

# Tasers: A Reassessment

Coalition for Justice and Accountability  
10. March 2005

## 1. Introduction and Summary

*"I can't imagine a worse circumstance than to have a death attributed to a Taser in a situation that didn't justify lethal force. It's not a risk I'm willing to take."*

--Ray Samuels, Newark Chief of Police [1]

Every day, the San Jose Police Department (SJPD) is risking Chief Samuels' worst imaginable circumstance. Autopsies have established a link between Tasers and deaths following their use in 9 cases, and haven't been able to rule out the Taser as a contributing factor in 3 others. Meanwhile, SJPD continue to use Tasers in situations where use of lethal force is inconceivable:

- A 14-year old, who'd been subdued by a neighbor, shocked as he walks away from police [2]
- An unarmed person , bleeding badly from the head after being hit in the head with a skateboard by another person, shocked twice after allegedly refusing to cooperate with fire or police personnel and then advancing on an officer . Arrested for resisting arrest and for being drunk in public. [3]
- A man allegedly took a lunch bucket with a wallet and keys from an unlocked vehicle, was chased by owner, and then brandished a small pocket knife. The owner persuaded the man to drop the knife and then, with a friend's help, forced the man to the ground and held him there until police arrived. Police then shocked the man, claiming he became resistant [4]
- A man called 911 from a pay phone allegedly making "bizarre" statements, including wanting to kill the president. Police arrived and shocked him after he allegedly became combative. He suffered a cut to his scalp and was taken to Valley Medical Center, then to Emergency Psychological Services. [5]
- Unarmed persons: threatening police and making suicidal statements [6]; mentally disturbed and 'combative' [7]; reportedly 'acting strange', not responding to verbal commands and challenging police to fight [8]

The Coalition for Justice and Accountability initially supported the use of Tasers, as an alternative to deadly force. Consequently, the Coalition expected to see a reduction in police use of deadly force. Instead we watched sadly as the number of officer-involved shootings spiked to near record levels - after a steady five-year decline – at the same time that police were shooting Tasers 10 times more than they used to shoot guns.

To continue Taser usage is to play Russian roulette with the safety of both public and police, while placing our financially-struggling local government at risk of costly lawsuits. With the rapidly escalating use of force - both Taser and conventional deadly force - San Jose is racing down a brutal road that leads to Chief Samuels' worst-case scenario. Because of safety issues, the ease of abuse and the difficulty of detecting abuse, and the human rights violation of a cruelly painful and degrading punishment before arrest, today's electroshock technology has no place in our society's law enforcement agencies.

## 2 Concerns About Tasers

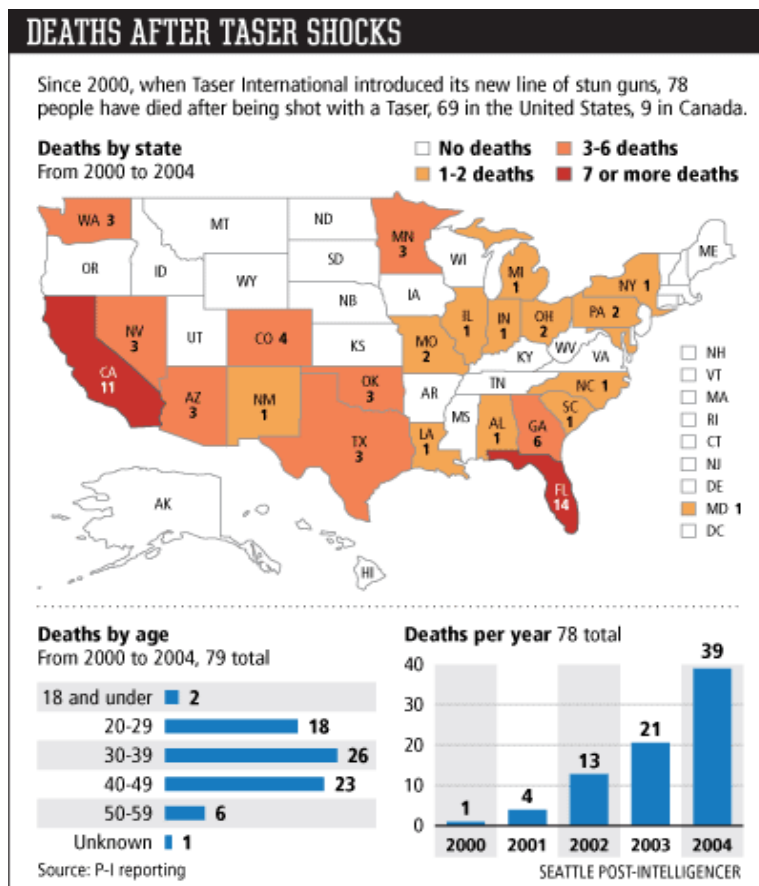
A "Taser" is the brand name for a weapon that delivers 5-second bursts of electricity to inflict extremely painful shocks, which immediately stiffen muscles and (in most cases) leave the victim totally helpless. Repeated shocks can be delivered by holding down the trigger. Older stun guns must be held directly against the victim, while a Taser uses barbed darts on a wire to hit a target from 21 feet away (although a Taser can also be used as a stun gun, by removing the cartridge holding the darts and holding the Taser directly against the victim). They have become popular with police departments because they allow a 'cushion of distance'.

