

TASERS: WEAPON OF CHOICE FOR BULLY COPS

More than 5,000 police forces across the US have them in their arsenal, but hundreds of cases of abuse at the hands of Taser-wielding police indicate they're too often used as a weapon of first, rather than last, resort. On Friday night, March 4, Orlando FL police stopped 18-year-old Antonio Wheeler on suspicion of drug dealing. Wheeler fled, was chased, caught and arrested when a Chapstick container holding .8 grams of what turned out to be cocaine was found in the vicinity of the initial stop. According to police, after he was arrested Wheeler claimed to have eaten an unknown quantity of cocaine. Wheeler was taken to the hospital emergency room after he admitted he'd eaten cocaine because the police on the scene didn't know how much he'd eaten, Sgt. Brian Gillian, Public Information Officer for the Orlando Police Department told Cannabis Culture. The officers were actually trying to save his life there, protect him from overdose. Once at Florida Hospital, Wheeler was handcuffed to a hospital bed and ordered to give a urine sample—which the hospital claimed was standard procedure for people who admit taking drugs or alcohol. (When questioned about the purpose of the urine sample, Florida Hospital spokeswoman Melanie Trivento told CC she was not permitted to comment on either the procedure.) When Wheeler didn't produce one, his arms and legs were strapped to the bed and he was again ordered to urinate. When he still wouldn't produce a sample, nurses at the hospital attempted to insert a catheter into Wheeler's penis, at which time he began thrashing around, according to the police report. An officer at the scene, Peter Linnenkamp, who was not among the arresting officers, jumped on the bed and put his knees on Wheeler's chest to restrain him. When even that failed to get Wheeler to produce the urine sample, Linnenkamp pressed his police-issue Taser against Wheeler's leg, sending a 5-second burst of 50,000 volts of electricity coursing through Wheeler's system. A few moments later, when Wheeler continued to refuse to allow the nurses to insert the catheter, Linnenkamp tased him again. According to Linnenkamp's report of the incident, "After the second shock (Wheeler) stated he would urinate and calmed down enough to be given the portable urinal. When the story broke it prompted an internal police investigation, which resulted in an April 18th indictment of Linnenkamp on the charge of battery. Linnenkamp, who otherwise has a clean record over 18-years on the force, may lose his job and pension and could—though it's unlikely, do a little jail time.

In a subsequent interview at the Orange County Jail where he's being held on \$7,500 bail on charges that include possession of cocaine with intent to sell, escape and resisting without violence, Wheeler admitted he aggressively resisted having the catheter inserted because he was terrified it would hurt. "I feel I was basically raped," he said.

The incident is disturbing for several reasons. The hospital wouldn't, and the Orlando police couldn't, explain what a urine sample would show. It certainly wouldn't show anything active in Wheeler's system. It's also illegal in the US for any doctor or health care worker to perform a procedure on a patient who does not want it performed. Case law is clear that police must wait for urine samples, in the same way they must wait for a person found via X-rays to have swallowed condoms full of drugs to eliminate them on their own—no laxatives allowed.

The Wheeler case is also a perfect example of a long and growing list of abuses committed on civilians at the hands of Taser-happy police officers. They range from disturbed children being tased to get them to calm down to old men and women simply refusing to comply quickly enough to police orders. And a growing number of those tased are turning up dead. WHAT IS A TASER? Police use of stun guns began in the late-1970s. Correctional facilities also often use stun batons—cattle prods—or stun-belts on prisoners who are considered dangerous while being transferred. But the new era of Tasers didn't begin until 2000, when TASER International of Arizona introduced the TASER M26. Looking like a sci-fi gun with bright yellow striping across a black body, TASER is an acronym for Thomas A. Swift's Electric Rifle. The M26 shoots out two fish-hook-barbed electrical wires a distance of 21 feet that penetrate either clothing or skin and deliver a 50,000-volt shock in a cycle that lasts 5 seconds. The shock renders the recipient instantly immobile for its duration, and the 5-second cycle may be increased if the officer continues to hold the trigger down. In a Dec. 13, 2001 press release announcing a large purchase of the the M26 Tasers by the Los Angeles Police Department, TASER Intl. noted that the new generation Taser was "nearly four times more powerful than previous TASERs" and that the M26 came equipped with "built-in laser sights and an onboard data chip that records the time and date of each firing to backup an officer's use of force reports." Two years later, in 2003, TASER introduced the TASER X26, billing it as offering "even greater stopping power than the ADVANCED TASER M26" Both models can be used either with their firing darts or in stun-gun mode, by placing the weapon directly in contact with clothing or skin.

