

STUN WEAPONS

RECOMMENDATIONS TO THE
US AUTHORITIES ON THEIR USE

**AMNESTY
INTERNATIONAL**



More than 360 people have died in the USA since 2001 after being shocked by police Tasers. Most of these deaths have been attributed to other causes. However, medical examiners have listed Tasers as a cause or contributing factor in more than 50 deaths and in a number of other cases the exact cause of death is unknown. Amnesty International is concerned that Tasers and similar Conducted Energy Devices (CEDs) are being widely deployed despite concerns about the health risks involved.

Amnesty International is aware that a number of independent studies into the effects of CEDs are currently being carried out. While such studies are welcome and will hopefully cast further light on the effects of CEDs, Amnesty International believes there is already enough information to indicate that these devices are potentially lethal and open to abuse. Amnesty International is therefore calling on governments and law enforcement agencies to suspend using CEDs or to limit their use to situations where they are necessary to avoid the resort to firearms.

Right: Police officer with Taser, Minnesota, USA, February 2005.



© AP/KEYSTONE/PA Photo/Janet Hostetter

AMNESTY INTERNATIONAL'S RECOMMENDATIONS

- Governments and law enforcement agencies should suspend the use of CEDs pending further studies, or limit their use to situations where they are necessary to avoid recourse to firearms. The arbitrary or abusive use of CEDs should be punished as a criminal offence in law.
- Law enforcement departments should have in place specific guidelines and rigorous training and accountability systems for the use of CEDs. These should be consistent with UN standards on the use of force and training curriculums and programmes should be independent of any company or commercial interests involved in the manufacture and marketing of such weapons.
- Law enforcement officials should receive training on the standards set out under the UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. These require officers to use force only to the minimum extent necessary to achieve a lawful objective, in proportion to the threat posed and in a manner designed to minimize damage or injury.
- All training programmes on the use of force should include regular conceptual and operational training on international human rights standards, including the absolute prohibition of torture and other cruel, inhuman or degrading treatment.

ADDITIONAL RECOMMENDATIONS FOR LAW ENFORCEMENT AGENCIES THAT DEPLOY CEDS

The following is not an exhaustive list but sets out the minimum standards necessary to safeguard against abuse or injury in the deployment of CEDs.

1. Officers should give a clear warning to the subject, bystanders and other officers, where practicable, before activating a CED, unless to do so would place another person at risk.

Officers should be instructed that drawing, “arcing” (“sparking”) and placing a laser sight “red spot” onto a subject constitutes use of a CED and should only be used when it may be reasonably necessary to fire the weapon.

2. There should be strict guidelines to avoid repeated, multiple, or prolonged shocks. In particular:

a. Officers should be trained to apply only one shock of five seconds or less in order to allow officers to bring the subject under control through a safe restraint method.

Officers should be made aware that a subject may not be able to comply with verbal commands while incapacitated by the muscle contractions or other immediate after-effects of the electric shock. Policies should also state that less than one five-second standard cycle contained in current models is usually sufficient to incapacitate a subject sufficiently to bring the person under control.

b. Any additional shock should generally be avoided and applied only under the same standard as the first shock and the justification for each shock should be given separately in a use-of-force report.

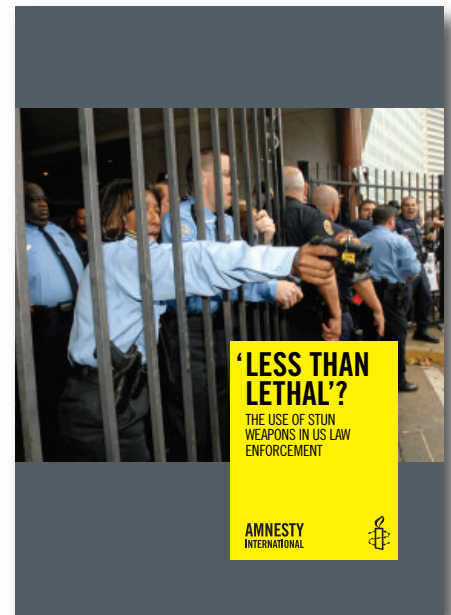
c. Departments should introduce guidelines that prohibit the application of continuous shocks beyond the five-second maximum default charge permitted by current models.

d. No more than one officer should activate a CED against a person at a time.

e. The use of CEDs on children, persons of small stature, pregnant women, the elderly, people with heart disease and other at-risk populations should be avoided in all circumstances unless officers are faced with an immediate threat to life which cannot be contained by less extreme options. Law enforcement agencies should be made aware that at-risk populations include people suffering from the effects of drugs or mental illness who are highly agitated, delirious and/or struggling violently; people with pacemakers or other implanted electrical devices; people suffering from epileptic seizures; people with respiratory problems such as asthma; and people who are obviously physically frail or in poor health.