Across the nation, cities like San Jose have found that their actual experience with Taser usage does not match the expectations set by the claims made by the weapon's maker, Taser International, and that continue to be repeated by much of the law enforcement community.

### Taser International claims that Tasers are non-lethal:

*"TASER International provides advanced non-lethal devices for use in law enforcement"*[9]

Yet a study by *The Arizona Republic* newspaper reports 101 cases of death following Taser use from 1999 through Mar. 5, 2005. In 12 cases, medical examiners said Tasers were a cause, a contributing factor or could not be ruled out in someone's death. [10] According to a Dec. 2004 *Seattle Post-Intelligencer* report [11], only Florida exceeded California in deaths after Taser shocks:



**Taser International claims that Tasers are safe:**

*"Medical Experts Confirm that TASER is Safe"* [12]

Taser International's questionable safety claims have been the source of most of their notoriety. *The New York Times* [13] pointed out that the company's testing

*consists of tests on a single pig in 1996 and on five dogs in 1999. Company-paid researchers, not independent scientists, conducted the studies, which were never published in a peer-reviewed journal...no federal or state agencies have studied the safety, or effectiveness, of Tasers...Nor has any federal agency studied the deaths to determine what caused them....The few independent studies that have examined the Taser have found that the weapon's safety is unproven at best. The most comprehensive report, by the British government in 2002, concluded "the high-power Tasers cannot be classed, in the vernacular, as 'safe.'" .*

*A 1989 Canadian study found that stun guns induced heart attacks in pigs with pacemakers. A 1999 study by the Department of Justice on an electrical weapon much weaker than the Taser found that it might cause cardiac arrest in people with heart conditions. In reviewing other electrical devices, the Food and Drug Administration has found that a charge half as large as that of the M26 can be dangerous to the heart.*

While the company now boasts of a favorable study in a peer-reviewed journal [38], the credibility of one of the study's researchers, Robert Stratbucker, has been questioned over concerns that his financial interests in Taser affected his objectivity [14].

Moreover, the company's misrepresentation of this study has put it at odds with the lead researcher. After a national outcry over the use of Tasers on two children, 6 and 12, the company insisted that the study clearly shows that Taser use on children falls within safety margins:

*'The McDaniel study used animals with a range of body weights, including subjects below 70 pounds...While the test protocol was not designed specifically for children, the data yields important safety information indicating a significant 15-to-1 safety margin in body weights as low as 66 pounds.[39]*

But Wayne McDaniel, the study's lead researcher publicly disclaimed the company's interpretation of his study:

*I don't know that I had ever envisioned the use of this thing on small children... I don't think anyone has ever tried to draw any inferences as far as use in children . . . The design of this device is for bad guys.[39]*

At least one public official recognized that when electroshock is used on children, public reaction may be determined by factors other than a scientific study - or one corporation's misrepresentation of that study. When police in Birmingham AL began making plans for Tasers to be carried by school resource officers, Mayor Bernard Kincaid called for a halt to their planning. He said recent reports of health dangers from the shock delivered by the guns led him to conclude that even a remote chance of death or injury from aTaser makes it too dangerous for police use in public schools:

*"We've had incidents of people being killed,..I would think the children would be more vulnerable. If you tazed in a hostage situation and a person dies you can almost be forgiven, but if you tazed in the school situation, notwithstanding what the facts are, I just don't think you'll be able to be forgiven for that." [64]*

According to the *Miami Herald* report [39], the company's misrepresentation of the McDaniel study was

not unique. Taser's literature includes a graph of the limit the heart can take before shock stops it, noting that the safety margin was calculated for humans from 2 to 75 years old. The Taser's shock is plotted well below that level. The chart is based on Underwriters Laboratories (UL) 1939 safety study of electrified cattle fences. UL, the 110-year-old lab whose approval label appears on more than 19 billion products, is one of the world's most respected independent testing labs.