The company, which now markets both the M26 and the X26 to more than 7,000 police forces worldwide as well as to limited units in the United States military, claims the Tasers are intended for use against "dangerous, combative, or high-risk subjects that may be impervious to other non-lethal means." The company claims the low-amperage of the electric current (.004 amperes) prevents Tasers from causing permanent damage on suspects and lowers the risk of police use of lethal force by providing them with a "less-lethal" alternative.

In theory, providing police with an alternative to a gun that can temporarily incapacitate someone and provide the officer with enough time to handcuff a dangerous suspect sounds okay. And there are certainly cases where the weapon has saved lives in situations that would otherwise have resulted in the use of guns.

Unfortunately, police policies don't replace guns with Tasers on

their "use of force continuum," the levels of force used to diffuse or control police situations. That continuum begins with simple police presence, then moves to issuing commands, the use of open hands, the use of pepper or other chemical sprays, the use of closed hands (including elbows and knees and other takedown moves), the use of a hard baton, and finally, the use of lethal force.

In many of the agencies that use them, however, rather than being at the upper end of the continuum, Tasers are placed immediately after the "issuing commands" force level. Which means that if an officer asks you to produce your driver's license and you ask "why?" rather than immediately complying with the order, there's a chance you'll be tased for refusing the command. Which opens the doors to its use as a weapon of compliance—a bullying tool to get people in line. And that's where the problem with Tasers begins. BULLYING POLICE USE Thomas J. Luca, a Florida defense attorney who has brought suit against several officers in Orlando and two neighboring counties says that the Taser has changed the way police work is done in areas where it's used. "Cops now approach suspects with a completely hands-off investigative technique. They used to have to talk with people, do some real police work. Now it's 'do what we say or we'll Taser you.' The cops are way over the top in their use of these things despite what they tell you. A lot of them are just plain Taser-happy. And the police policies justify that approach."

Among the cases he's handling is one in which police were called for a domestic disturbance between a father and his adult son. When the officers arrived the argument was over. Nonetheless, the police ordered the father to leave the house. "He told the police he wasn't leaving because it was his house," says Luca. "So he turns around to walk to the kitchen and they taser him in the back."

It gets worse, says Luca: "I've got one guy tasered 12 times. The police report says he wouldn't follow their commands. How could he? He was on the ground nearly paralyzed!"

While none of Luca's suits have been heard as yet, Donald Henderson, an attorney in Bethel, Alaska, won a \$1.08 million judgement for a client last October for torture in connection with taser use. "My client was drunk and he took his aunt's snowmobile without permission," says Henderson. "She sees it gone and calls the police and they pick my guy up and put him in the local one-cell jail—which just happens to be guarded by his cousin. So in the morning, his cousin lets him grab a smoke outside and he decides to wander off to go visit his girlfriend. A trooper goes to apprehend him and my client resists. The trooper tasers him, my client falls down in the snow. Then the trooper gets on top of him and handcuffs him. My client, by the way, weighs 140 and is hungover; the trooper is six-four and weighs 220. "But then," continued Henderson, "the trooper tasers him seven additional times—while he's on the ground, face in the snow, and handcuffed. That's not police work, that's torture."

