

UNITED STATES OF AMERICA

Use of electro-shock stun belts

Amnesty International is extremely concerned about the introduction by the state and federal prison authorities in the United States of America (USA) of a remote controlled electro-shock stun belt for use on prisoners in chain gangs, judicial hearings and transportation. The stun belt makes it very easy for law enforcement officers to inflict severe pain and incapacitate a prisoner simply by the push of a button. Officers can use it to psychologically threaten a prisoner, and it appears designed to humiliate and degrade a prisoner. So far, no strictly independent medical study of such belts have been reported by suppliers or users, but they have nevertheless been introduced to US prisons. Data from other electro-shock weapons indicate that the high pulse 50,000 volt shocks lasting eight seconds at a time could result in longer term physical and mental injuries.

Amnesty International believes that the use of such belts could constitute a violation of international human rights standards which prohibit cruel, inhuman or degrading treatment or punishment. Amnesty International is also concerned that such belts will be transferred to other countries where electro-shock weapons have been used for torture.

In May 1996, the Wisconsin State Senate endorsed the State Assembly's vote to introduce twelve-person chain gangs for medium security prisoners after being informed by the Wisconsin Department of Corrections that "*inmates will not be chained to one another, but will be restrained by the use of stun belts and individual leg restraints. At least one of the 2 correctional officers supervising the 12 inmate work crew will be armed in order to provide an extra degree of security.*"¹ Chain gang members who might wear the stun belts from January 1997 will reportedly not include those considered to be the most dangerous to the general public but will be non-violent felons who have violated prison rules.

The US company hoping to provide the stun belts if the Wisconsin Governor confirms the decision, Stun Tech Inc. of Cleveland Ohio, has said that it wishes to see stun belts introduced into the chain gang programs in Alabama, Florida and Louisiana. Amnesty International opposed the reintroduction, after thirty years, of chain gangs for prisoners in these and other states in 1995 and believes this is a violation of international law and of specific standards for the treatment of prisoners.

In 1994, the US Federal Bureau of Prisons decided to use remote-controlled stun belts on prisoners considered dangerous in order to prevent them from escaping during transportation and court appearances. By 1996 it was reported that the US Marshals service and over 100 county agencies have obtained such belts, as well as sixteen state correctional agencies including Alaska, California, Colorado, Delaware, Florida, Georgia, Kansas, Ohio and Washington. The Bureau of Prisons has stated that it uses the stun belt on high risk inmates who require "full restraints". Another reason given by prison authorities for the use of such belts is that this will reduce law enforcement personnel costs as the US prison population rises.

Stun Tech literature claims that its high pulse stun belt can be activated from 300 feet. After a warning noise, the Remote Electronically Activated Control Technology (REACT) belt inflicts a

¹ Letter from the Secretary of the State of Wisconsin Department of Corrections to Representative Eugene Hahn, 25 March 1996

50,000 volt shock using 3-4 milliamps which lasts eight seconds. This high pulsed current enters the prisoner's left kidney region and then enters the body of the victim along, for example, blood channels and nerve pathways. Each pulse would be likely to give rise to a rapid shock extending throughout the body including the brain and central nervous system. The shock causes severe pain rising during the eight seconds and instant incapacitation in the first few seconds. *"The active stun capability corresponds to the length of time the activator switch is depressed"*, according to the company manual. The company literature promotes the stun belt amongst law enforcement officers *"for total psychological supremacy...of potentially troublesome prisoners"* stating that:

"After all, if you were wearing a contraption around your waist that by the mere push of a button in someone else's hand, could make you defecate or urinate yourself, what would you do from the psychological standpoint?"

The company manual does nevertheless warn law enforcement officers not to use the stun belt to *"unlawfully threaten, coerce, harass, taunt, belittle or abuse any person."*

To address liability claims, every prisoner required to wear the stun belt is "asked" by the US Bureau of Prisons to sign a form entitled "Inmate Notification of Custody Control Belt Use". This form is virtually identical to that promoted by Stun Tech for use by all law enforcement agencies. Both forms advise prisoners that activation of the stun belt causes *"immobilization causing you to fall to the ground; possibility of self-defecation; possibility of self-urination"* and state that activation could occur *"under the following actions on your behalf"* including *"any outburst or quick movement"*, *"any tampering with the belt"*, *"failure to comply with a verbal command for movement of your person"* and *"any loss of visual contact by the officer in charge"*. The company insists that only "authorized" and trained law enforcement officers should use a stun belt on prisoners, and it offers up to six hours training.