But Walter Skuggevig, a research engineer at UL for 41 years who has done extensive study into electric shock injury, disputes the application of the study to Tasers:

*"For them to say that Taser is safe based on that line, I don't accept that.... It doesn't apply to that kind of product [Tasers]"*

UL, which was unaware that its research was used in Taser literature, emphatically disclaimed the implication that Tasers were UL-approved. UL spokesman Paul Baker said:

*"We certainly don't want to give the impression that we put our label on this, that we certify this. We do not."*

Were police misled by Taser literature? Though Taser has never been tested by UL, a training officer for the Putnam County Sheriff's Office, said he left a Taser seminar thinking UL endorsed Tasers:

*"That chart's misleading. I looked at that and I thought UL had tested Tasers and put that dot on the chart."*

The company also points to demos using police volunteers as proof of Taser safety. But neither the demos nor the research settings match real-world circumstances, since they do not take into account factors such as drugs, elevated heart rates, conditions such as heart disease, interaction with other types of force (particularly pepper gas), and effect on respiration when combined with various types of restraint. In fact, Mark Schlosberg, while he was Police Practices Policy Director for ACLU of Northern California, pointed out that the company's own training manual undermines its claim that Tasers are safe and non-lethal, since it

*"indicates that people with certain medical conditions should not volunteer to be shot with a taser and that taser use on people with certain 'individual susceptibilities' may result in death." [15]*

Dr. Zian Tseng, a cardiologist and electrophysiologist at UCSF who specializes in heart-rhythm disorders, pointed out that the company's research was on anesthetized pigs and knocked-out pigs won't have the same panicked adrenaline response of a person clashing with police. Thus, Dr. Tseng concludes:

*"So what can you say: It was safe on anesthetized pigs. It's far from a real world test." [48]*

In fact, medical evidence shows that heightened levels of adrenaline increase the risk that a Taser shock will disrupt heart rhythms and lead to cardiac arrest. That's why Dr. Tseng sees problems with the company's rationalizations of deaths following Taser shocks:

*"I've seen the Taser folks say, 'Oh, the guy had cocaine in his system, that's the reason for his death,'. Well, someone with cocaine in their system is also much more prone to a Taser- induced cardiac arrest." [48]*

But even in the pristine setting of a demo, police were unable to predict who fell into the category of "people with certain medical conditions". A doctor working for Taser confirmed that the stun gun was

responsible in 2002 for fracturing the back of a sheriff's deputy who suffered from an undiagnosed case of osteoporosis, which forced him into medical retirement and has left him suffering permanent injuries. The deputy has been joined by other police officers around the country who are coming forward with lawsuits and complaints about injuries they attribute to being shocked with a Taser. In Salem OR, a deputy police chief was hospitalized for a week with serious head injuries after a demo electroshock caused him to stiffen and topple backwards too quickly for the supporting officers to catch him. [18] The Phoenix AZ Police Department, the first major metropolitan police department in the country to issue Tasers to all of its officers, strongly recommended that officers experience Taser shocks until 2002, when one officer dislocated his shoulder and another chipped a tooth, both from falls after being shocked. The department now prohibits officers from being shocked. [16] Phoenix is not the only department: Metro Las Vegas NV no longer lets its officers use Tasers on each other during training because several officers fell after they were jolted and were injured. The department says it can't afford to take officers off the streets. [17] Taking a more proactive stance, the Scottsdale Police Department also banned officers from being shocked by Tasers during training, citing a concern over possible injuries. [65] These departments have taken the highly duplicitous position of parroting Taser International's questionable claims of safety so they may use Tasers on the public, while citing safety concerns as the reason for their rejection of the company's recommendation that police experience Taser shock first-hand.

These cases make it clear that, since Tasers can be so effective at immobilizing, no one can predict the outcome of a victim's loss of muscular control. Moreover, the Taser is a uniquely dangerous weapon because – like a gun - its force (and therefore the consequences) are largely outside of the shooter's control. While the force of a baton is controlled by the officer, once the Taser's trigger is pulled, the victim will receive at least a 5-second electrical burst: already worse than the 1-second burst that injured police in demos. The cost of the 'cushion of distance' is that discretionary control of force used in the situation is taken away from the human police officer, and replaced by a machine's mandatory force. Thus Tasers, a handheld Robocop that sends its victims immediately crashing to the ground, are inherently dangerous and can never be considered 'safe'.

