Case Archive

# Chapter 12: Implementation and Performance

## Policy Implementation in Florida: To Tase or Not to Tase?

One summer morning in 2004, Sgt. Mark McCallum was forced to make the kind of split-second, life-changing decision that police officers know is part of the job—but that is every officer’s nightmare. He and his partner, Deputy John Watson, spotted a suspect they knew was wanted in three violent armed robberies that had taken place over the previous fourteen hours. They had heard reports that the night before the suspect had put a gun to the back of a liquor store clerk after grabbing her by the back of the neck. A few hours later, he had beaten a minimart owner with a gun. At a 7-Eleven that morning, he had forced a clerk to open the cash register and then took off with money and cigarettes.

A half hour later, McCallum and Watson spotted the forty-one-year-old suspect across from that same 7-Eleven. They ordered him to stop. He refused and began walking away with his hands in the air, but then reached for a gun in his waistband.

McCallum drew his weapon and fired. But instead of a gun, he had pulled out a Taser, a stun gun that shoots a 50,000-volt charge through fishhook-like barbs fastened to a wire. The suspect fell but then struggled back to his feet. McCallum fired the Taser again. He and Watson managed to subdue the man and finally got cuffs and leg shackles on him.

When they searched their captive, the deputies discovered that the weapon in his waistband was a pellet gun, not exactly the sort of lethal weapon they had expected. A spokesman for the Pasco, Florida, sheriff’s department proudly told reporters, “This is a case where the Taser saves someone’s life because the deputies had every reason and right to shoot him.”1 Local officials had recently added the Taser to the officers’ arsenal. “This is just another tool that gives us a step between doing nothing and using deadly force,” explained the county’s training officer, Sgt. Brian Prescott. “No officer wants to use deadly force.”2 St. Paul, Minnesota, police officials corroborate Prescott’s claim, lauding the Taser’s effectiveness. There, the Taser helped police avert four “suicide by cop” incidents, in which individuals had threatened force in the expectation that the police would shoot them.

“Taser” is short for the Thomas A. Swift Electric Rifle. Its shock, fired by compressed nitrogen and powered by batteries, has a maximum range of twenty-one feet, though it works best at a range of seven to ten feet. The victim loses neuromuscular control, typically for about five seconds, and falls stiffly to the ground. That’s long enough for police to subdue and cuff their quarry.

The weapon isn’t intended to replace such standard police weapons as pistols and shotguns—its range isn’t long enough and, especially in the face of deadly force, its effect isn’t certain enough. But officers frequently encounter incidents involving mentally ill suspects or individuals who threaten themselves, as well as cases like the robbery suspect, where a quick electric shock can help the officers gain control of the situation. About 5,400 law-enforcement agencies across the United States have adopted the Taser, and the Federal Aviation Administration has also approved the weapon for use by airline pilots, who were seeking ways of disabling attackers without firing bullets inside a pressurized aircraft.

An attorney for the American Civil Liberties Union in northern California, Mark Scholsberg, said, “If police want to use a Taser instead of a gun, that’s a welcome development.” And Fremont, California, detective Bill Veteran explained its attractiveness to those in the front lines, “I’ve been in all kinds of wrestling matches, I’ve been pepper-sprayed, I’ve been hit by a baton, I’ve seen people get bit by a police dog.” He praised the Taser because, he explained, it’s “just a cleaner, safer way to do business.”3

But some Miami residents aren’t so sure. Police there were called to the Kelsey L. Pharr Elementary School following the report of a suspect who had broken a picture frame, picked up a piece of glass, and smeared blood over his face. At the scene, officers tried to calm the suspect, but he grabbed the glass tighter and began cutting his leg with the glass. Miami-Dade officer Maria Abbott fired her Taser, hit the suspect in the torso, and subdued him.

The suspect, who had a history of behavioral problems, was a six-year-old first grader. The boy’s mother said, “If there’s three officers, it’s nothing to tell a 6-year-old holding a glass, if you feel threatened, ‘Hey, here’s a piece of candy, hey, here’s a toy. Let the glass go.’”

A Florida International University psychology professor—and former school principal—was outraged. “I couldn’t imagine why a police officer would use that kind of device on a child,” Marvin Dunn explained. “I can restrain a 6-year-old with one hand. I don’t get it.” But police detective Randy Rossman explained, “To further protect the student from injuring himself, the officer felt she needed to deploy the stun gun.” The child was taken to a local hospital for psychiatric evaluation.4

Miami police found themselves facing similar criticism for their use of the Taser on a twelve-year-old girl. She had skipped school, and police found her drinking and smoking in a swimming pool. When an officer tried to pick her up to take her to school, she began to run. The officer told her to stop and, when she refused, the officer fired the Taser. “I couldn’t breathe, and I was, like, nervous, and I was scared at the same time,” the girl told a CNN reporter.