Stun Tech has admitted that since 1993 stun belts have been accidentally activated by law enforcement officers nine times, as many times as they were deliberately activated. The company's spokesperson has also confirmed that the belt can be set off repeatedly with only a one-second delay². The company's manual stated that *"as long as it is not used for officer gratification or punishment, liability is non-existent."*

The stun belt has been promoted in the USA as an alternative to using shackles or leg-irons when transporting potentially violent prisoners. However, the Stun Tech manual states that the "high security transport belt" is designed to be used with *"wrist cuffs in place, additional use of handcuffs and extended chain to leg shackles"*. Rule 33 of the United Nations Standard Minimum Rules for the Treatment of Prisoners (SMRTP) states that *"Instruments of restraint, such as handcuffs, chains, irons and straight jackets, shall never be applied as a punishment. Furthermore, chains and irons shall not be used as restraints."* The US Bureau of Prisons still uses irons and chains, and now uses the stun belt, on prisoners in contravention of this provision, but claims that it *"does not use any instrument of restraint for the purpose of punishment"*. The SMRTP also require that restraints only

² "Stunning Technology", The Progressive, Volume 60, Number 7, July 1996, Madison, Wisconsin, USA

be used restrictively in a manner consistent with the encouragement of self-respect and the development of responsibility of the prisoner, “*if other methods of control fail, in order to prevent a prisoner injuring himself or others*”, or only on medical grounds, and then for no longer than strictly necessary and, moreover, never in a manner which may cause humiliation or degradation. The SMRTP state also that “*the transport of prisoners...in any way which would subject them to unnecessary physical hardship, shall be prohibited.*” (Rule 45)

The International Covenant on Civil and Political Rights to which the USA is a state party specifies that “*No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment*” (Article 7) as does the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Use of the electro-shock belt in judicial hearings

The UN Standard Minimum Rules for the Treatment of Prisoners also expressly prohibits the use of restraints on prisoners when appearing before a judicial authority. However, the US prison authorities have begun using it for this purpose.

In November 1993, it was reported that Edward Valdéz, facing assault charges in San Diego, California, opted to wear a stun belt under his clothes “rather than wear handcuffs and chains in court”. Valdéz was reportedly incapacitated by the stun belt in front of the waiting jurors in the hallway after leaving the courtroom - “*he screamed and crashed into the wall and fell down, and was out for about a minute...It was very effective,*” said the prosecutor. Valdéz’s trial had apparently been delayed for psychological tests to see if he was fit to stand trial.

In March 1994, it was reported that Richard Davis, facing a murder charge, appeared in court in Santa Rosa, California, wearing “a bulky electric belt” beneath his shirt after his attorneys had expressed concern about media pictures of Davis wearing a jail uniform and chains in court. Nevertheless, the stun belt company manual states that “*we strongly suggest that the minimum security belt be worn on the outside of the clothing. The fact of the belt being exposed and open to view does not ‘impugn’ the jury.*”

In November 1994, a Circuit Judge in Florida was reported to have reversed his previous decision that a defendant charged with murder wear a stun belt after he learned that an officer had activated the belt outside the courtroom.

In California on 16 December 1994, defendant Bruce Sons was reported to be accidentally incapacitated by a stun belt while talking to his defence attorney during a break in a pretrial court hearing. He declined medical attention but was later examined by doctors on advice from his defence lawyer. A photograph showing welt marks on Bruce Sons’ back which it was claimed were caused by electric shocks from the stun belt was presented to the Superior Court. The judge was reported to have agreed that Sons’ behaviour was not in question during the pretrial hearings, but ordered him to continue wearing the stun belt. The stun belt could be removed only when Sons testified. Stun Tech appear to envisage a more active role for judges in the use of the REACT belt. The company’s sales manual states the “*fifty percent of product sales entail two transmitters: one for the court officer and one for the judge.*”

In April 1995, a Wisconsin murder trial defendant, James Oswald, was required to wear a stun belt despite appearing in court in a wheelchair throughout his trial. The judge was not convinced of Oswald's disabilities, so made him wear shackles and the stun belt. Oswald claimed he was stunned twice and his defence attorney said the belt was "part of a multi-phase effort to torture this guy" by police friends of the deceased police officer. The judge did acknowledge that Oswald was accidentally stunned once.

Medical effects of electro-shock weapons

The UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials state that "*the development and deployment of non-lethal incapacitating weapons should be carefully evaluated in order to minimise the risk of endangering uninvolved persons, and the use of such weapons should be carefully controlled.*" (Principle 3). Furthermore, the UN Basic Principles require governments to take steps to ensure that arbitrary or abusive use of force is not used by law enforcement officers, and that force is used "*only if other means remain ineffective*".