The questionable credibility of the company's claims has led the U.S. Securities and Exchange Commission and the Arizona attorney general to investigate Taser's safety claims, as well as other reporting irregularities [14]. Safety questions also prompted the Justice Department to begin to study Taser safety and effectiveness. [19]

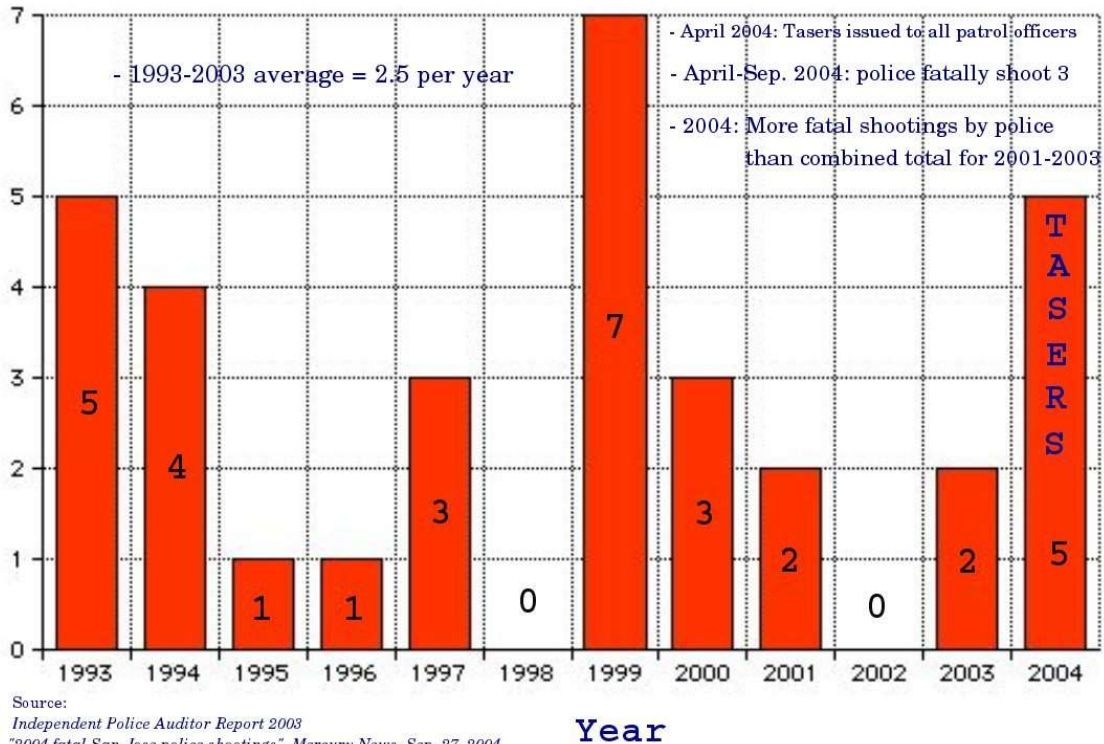
**Taser International claims that Tasers "Reduce Officer Shootings" [20]**

Wrong - dead wrong.

Since Tasers were fully deployed in San Jose we've actually seen the number of officer-involved shootings dramatically spike to near record levels - after a steady five-year decline!

Within five months of deployment, San Jose police had fatally shot three people: more than they fatally shot in all of 2002 and 2003 combined. During 1990-2000, San Jose police averaged 2.5 fatal shootings annually. Five people were fatally shot by police in 2004 - twice the average and near a ten-year peak.

**Fatal Shootings By San Jose Police  
1993 - 2004**



The trend shows no sign of slowing: just three weeks into 2005 another person was fatally shot by San Jose police.

The San Jose experience vividly demonstrates what can happen when a troubled police department with a history of abuses are given more weapons as a solution to their troubles. According to a Washington Post study of the 50 largest local law enforcement agencies during 1990-2000 [21], San Jose ranked:

- **#1** in ratio of fatal shootings by police to the overall murder rate. That means that if you're murdered in one of the 50 largest cities, the likelihood that your death resulted from a police shooting was highest in San Jose.

- **#14** in ratio of fatal shootings by police to the overall violent crime rate. That means that while in most other cities fatal police shootings are associated with violent crime, in San Jose fatal shootings by police persist despite a lower rate of violent crime.
- **#19** in ratio of fatal shootings by police to number of sworn officers. That means that San Jose's average "kill-per-cop" was among the tops in the nation.

