

August 22, 2006

Dear Police Chief:

This weekend, as you know, a Woonsocket resident died after being subdued by police with a Taser weapon while in police custody. Unfortunately, this death was in some sense inevitable in light of the continually-growing evidence that stun guns are not the non-lethal device that proponents purport them to be.

Two years ago this month, the Rhode Island ACLU sent a letter to police departments in the state urging that the weapons not be purchased, as we cited research at the time that questioned the Taser's safety record and the way it is used on suspects. Since then, many more questions have been raised about the weapon's use and safety, and as Taser sales have increased, the number of deaths associated with their use has also skyrocketed. Yet the guns continue to be marketed as a "non-lethal" alternative to handguns. I have taken the liberty of enclosing a copy of the 2004 letter we sent, for to the extent that the data cited in that letter is outdated, the questions surrounding this weapon have only grown.

Of course, we know few details about this recent death or the extent to which the Taser may have been responsible for it. At the very least, however, in light of the evidence that is already available, this death should serve as a wake-up call that the Taser's use is potentially lethal and should only be employed as an alternative to deadly force. In the meantime, we urge any departments that have the weapons to impose a moratorium on their use until additional information can be gathered on this tragic incident, until the safety of the weapon has been independently and more thoroughly scrutinized by your department, and until your department has had a chance to carefully review both its policies and training procedures governing the weapon's use.

In that regard, the ACLU is interested in examining the policies and procedures that police departments using Tasers currently have in effect. Therefore, **pursuant to the Access to Public Records Act**, we request that you provide us a copy of any such policies and procedures of your Department, along with any Departmental training materials on the weapon's use. As provided for by the Act, we look forward to receiving the requested documents within 10 business days, and are willing to pay reasonable copying costs for those documents.

Thank you in advance for your attention to both our concerns and our request for documents under the Access to Public Records Act.

Sincerely,

Steven Brown
Executive Director

Enclosure

August 3, 2004

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Dear Chief []:

We are writing to police departments across the state in order to point out our concerns about one of the latest “alternative” weapons being considered for deployment by departments, and that is the Taser. While Taser “stun guns” seem to provide an attractive, non-lethal, alternative to traditional weapons, they actually pose their own set of concerns. Recent reports from several sources have both challenged the guns’ safety and noted that they may be prone to gratuitous use. The Rhode Island Affiliate of the American Civil Liberties Union urges your police department to carefully examine these issues before considering the addition of Tasers to your officers’ arsenal.

Most troubling is the mounting evidence that Tasers are not as safe as its makers have claimed. Taser International, the Arizona-based company that manufactures the guns, claims that Tasers have never caused a fatality. The company has stuck to this claim, although increasing evidence points to the contrary. According to data gathered by the Colorado affiliate of the ACLU, three deaths were associated with Taser shocks in 2001; ten in 2002; and sixteen in 2003. The *New York Times* recently reported that six people died after Taser shocks in June of 2004 alone.

In several of these cases, medical examiners’ reports listed Taser shocks as a contributing cause of death. But because none found that the gun was solely responsible, the manufacturer continues to maintain that the gun is safe, and markets it to police departments as such. Last month, an investigation by the *Arizona Republic* newspaper revealed that Taser International based its reports on media accounts instead of on autopsy findings, and omitted information that directly implicates the gun.

Despite the controversy, no government studies have been done to assess the Taser’s safety record, and Taser International itself has done only rudimentary studies on its most potent gun, known as the M26, none of which has been published in a peer-reviewed journal. It is thus not surprising that independent researchers surveyed for an extensive and detailed *New York Times* article on the subject claimed that the device needs much more careful scrutiny.

Especially troubling is evidence that drug and alcohol use may make a subject more prone to electroshock injury from the Taser. This is problematic because the Taser is often used to subdue intoxicated people.

These safety concerns are heightened because it appears that the Taser is prone to gratuitous use or abuse. Because the weapon is believed to have no lasting effects, some data suggest that officers are more willing to deploy it against suspects who are not armed, are questionably threatening, or are already restrained. The *New York Times* cites a study by the sheriff's office in Orange County, Florida that found a 58 percent increase in the use of force since Tasers were adopted there. Taser's manufacturers themselves say that 85 percent of shock recipients are not armed, according to the *Times*.

Anecdotal evidence from one state where the ACLU has been closely examining the issue supports these studies. The Colorado affiliate has been receiving complaints (many corroborated by police reports) from suspects who were shocked while handcuffed because they "mouthed off" or yelled at officers. Prisoners in state and county jails have also reported to the Affiliate that they were shocked for offenses ranging from refusal to pick up a tray to refusing to provide a DNA sample.

In situations where an individual poses no threat to an officer, deploying a Taser is clearly an inappropriate use of force. The 50,000 volt, five second shock that the M26 delivers causes the subject extreme pain, even if damage is not permanent. In England, Tasers can be used only when lethal force is authorized. The report that led to this restriction found that "operational benefits of a wider deployment of the Taser were outweighed by residual medical concerns...particularly in respect of special population groups."

In the U.S., however, many departments view the Taser as a tool for use when lethal force is not called for; i.e, when the suspect is not armed or is merely intoxicated. While departments should be commended for seeking non-lethal alternatives to violent weapons in such situations, this should in no way justify casual use of the alternatives.

It is our understanding that four police departments in the state have already acquired Tasers. However, until the many questions that have been raised about this device have been satisfactorily answered, we strongly urge your Department not to join those other agencies in the purchase of this weapon.

If you would like copies of the articles cited in this letter or have any questions about our position, I hope you will feel free to let me know. Thank you in advance for your consideration of our views on this important matter.

Sincerely,

Steven Brown
Executive Director