At the trial, says Henderson, a representative of Taser International testified that the Taser couldn't leave scars. Well, my client was covered in them. And the fellow says, "Those are not scars, those are just skin discolorations." The Alaskan police agency, which is appealing the judgement, claimed that Henderson's client refused to cooperate, which is why he had to be tased so many times. "If that trooper didn't have the Taser, he'd have had to do real police work—just wait my client out till he settled down. Now, the police are all in a hurry to go get that next coffee, latte, and the Taser makes things quick. "To be honest, there are situations where they're useful, but too often giving a police officer a taser is like giving a kid a new squirt gun. Doesn't matter that you tell him not to use it, he just has to go out and try it. And that's when it can become a tool of torture. In my opinion it's like giving policeman a portable electric chair." The cases mentioned by Luca and Henderson are anything but rare. In a massive report released last Nov. 30 on Taser use by police between 2001-2004 Amnesty International found hundreds of documented cases where the use of a Taser was at best a poor choice of force, at worst criminal. Among the most egregious cases noted were: "In Oregon, police had tasered people "after stopping them for non-violent offenses, such as littering and jaywalking, selling plastic flowers without a license, and failing to go away when told to." AI also reported that Oregon police had tasered an elderly man after he dropped "onto his hands and knees instead of lying flat on the floor, as ordered by police." And 71-year-old Eunice Crowder was tasered after ignoring police orders not to enter a trailer where rubbish had been placed by Portland city employees who had a warrant to remove it from her yard. Crowder won a \$145,000 out-of-court settlement from the City of Portland after it was learned that two officers "struck Ms. Crowder (who was blind in one eye) in the head with tasers, dislodging her prosthetic right eye from its socket. She was also tasered in the back and on the breast as she lay on the ground." "In Mesa, Arizona police tasered an unarmed suspect in a house burglary who had climbed into a tree to escape from four guard dogs. The man fell, landing on his head and leaving him partially paralyzed. In Chandler, Arizona, police told a man who was "standing on the sidewalk yelling and screaming at the sky" to be quiet. He continued screaming and was tasered. He fell to the ground but "as the subject began to get up, the taser was cycled a second time." "In Seattle, a 16-year-old was tasered four times on the back of the neck when the car in which he was a passenger was stopped for a faulty headlight. Police decided to frisk the youngster outside the car because they claimed he "made furtive movements in the back seat" and tasered him repeatedly when he resisted. "In Kansas City, MO, a 66-year-old African American woman was tasered twice in her home after she resisted being handed a ticket for honking her car horn at a police car. "In Baytown, Texas, "a man who had reportedly suffered from