All this data supported what many on the street already knew: instead of increasing safety, the police in San Jose had become one of the main dangers to life. Yet, without any substantial action towards eradicating the root causes of the high rate of police killings, all police were armed with Tasers, as a "nonlethal" alternative, in April 2004.

Is the rise in officer-involved shootings linked to Taser deployment? Two of the three people fatally shot after Tasers were deployed in 2004 were first shocked with Tasers, even though they were unarmed. This strongly suggests that police abuse of Tasers escalates the violence, in situations that were unlikely to have ended in lethal force otherwise.

While the link between Taser deployment and the rise in fatal shootings by police is open to debate, one fact is unassailable: contrary to company claims, Tasers did **not** reduce officer-involved shootings.

**Tasers are marketed as an alternative to lethal force ("*saving lives every day*" [9]), but actually are being used in situations where even the most rogue police would be unlikely to use lethal force**

- 6-year-old boy at school [22]
- 9-year-old handcuffed girl [23]
- 71-year-old blind woman [24]
- Wheelchair-bound man, threatening police with scissors [25]
- Protesters using civil disobedience [26]

San Jose began widespread deployment of Tasers in April 2004, partly in response to the controversy following the fatal shooting by police of Bich-Cau Thi Tran, the diminutive young Vietnamese mother of two toddlers. The public was led to believe that Tasers would be used as a safe, non-lethal alternative to guns. But by September 2004 the Mercury News reported that San Jose police had shot Tasers 90 times. [27] According to the 2003 Independent Police Auditor Report, from 1993-2003 there were never more than 9 officer-involved shootings in one year. So, in less than 6 months, Taser shootings were **TEN TIMES** more frequent than the worse year of gun shootings for the past decade! Clearly Tasers are being used where police would never have used lethal force (as the cases in the Introduction show for San Jose), and so the public was - and continues to be - misled.

As the examples cited in the Introduction suggest, deployment of Tasers in San Jose has resulted in a dangerous expansion of the boundaries of "acceptable" levels of force. Police are told that Tasers are 100% safe, so there's little constraint on their use. Media studies have revealed that San Jose is not an exceptional case. Seattle [28], Portland [29], and Denver [30] are also alarmed by how rapidly police resort to force now.

But more than any other city, Cincinnati shows that the San Jose experience with Tasers is not an anomaly. Similar to the San Jose experience, Cincinnati found that Tasers (which the ACLU had initially supported) made things worse. The ACLU pointed out that total use-of-force incidents reported by Cincinnati police consistently increased almost every quarter, rising from 186 incidents in the first reporting period of the review to 277 incidents for the second quarter of this year. Alphonse Gerhardtstein, a lawyer for the ACLU said:

*"In fact, sadly, the use of force by Cincinnati police officers is higher than ever."*

*"We are hearing numerous reports from the community about the reckless use of Tasers,"* he wrote.

*"Rather than being viewed as a humane tool that avoids serious use of force by officers, Tasers are causing officers to talk less and act aggressively more often."*[31]



## Conclusion

As we've seen, the misleading claims of Taser International have led to downplaying the risks of Taser deployment, which then resulted in over-aggressive Taser usage. As mentioned above, the company is under investigation for misrepresentation, conflict-of-interest sales, and questionable accounting. The investigation has triggered several class-action lawsuits by shareholders. Also, news reports raised questions about Taser's relationships with police officers who moonlight as its trainers. [32] Add to that the product liability lawsuits by police officers, and wrongful death lawsuits by families of persons who died following electroshock, and it begins to look like San Jose has partnered with a troubled company.

But our focus is not on the questionable activities of a private-sector company. We are only interested in the public welfare. Unfortunately, SJPD, like law enforcement agencies across the nation, have chosen to blindly entrust public welfare to the profit-driven will of a single startup private-sector company. Public funds are enriching a highly questionable private company - to buy a product that has proved to be a danger to the public. And yet, amazingly, SJPD is considering getting even more deeply entrenched, rather than freeing itself. [40]

Why has Taser usage been allowed to spiral out of control? Where are the checks and balances, the monitoring and review that normally accompanies the adoption of technology that directly impacts the public? We expect new foods and drugs to be independently tested for their effect on the body, and approved by the FDA, before they become available to the public. Meanwhile, the intrusive technology of Tasers, is widely deployed, with neither independent testing of their effect on the body, nor approval by any government body. Yet its defenders claim even a temporary ban on the use of Tasers (i.e., to simply return to the status quo) "*would literally create a catastrophe for peace officers*". [42] How have Tasers managed to escape standard mechanisms to safeguard the public, and get into the hands of a law enforcement community that clings to them with such irrational zealotry?

