

AMNESTY INTERNATIONAL

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USA: Justice Department's interim report into deaths points to need for strict limits on use of Tasers and similar devices

Amnesty International today said the interim report of the National Institute of Justice (NIJ) on deaths following police use of conducted energy devices (CEDs) such as Tasers, published earlier this week, underscores the organization's concerns about the safety of such devices.

Amnesty International said it believed the findings supported the organization's own call for much stricter limits on use of Tasers and similar devices – not least because the “at risk” groups identified by the study include those who commonly come into contact with the police. Amnesty calls on police departments to either cease using CEDs or limit their use strictly to situations where officers are faced with an imminent threat of death or serious injury to themselves or to others.

While the Justice Department's interim report found “no conclusive medical evidence” of a high risk of death or injury from the direct effects of CEDs, it acknowledged that “Many aspects of the safety of CED technology are not well-known, especially when used on populations other than normal healthy adults”.

The risk of death or serious injury, the report said, could be higher in certain populations, including children, the elderly, pregnant women, people with heart disease and those who show signs of “excited delirium” (the latter described as “a syndrome characterised by psychosis and agitation”). It recommended that police officers should avoid the use of CEDs against these populations unless the situation excludes other options.

The report also noted that many of the deaths are associated with prolonged or repeated CED discharges. While it found research in this area to be limited, it called on law enforcement officers to exercise caution in using multiple activations.

The interim report said that officers “need not refrain” from using CEDs, but stressed the importance of avoiding known at-risk situations (including situations where CEDs could ignite flammable materials or cause secondary injuries from falls), and securing medical attention for people exposed to CED use. It said that the panel “will continue to examine new research and case studies of deaths proximate to the use of CEDs”.

Amnesty International has serious concerns both as regards the safety of such weapons and their potential for abuse – the latter a serious issue not addressed in the Justice Department study. Amnesty International believes that electro-shock weapons are inherently open to abuse as, portable and easy to use, they can inflict severe pain at the push of a button without leaving substantial marks.

The capacity to use such weapons close-up as “touch stun guns”, often when individuals are already in custody, and to inflict repeated or prolonged shock, makes them even more prone to abuse, the organization said.

Amnesty International said it is further concerned that US police often use CEDs as a routine force option against individuals who do not pose a serious threat. Such usage is contrary to international standards which require law enforcement officers to use only the minimum force necessary, in proportion to the threat posed and in a manner designed to minimize damage or injury.

Following two earlier reports, Amnesty International is currently preparing a further report based on its review of death cases and police use of force, which it plans to publish later this year. While not a scientific study, it believes that its findings, including case studies, will be relevant to the Justice Department's ongoing review.

Amnesty International also noted that there are several areas of concern relevant to the safety of CEDs which are not addressed in the Justice Department's interim report.

These include the potential risks when CEDs are used in conjunction with other forms of restraint, particularly those known to impair breathing, such as pepper spray, compression to the chest or neck area, placing someone face-down or using four-point restraints such as "hogtying".

Amnesty International hopes that the use of other restraints in arrest-related CED deaths will also be examined in the Justice Department's ongoing review and believes that some forms of restraint known to carry a risk of death from "positional asphyxia", such as hogtying, should be banned altogether.

Amnesty International also noted that some of the Justice Department's interim findings on the safety of CEDs in healthy populations may be subject to revision, pending further research. The report noted, for example, that research showed human subjects maintained the ability to breathe during CED shocks, with little medical evidence of lasting respiratory damage. However, there have been only limited human studies to date, many of them industry-funded.

Background Information

Some 12,000 US law enforcement agencies currently deploy Tasers or similar devices. The NIJ is the research, development, and evaluation arm of the US Department of Justice. The NIJ study of deaths following CED use was commissioned in 2006 following reports of more than 150 deaths of individuals subdued by police Tasers. (The NIJ's study is officially entitled: "Study of Deaths Following Electro Muscular Disruption" – Electro-muscular disruption devices being another term for CEDs).

To date, since June 2001 more than 300 people are reported to have died in the USA after exposure to CEDs during arrest situations, with at least a further 20 deaths reported in Canada. In most cases medical examiners have listed causes of death unrelated to the Taser, such as drug intoxication or "excited delirium". However, in several dozen cases medical examiners have found that Taser shocks were a cause or a contributory factor in the death.

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