two epileptic seizures was touch stunned in an ambulance when, confused and disoriented, he resisted while being strapped onto a stretcher. Also in Baytown, 59-year-old disabled Naomi Autin was tasered three times for banging on her brother's door with a brick. Autin was collecting mail for her brother while he was away and became worried after she couldn't reach his house-sitter. She was the one who had called the police for help. In Florida, Amnesty International reported tasers being used on a man who refused to discard the drink he was drinking in a park and refused to turn round and be handcuffed; a woman who, ordered out of a pool for swimming naked and once dressed, refused repeated commands to turn round and put her hands behind her back; and a 14-year-old boy who had allegedly broken a window and tried to run away, among others. In none of these cases were police found guilty of any wrongdoing. Amnesty International did note that in several instances, following highly publicized and controversial Taser use, law enforcement agencies tightened their officers' restrictions on future use. That change has generally been to prohibit using a Taser on those who simply don't comply with police commands or offer passive resistance. Some agencies have also implemented rules against tasing children, pregnant women and the elderly. None however, restrict its use to potentially life threatening situations. As noted in the AI report, "Tasers are commonly used to secure compliance in routine arrest and non-life-threatening situations." Initially, says the Orlando Police Department's Sgt. Gilliam, "our policy was that if someone resisted arrest—even passively, like not presenting hands when told to—we could use the Taser. Now, we've changed the policy to where we won't use it unless they're actively resisting arrest—not just talking, but getting physical with us. But that includes fleeing. We're not gung-ho on using it. Most of us, anyway." Still, the abuses continue. This past January, in Salt Lake City, officers assigned to security for the Fiesta Bowl college football game tasered at least 24-fans who tried to rush the field in celebration after their team won. TASER DEATHS Perhaps most disturbing in the Amnesty International Report was that between 2001-2004 more than 70-deaths occurred in the US and Canada to people while in police custody within hours or days of being tasered. That number made a fantastic leap to 103 by March of 2005, and there have been at least two deaths in April that are not included in that figure. While TASER International has repeatedly released reports to the press that indicate that in no instance has a TASER been proven to be a "direct cause" of a fatality, Amnesty International points out that, "some medical experts believe Taser shocks may exacerbate a risk of heart failure in cases where people are agitated or under the influence of drugs or have underlying health problems." In reviewing the information on 74 deaths reported since 2001—including autopsy reports on 21—AI points out that nearly all the deaths occurred in males between 18 and 59 years old, of varying ethnic origin. Most of them involved the use of M26 Taser which is used much more frequently than the newer X26. The majority of those who died following Taser shock had high quantities of drugs or alcohol in their systems, and "violent struggle, positional asphyxia and excited delirium were cited in some cases as a sole or contributory factor leading to sudden cardiac arrest." AI investigators, however, believe that the Taser had a central role in at least some of the deaths, suggesting the shock "could have exacerbated breathing difficulties caused by factors such as violent exertion, drug intoxication or other restraint devices, triggering or contributing to cardiac arrest." Medical examiners in at least five cases included the Taser as a contributing factor in the deaths, though that number could be higher according to Dr Sidsel Rogde, an independent forensic pathologist who reviewed 16 of the autopsy reports for AI. Most disturbing are that few of the people who died were engaged in violent criminal activity, which would normally be an assumption in deaths while in police custody. "In only eleven cases were suspects reported to be armed," notes the AI report, adding that "While most of the deceased had been engaged in disturbed or agitated behaviour, and some were reportedly combative during arrest, few appeared to pose an immediate threat of substantial physical harm at the time force was used." Several deaths occurred after incidents began with suspects being tasered while passively resisting arrest or "refusing to comply immediately with an order." The report notes that those deaths include James Borden, 47, a mentally disturbed man, who was tasered six times for refusing to step out of his shorts while being booked into a jail in Monroe County, Georgia. Several of those were administered while he was pinned down by four officers. He died almost immediately. Glenn Richard Leyba, 37, of Glendale, Colorado was tasered five times while he lay on the floor of his home in a drug-induced stupor. He died while being wheeled to an ambulance. Gordon Randall Jones, 37, was jolted at least 12 times with a Taser after he'd been disruptive outside a hotel in Orange County, Florida "and refused to leave and pulled away from deputies." After the twelfth tase he accompanied officers to an ambulance and died enroute to the hospital. In all more than 25 deaths occurred to people with a history of mental illness; several others were "ill through drug intoxication," and at least two who died had been tasered immediately following epileptic seizures. These individuals were not involved in criminal behaviour at the time they were taken into custody. Amnesty International believes that the appropriate response in such cases should have been to seek medical attention or "mental health crisis intervention rather than a law enforcement response." Two of the most recent deaths after tasing occurred in Fort Worth, TX. In the first instance, on Nov. 2, 2004, police were called to a housing complex with the report of a man trying to make an illegal electrical hookup. When they arrived they discovered Robert Guerrero, 21, hiding in a closet. Guerrero, who had a history of minor brushes with the law, refused to come out and talk with the officers. The police forced open the closet door and shot him with a Taser. According to Lieutenant Abdul Pridgen, then-spokesman for the Ft. Worth PD, the Taser was used because "The officers had dealt with him before and believed he might have had a weapon." Guerrero, who did not have a weapon was then handcuffed and shortly thereafter stopped breathing.