"Policy" on Taser usage, when it exists, is improvised. Policy-making has been reactive rather than proactive, resulting in ill-defined and inconsistent attempts at damage control after a high-profile incident has generated unfavorable media attention. In San Jose, a review of Taser usage followed after two back-to-back incidents where police Taser usage escalated into a fatal shooting. [27] In Dec. 2004 the San Jose Police Department released the results of the Department's own study of its Taser usage during the six months from May 1, 2004 (the time the majority of the Tasers were issued) until October 31, 2004. [41] The study does not address the safety of the public or of persons taken in custody when Tasers are deployed. The study also does not address the key question of Taser usage: do they really reduce the force used, or are they being deployed in circumstances where force would not normally be used? These are top concerns of the community, but the study ignores these concerns. [33]

This key concern is also ignored in the standard defense of Tasers: "no matter how bad Tasers are, the alternatives – pepper spray, baton, or manual restraint – are worse". But if Tasers are being used in situations where no force would have been used at all, then we must add another alternative to the list: "resolution without force". Are Tasers also better than resolution without force? Despite the best efforts of the marketing wizards at Taser International, the public is responding more loudly each passing day: "NO!"

In contrast to local governments' lack of standards, in Oct. 2004 Amnesty International released a report providing additional support for their long-standing call for a suspension of the use of Tasers. [34] The report pointed out that experience in cities like San Jose has shown that Tasers are being used as a routine option to force compliance, which contravenes international standards - The United Nations (UN) Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (ratified by the US government in October 1994) - as well as standards set out under the UN "Code of Conduct for

Law Enforcement Officials" [35] and the "Basic Principles on the Use of Force and Firearms by Law Enforcement Officials". [36] These require that force should be used as a last resort and that officers must apply only the minimum amount of force necessary to obtain a lawful objective. They also provide that all use of force must be proportionate to the threat posed, as well as designed to avoid unwarranted pain or injury. Clearly, shocking someone with 50,000 volts because they merely said "No" to police does not meet these standards.

Across the nation, in response to the high-profile, aggressive use of force that Tasers have delivered, the public is reassessing Tasers:

- **Banned:**  
New Jersey. [44] Birmingham AL schools [64], And on psychiatric patients of Los Angeles county hospitals [45]
- **Legislature considering ban:**  
California [46], Georgia [47]
- **Not buying:**  
Fort Valley, Peach County GA [37], Fort Wayne IN[49], Bellingham MA[50]
- **Holding off buying:**  
Palo Alto, San Francisco CA[51], College Park GA[52], Boxford, Georgetown, North Andover, Rowley, State Police MA[54], Greensboro NC[53], Kingston, Windham NH[54], Eugene OR[55]
- **Expressing no interest in buying:**  
Boston MA[50]
- **Expressing skepticism:**  
Newark CA[1], New Haven CT[56]
- **Suspended use indefinitely:**  
Jacksonville FL[58], Macon [37], Forsyth County GA[52], Lucas County OH[57]
- **Moratorium on expansion:**  
Chicago IL[60], Austin TX[61]
- **Looking for replacement:**  
Chicago IL [59]

It's important to remember that electroshock weapons are not new. The first Taser prototype was demonstrated to law enforcement agencies in 1970. In 1980 the Los Angeles Police Department purchased 700 Tasers for general patrol duty use. [62] In 1991 LAPD used Tasers on Rodney King – once during the video and twice before the video starts. [63]

Yet, despite Taser's age, the safety, effectiveness, role, and humaneness of Tasers are still hotly debated. This fact alone should lead us to look more critically at Tasers. As Boxford MA police Chief Gordon Russell said:

*"This is something that's been around for pretty much my entire police career of about 35 years...If something's been around for over three decades and it's still controversial ... I think that somewhat speaks for the matter."* [54]

If San Jose has learned anything from our Taser experience, we should now recognize the folly of looking to technology (particularly weapon technology) to solve a problem that requires setting policy, management, and understanding human dynamics. We've given Tasers a trial and have found that because of the safety risks to the public and police, the escalated use of force, and the failure to satisfy international standards of law enforcement, today's electroshock technology has shown that it has no place in our society's law enforcement agencies and must be banned.

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