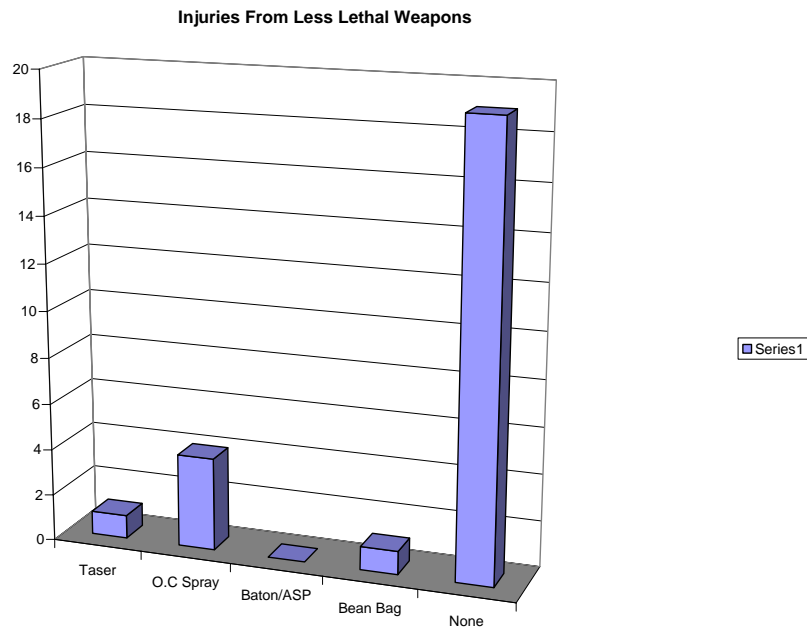
Less Lethal Weapons carried**Useage for Less Lethal Weapons**

Failure Effect of Less Lethal Weapon



Injuries From Less Lethal Weapons





The last question was if the Taser was issued, has there been a reduction of injuries to officers or suspects. Three agencies had seen a reduction in injuries. I made contact with Sgt Albright who is assigned to the training section of the Amarillo Police department. Sgt Albright stated, “The Amarillo Police Department does not have a policy about which less lethal weapon to carry. Standards the police department follows are recommended by the International Association of Police Chief”. Those standards are, any less lethal weapon that an officers carries must have training with that weapon. Sgt Albright said that his agency does not dictate to the officers what less lethal weapon to carry. If an officer does not have sufficient enough room on the duty belt to carry all less lethal weapons, the officer has the option to select which weapon to carry.

I interviewed another agency about the standards of carrying less than lethal weapons. I spoke to the Wichita County Sheriff's office. Before this agency had the Taser, there were several options of less than lethal weapons to carry. ASP baton, OC spray and defensive tactics were the less lethal weapons of choice. But, after the Wichita County adopted the Taser, options of less lethal weapons changed. After completion of training with the Taser gun, officers were no longer allowed to carry any other less lethal weapon except, the Taser gun. The Taser gun was also introduced into the county jail as a less lethal option. The Sheriff of Wichita County was instrumental in adapting the Taser gun and its approval from the Texas Jail Commission for use within the county jail. This allowed Deputies that worked inside the jail another less lethal weapon option that could be used to help prevent injuries to both officers and inmates during disturbances.

DISCUSSION/CONCLUSIONS

The purpose of this research is to seek and determine if the Taser gun can reduce injuries to both officers and suspects during an arrest. Is there one less lethal weapon that is best used.

After researching the Taser Gun as the only less lethal weapon for law enforcement officers, it was revealed that several less lethal weapons were needed. There will be different situations that involve arresting and control of suspects. This would require having different options available. Understanding the effective range of each weapon, manipulation, and skill of the officer would be considerations with each incident. Having just one less lethal weapon may require an officer to become more physical with suspects during arrest. This may

end up with injuries to both the officer and suspect. An officer will need to be able to perform his/her job safely and effectively. Why are less than lethal options the best way to resolve a non - life threatening situation? These options have proven over time that there may be other ways to restore order and resolve conflict, if lethal force is not warranted. There may be some risks with a less than lethal option, but it is far safer than its alternative, lethal force.

Less than lethal options have made a positive impact to law enforcement officers. There are a variety of less than lethal options that are effective for handling some chaotic situations. They have proven to be one of the best advancements in modern law enforcement. Having several less than lethal options, continue, to offer the officer more ways to apprehend and subdue suspects while exerting the least amount of force necessary. There are currently other promising less than lethal options being developed to aid law enforcement officers and military police. In the future, police officers may have more choices available to perform their duties and preserve the life of others.

Officers must continue to be properly trained on how to administer a less than lethal option, as well as when a less than lethal option should be used. An officer should follow the policies and procedures set up within his/her department when administering less lethal weapon.

The purpose of a less than lethal option is to temporarily confuse, delay or incapacitate a person. The rate of effectiveness is good overall, when applied accurately. A less than lethal option may reduce the need to resort to lethal force in some incidences, and may reduce injuries to both officers and suspects.

Richard Conner, (2004)

Less than lethal options continue to benefit law enforcement as well as the public. Less than lethal options, are beneficial mainly because they are safer and most can be easily reversed. Having properly used less lethal weapons has proven to be a deterrent to both physical and deathly force. This is a reduction in injuries to both officers and suspects alike. Society is mostly supportive for the use of less than lethal options mainly because these are alternatives to lethal force. When an agency has different less lethal options available to its officers, this sends a message to the public that lethal force may not be the only option used to end a situation. Society agrees with law enforcement in that there are needs for different less than lethal options when dealing with criminals. When the situation gets out of control, the officer will have different less then lethal options instead of lethal force. The Taser Gun should not be the only less lethal weapon an officer has to use.

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