He was brought to a local hospital, where he was pronounced dead. The coroner declared the cause of death as "acute cocaine overdose." In an even more recent incident in Fort Worth, on Sunday, April 4, Eric Hammock, 43, an architect from a nearby Midland, drove into a waste management facility where an off-duty Ft. Worth policeman was working as a security guard. According to current Ft. Worth PD Public Information Officer Lt. Dean Sullivan, "the officer indicated to the man, Hammock, that the facility was not open to the public, and Hammock turned his car around and left. But a few minutes later, he was back, and the officer followed him in his own vehicle and told him to stop after radioing for backup. Hammock then left his vehicle and started to flee on foot. The officer caught him but when Hammock began to swing at him the officer stepped back and dropped him with a Taser. Other officers arrived and he was tasered again then tackled and handcuffed. When they got him up he complained he couldn't breathe so they brought him to a hospital where he died 40-minutes later." The autopsy on Hammock hasn't been completed, though it's a reasonable guess that the use of the Taser won't be cited as the cause of Hammock's sudden heart failure. Hammock's family told CC that he had no history of mental illness. He'd been on his way home from a trip to Arkansas, and most likely had simply made a "wrong turn, then got lost and repeated it," said Jackie Hammock, Eric Hammock's aunt. "I would guess he just was looking for someplace to relieve himself." "We're just as curious as you to find out why this guy died," said Lt. Sullivan. "We're treating it as a serious investigation. The important thing to remember when you're talking about Tasers is that they are not non-lethal weapons. They are less-lethal weapons. That's a big difference." TASER International would not discuss the issue of Tasers contributing to deaths with CC., but in a Feb, 2004 letter to the ACLU of Colorado noted that "If the electrical stimulation of the TASER device were to play a causal role in the death, the death would be immediate and this has never happened." Despite the company's refusal to discuss the issue, and their public stance that their products have not caused a single death, enough interest in the subject has been shown that a University of Wisconsin-Madison professor has been given a \$500,000 grant by the US Dept. of Justice to look into the matter. Professor Emeritus in biomedical engineering John Webster has begun a two-year study to test his hypothesis that Taser-related deaths are the result of heart failure fueled by drug use and other medical factors, not by electrocution. Webster's researchers plan on utilizing three groups of 150-pound pigs. The first group will be given cocaine; the second will get cocaine and then be tased; the third group will just be tased. Thirty pigs will be sacrificed in all, but all the pigs will be anesthetized before being shocked and then euthanized. Webster recently told the AP that he believes that some of the Taser-related deaths were caused by a rare condition known as malignant hyperthermia, in which bodies essentially overheat. Other deaths may be attributable to potassium released into the blood stream after muscle contractions caused by a Taser-shock reached the heart. Webster's hoping his research will help set standards for how powerful Tasers should be, and to provide guidelines for emergency room doctors on how to treat those who have been tased. Representatives from several police agencies around the country were questioned about the Webster study by CC and though none would go on the record because it's not their field of expertise, nearly all agreed that in real-life Taser situations which resulted in death, the elements of the initial struggle with the police, the fear of arrest, drug or alcohol intoxication and the general level of excitement that comes with being involved in those situations probably heightened the chances of heart failure. "Add to that," said one retired New York City lieutenant with over 30 years on the force, "that the guy just got shocked to shit and is in extreme pain, and you have a heart-attack cocktail if ever there was one." Another officer added that "Don't forget that the same bad cop who's going to bully a suspect with half-a-dozen shocks is the bad cop who's probably going to hogtie him or chokehold him or kneel on his back 30 seconds longer than he needs to to cuff the guy. Perps die in custody, but they die in the custody of bully cops more often." **TASERS AND THE DRUG WAR** While a large percentage of those who have died in police custody after being tased, as well as a large percentage of those who have lived after being tased have been intoxicated—either on alcohol or drugs—there as yet has been no apparent systematic tasing of drug users by police agencies. Those officers and agencies that have used the Tasers like David Henderson's "kids with a new squirtgun" appear to be equal-pain bullies. Their targets range from disturbed children to epileptics during seizure and half-blind old women trying to save a cherished item that city workers call rubbish—as well as football celebrants, flower sellers, drunks, people involved in domestic disputes and those who ask "why?" when they've been given a command, rather than just follow it. "In my experience," says defense attorney Thomas Luka, "drug people are tased more often than others, but the truth is that they tend to resist more. They tend to run, get upset and so forth. Still, introducing electricity into a body that's already jacked up on cocaine or speed—well, boom! Heart failure. And while we're not seeing it yet on a regular basis, you have to be careful about cops using these things on poor kids in inner cities. The thing is, cops just don't have to interact anymore. Kid runs? Taser him." Certainly the possibility of tasers being utilized during routine pot-sweeps or by the police against groups of kids in the inner city exists, but it has not become the tool of compliance in those situations in the US as yet. "There is some question of the use of Tasers at all," says Jack Cole, retired Lieutenant with the New Jersey State Police and the Executive Director of Law Enforcement Against Prohibition (LEAP) a organization of current and former members of law enforcement who support drug regulation rather than prohibition. "Generally though, as a retired officer, I think that of all the non-deadly weapons Tasers are a pretty fair