3. Where officers have reason to believe that an individual is acting in a disturbed, violent or threatening manner as a result of mental illness, all possible efforts should be made to involve mental health specialists in dealing with that person before resorting to CEDs or other forms of force. If there is no alternative to the use of CEDs in such a case, steps should be taken to ensure that appropriate treatment by mental health professionals is made available at the earliest opportunity afterwards.

4. Departments should prohibit the use of CEDs on individuals who are handcuffed or in other restraints, unless they pose an immediate threat of death or serious injury that cannot be contained by less extreme measures. A similar prohibition should be placed on the use of CEDs in situations where the location or other circumstances may cause a heightened risk of death or



For more information, see *“Less than lethal”? – The use of stun weapons in US law enforcement (Index: AMR 51/010/2008)* published by Amnesty International in December 2008. The report is available from www.amnesty.org.

injury, including individuals in elevated positions, near flammable materials, in or near water, or in physical control of a vehicle in motion.

5. Officers deploying CEDs should be trained to avoid targeting the subject’s chest. CEDs should not be aimed at the head, neck or genitals of a subject unless wholly unavoidable, nor should the laser sight be aimed at the eyes.

6. As a “less lethal” incapacitating weapon, CEDs should be deployed primarily in dart-firing mode. Use of such weapons close up in drive-stun mode against individuals who are already effectively in custody should be authorized only when strictly necessary and under the same deployment guidelines and restrictions as the dart-firing mode.

7. CEDs should not be used against individuals in custody unless they present an immediate threat of death or serious injury and no lesser options are available. CEDs should not be issued routinely to jail or prison staff, nor should they ever be used in prisons, jails, custody suites or police stations solely for compliance or control purposes.

8. CEDs should not be used in conjunction with other restraint procedures that restrict breathing, such as chemical irritants, pressure to the chest or placing a suspect face-down. Following a CED activation, officers should use a restraint technique that does not impair breathing.

9. Anyone who has been exposed to a CED activation should receive a medical evaluation as soon as possible and should be closely monitored while in custody. If the person to whom a CED has been applied is believed to have a pacemaker or other implanted device in place, they should immediately be referred to hospital. Similarly, if the subject is found to have any other pre-existing medical condition that might lead to increased medical risk, immediate referral to a hospital should be considered. In all cases, where possible, barbs should be removed by personnel with medical training, especially if they are lodged in sensitive parts of the body, where there is a risk of organ penetration, or where higher power XP cartridges with longer darts are used.

10. Federal, state and local agencies should ensure strict reporting by the departments concerned on each use of a CED weapon, with investigations outside the chain of command whenever the use results in death or injury, multiple activations, abuse complaints or is used in cases of at-risk populations (such as children, pregnant women or the elderly). Every use-of-force report should include downloaded data from the CED used; photographs of all relevant evidence, including impact points of the probes before and after removal; any injuries incurred and medical treatment provided; the time, date and location of each incident; and a description of the suspect or incident and the level of threat encountered.

11. The use-of-force report should also include a record of each display, “arcing” and training of the “red spot” laser light on a suspect; whether the CED activation was in dart-firing or drive-stun mode; the number and duration of shock cycles; and the reason for each cycle. The age, race and gender of each person against whom a CED is deployed should also be reported.

12. Each department should monitor CED use and provide detailed statistical information based on the above data which should be regularly analysed and made publicly available.

cover image: Police sergeant with Taser outside a station house in New York, 2008.

**AMNESTY
INTERNATIONAL**



Amnesty International is a global movement of 2.2 million people in more than 150 countries and territories who campaign to end grave abuses of human rights.

Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

We are independent of any government, political ideology, economic interest or religion – funded mainly by our membership and public donations.

October 2009
Index: AMR 51/111/2009

Amnesty International
International Secretariat
Peter Benenson House
1 Easton Street
London WC1X 0DW
United Kingdom
www.amnesty.org