Stun Tech claims in its literature that the stun belts are medically safe but a company spokesperson has admitted that no strictly independent medical tests have been carried out on the belt. Instead the company cites a doctor in Nebraska who has stated that he tested the company's stun gun devices on anaesthetized pigs and that these are therefore safe to use on people "*under circumstances of proper usage*". The reference to usage is not spelled out and it appears to refer only to single applications. Reports indicate that humans who have voluntarily subjected themselves to the shock of a stun belt are able to prepare themselves psychologically and allowed to fall onto gym mats or a lawn. This is very different from a situation where a prisoner has to wear the belt for many hours under constant fear that it may be activated, who may fall onto sharp surfaces, and who may have been doing strenuous exercise and sweating in the sun, thus increasing the conductivity of the skin. A Stun Tech spokesperson is reported to acknowledge that "*at trials, people notice that the defendant will be watching whoever has the monitor [i.e. the remote control]*".³

The US Bureau of Prisons says that its Health Programs Branch has "*reviewed the REACT belt and concluded the technology is medically safe for use on the great majority of the BOP's inmate population*".⁴ No details have been disclosed of the testing or how these may be construed to be independent tests. The Bureau and the company manual warn that its stun belts should not be used on pregnant women, persons with heart diseases, multiple sclerosis, muscular dystrophy or who are epileptic. The Bureau says it does not carry out medical examinations of all prisoners before deciding that they should wear the stun belt, but only once a prisoner has been incapacitated:

"Medical staff review an inmate's medical file and other available documentation at the institution to verify whether any of the above five medical conditions exist that would preclude use of

³ Ibid

⁴ Letter of reply from Peter Carlson, Assistant Director, US Department of Prisons, to Physicians for Human Rights, Boston, Massachusetts, 4 April 1996 in response to a letter of concern from Physicians for Human Rights.

the REACT belt on that inmate. In the event activation of the REACT belt is necessary on an inmate approved for its use, medical staff examine the inmate as soon as possible following activation⁵."

In the absence of independent medical testing of the stun belt, one may look at the reported medical effects of other electro-shock stun weapons which have become fairly widely used by police and prison officers in the USA since the late 1980s. Stun technology was first introduced to law enforcement with the invention of the dart-firing "taser" gun in 1973. Since then taser dart guns, as well as direct-touch stun guns, batons and shields have become fairly widely sold and used by law enforcement officers despite being banned in some US states. Following some deaths associated with the use of such weapons, doctors have warned of undetectable risks, such as the fact that some at-risk hearts may appear healthy but may later be seen to have a congenital problem or conduction mechanism which could result in arrhythmia. For example, a US company which makes taser guns cites a US Consumer Protection Safety Commission report which describes the taser gun as "non-lethal to normal, healthy adults", but a forensic pathologist has argued that:

"certain medical conditions, including drug use and heart disease, may increase the risk that the taser will be lethal...the 16 taser-related deaths in Los Angeles indicate a failure of the taser as a non-lethal weapon since its use did not prevent fatal results. If we eliminate those [taser-related] deaths in which gunshot wounds, blunt force trauma, or physical restraint were deemed important factors, then we have nine individuals who were alive and active, collapsed on tasing, and did not survive. In my opinion, the taser contributed to at least these nine deaths...It seems only logical that a device capable of depolarizing skeletal muscle can also depolarise heart muscle and cause fibrillation under certain circumstances."⁶

Research conducted and published by the UK Home Office Forensic Science Service in 1990 on a range of earlier lower voltage stun guns made in Korea, Taiwan and the USA showed that they can cause high levels of pain and incapacitation using a succession of high peak, short duration impulses (as opposed to the low voltage regular alternating current of a cattle prod or low voltage baton which produce localised pain)⁷. Victims will experience pain differently. In a laboratory test, a young woman "described extreme pain in the area of her leg where the stun gun was applied. Her leg was jolted by the shock and kept on shaking uncontrollably; she was unable to move for some period of time. Once incapacitation had worn off, her leg remained stiff." The current was found to move along low resistance routes within the human body, for example blood channels and nerve pathways. The impact of stun guns is not affected by layers of clothing over the skin. "For each pulse received there is likely to be a rapid shock extending throughout the body including the brain and central nervous system."

⁵ Ibid

⁶ Terence B Allen, *Journal of Forensic Sciences*, 1991

⁷ *Electric Shock Devices and their Effects on the Human Body*, M N Robinson, C G Brooks and G D Renshaw, *Medical Science and Law* (1990), Vol.30, No 4

The UK Home Office scientists' report concluded that receiving a discharge for 1 to 2 seconds with a stun gun will probably cause the victim to collapse, and a 3 to 5 second discharge will probably leave the victim "*immobilized, incapacitated, left dazed and weak for at least five, perhaps 15 minutes...immediate localised effects are rapidly followed by an incapacitating effect on the whole body.*" This might produce twitch or tetanic contractions of the local skeletal muscles resulting in jolting and shaking sensations. These effects will vary depending on the contact area and on physiological characteristics of the individual. The victim may receive secondary injuries from the fall. Moreover, the research showed that stun guns have the potential to cause death through ventricular fibrillation "*if only a few microamps are conducted through the heart for a prolonged period.*" Also, the effects of a stun weapon may be indiscriminate in the sense that other people in contact with the target victim of a stun gun are likely to receive a considerable secondary shock.

US law enforcement officers who have received training in the use of stun guns, report using them variously on assailants for 1 to 2 seconds on the legs, but also on the torso for 3 to 5 seconds. One report in 1992 stated that: "*Less aggressive officers may experience negative results [the stun gun not inflicting incapacitation]...due to the fact that you must physically make contact and hold that contact for up to six or eight seconds.*" A design feature in one type of modern stun gun is an automatic switch-off after 15 seconds of use, which is however reactivated after five seconds. The stun belt's eight second shock can also be reactivated after a very short delay. It would appear, therefore, that prolonged or repeated application of a stun belt, gun or baton constituting severe ill-treatment or torture is not prevented by their technological design and remains an ever-present danger.

Fears of deaths and serious injury have led to the prohibition of stun technology weapons in some parts of the USA as well as in other countries in Western Europe whose law enforcement officers use other means to restrain prisoners. Following the use of a taser gun by officers of the Los Angeles Police Department on Rodney King whose televised beating by police officers preceded the Los Angeles riots in 1992, the Los Angeles County Court recommended that the Los Angeles Sheriff's Department replace its taser guns with a gun which fires plastic bullets. In 1995, stun guns were reported to be illegal in Illinois, Hawaii, New Jersey, New York, Michigan, Massachusetts, Rhode Island and Washington DC, as well as in some cities whose ordinances can override state rulings. In Maryland, for example, where it was apparently legal to own and operate stun guns, the Baltimore city authorities banned them. Texas state correction authorities stopped using stun guns reportedly on medical grounds, but continued to allow prison guards to use electro-shock riot shields when removing prisoners from cells. On 1 December 1995, Texas correctional worker Harry Landis was reported to have collapsed and died after enduring two 45,000 volt shocks while training with a riot shield.

Possible spread of stun belts to torturing states

There is a real danger that transfers of stun belts from the USA will fall into the hands of torturers in countries where electro-shock weapons have been used by law enforcement officials for torture such as with China, Israel, Lebanon, Mexico, Russia, Saudi Arabia, South Africa, Taiwan and the Federal Republic of Yugoslavia. Already US companies have been marketing other electro-shock weapons to such countries with the permission of the US government, for example when export licences were issued for the sale of taser guns to Saudi Arabia. Stun Tech's sales representative is

reported to have been trying to sell the stun belts to prison authorities in Canada and the United Kingdom, and to be willing to sell the belts to countries where law enforcement officers practice torture with hand-held electro-shock weapons such as China or Saudi Arabia⁸.

The US Department of Commerce issues licences for the export of electro-shock weapons but has refused to disclose the exact numbers of such weapons exported from the USA and the countries of destination even though the Export Administration Act allows the release of such information if "*it is determined by the Secretary [of Commerce] to be in the national interest.*"

In the Netherlands, the Scandinavian countries, Switzerland and the United Kingdom electro-shock weapons other than cattle prods are reportedly treated as prohibited weapons, although a few companies have attempted to tranship them. The Greek government is reported to have outlawed the use of such weapons by law enforcement agencies following cases of severe ill-treatment by the Greek police. These cases were investigated by the European Committee for the Prevention of Torture in 1994.

RECOMMENDATIONS

Amnesty International takes no position on the arms trade or the security trade as such, but is concerned that the transfer and use of electric shock stun belts in particular will contribute to human rights violations such as torture or ill-treatment. In order to prevent this, Amnesty International is calling on the US government to:

- i) establish a rigorous independent inquiry into the use of stun belts and all other types and variants of electro-shock weapons, to assess their medical and other effects in terms of international human rights standards regulating the treatment of prisoners and use of force; the inquiry should examine all cases of deaths or injury in custody resulting from the use of such instruments, and the results of the inquiry should be published without delay;
- ii) immediately suspend the use of stun belts and other electro-shock weapons unless and until independent medical evidence can clearly demonstrate that the likely practical use of any such weapons for law enforcement will not contribute to deaths in custody, torture or other cruel, inhuman or degrading treatment or punishment;
- iii) prohibit the export of all electro-shock stun weapons to any country where such weapons are likely to contribute to extrajudicial killings, torture or severe ill-treatment, for example to refuse any export licence where it is proposed that electro-shock weapons be transferred to a country with a record of electric shock torture and ill-treatment;
- iv) conduct a thorough investigation into whether previous exports of electro-shock stun weapons from the USA have been used for electro-shock torture and ill-treatment.

⁸ The Progressive, note 1