Cases of poor or unclear judgment concerning Taser use are not limited to Florida. Critics said that instances of misuse were popping up across the country: Tasering of a nine-year-old Arizona girl already in handcuffs; accidental shocks to children as young as one year old; and a case in which police in Kansas City Tasered a sixty-six-year-old woman, Louise Jones, for improper use of her car horn.5 Critics also pointed to racial bias in Taser use. An audit overseen by the Houston city controller in 2008 revealed that black people were far more likely than any other suspects to be Tasered by police. Of individuals encountering police, 46 percent were black. However, blacks accounted for 67 percent of the persons Tasered by police. “We need to know why that difference exists,” said controller Annise Parker.6

These cases, along with those of the two Florida children, have fueled a growing national debate on the use of Tasers by police departments. At stake is not just the occasional use of excessive force by police officers. As critics point out, the device is sometimes lethal. An investigation by the Minneapolis *Star Tribune* found 105 cases throughout the country, between 1983 and 2004, in which a person died after having been shot with an electric stun gun.

A spokesperson for the company that manufactures the Taser admitted that deaths resulting from stun gun use in police custody cases like these may be inevitable, saying, “We know that Tasers are used every day, and we will be involved in tragic deaths that will be very similar to in-custody deaths that have occurred when Tasers have not been used.” But, he noted, “We have never been listed as a direct or primary cause of death in our company’s existence.” The spokesperson concluded, “Taser devices save lives every day.”

As is the case with many weapons, the dispute over the Taser quickly spilled over into the marketplace. Individuals can buy the weapon on the manufacturer’s website, in a variety of models (though the use of the Taser is restricted in the District of Columbia, Massachusetts, Rhode Island, New York, New Jersey, Wisconsin, Michigan, Hawaii, and some cities and counties). The Taser C2, for example, sells at $299. A laser sight adds $50. A model in “fashion pink” costs no more, but camouflage or leopard adds an extra $30. The X26C, similar to the model many police departments use, costs $999.

When the nation’s largest police department, in New York City, explored whether to issue the Taser to its officers, the debate was fierce. Advocates argued that it could save lives by giving officers an alternative to deadly force for subduing unruly persons, especially mentally ill individuals who sometimes threatened officers but whose basic problems were medical, not criminal. Critics pointed to a previous scandal, when officers used a predecessor of the Taser, the stun gun, during questioning of suspects to loosen their tongues. Critics also worried that the Taser would lessen the officers’ inhibition against using weapons of all kinds and make it more likely they would resort to deadly force.

A RAND Corporation study recommended that the department experiment with the Taser but urged the experiment begin with a pilot study.7 NYPD decided to equip a group of sergeants with Tasers and match them with another group of sergeants who would not receive the weapon. A careful statistical study would then examine how the weapon was used and what impact it had on law enforcement. “This is like turning a battleship around,” explained Police Commissioner Raymond W. Kelly. The department wanted to proceed carefully.8

As evidence from around the country mounted, the case for the Taser was anything but clear. Studies suggested that police fired their Tasers about 300 times per year, and it usually worked well. However, during a John Kerry rally in the 2004 presidential campaign, a student was Tasered. A video of the event became a YouTube sensation, with 3 million views.9 In 2008, a civil court jury held Taser International, the manufacturer of the device, partially liable in the death of a California man and awarded his family more than $6 million. A Taser spokesperson countered that the company had won seventy previous civil cases and that the jury found Taser only 15 percent responsible for the Salinas man’s death.10 But the controversy did not end. In July 2008, police in Dayton, Ohio, were criticized for using a Taser on a blind woman. They said she was creating a disturbance. She countered she had no way of being able to tell they really were police.

## Questions to Consider

1. Program implementation depends a great deal on the use of discretion by frontline bureaucrats. How does discretion determine the use of the Taser? (Note though that rules are one thing; an officer’s instantaneous judgment about life-and-death situations can be quite another.)

2. Suppose you were the commissioner of the NYPD. Would you supply all of your officers with the Taser? Why or why not? What rules would you establish for its use?

3. What role, if any, should elected officials play in determining police policy for the purchase and use of such guns?

4. Should Tasers be available for sale to individuals? If so, should they be the same powerful models available to police officers, or should sales be limited to less-powerful models?

## Notes

 1. “Sheriff’s Office Use of Taser Saved a Life,” editorial, *St. Petersburg Times,* October 8, 2004, 2.

 2. Lisa A. Davis, “Deputies Adding Stunners to Their Crime-Fighting Tools,” *Tampa Tribune,* May 29, 2003, 6.

 3. Alan Gathright, “Police: Enforcing and Informing,” *San Francisco Chronicle,* September 26, 2004, B1.

 4. Madeline Baro Diaz, “Use of Taser on 6-Year-Old Prompts Outrage,” *St. Louis Post-Dispatch,* November 14, 2004, A2; and “Miami Police Review Policy after Tasers Used on Kids,” *CNN.com,* (November 14, 2004), www.cnn.com/2004/US/11/14/children .tasers/index.html.

 5. Matt McKinney, “Stun Guns Pack Uncertain Risk,” *Minneapolis Star Tribune,* October 17, 2004, 1A.

 6. Roma Khanna, “Audit Says Houston Police More Likely to Taser Blacks,” *Houston Chronicle,* (September 8, 2008), www.chron.com/disp/story.mpl/front/5989712.html.

 7. Bernard D. Rostker and others, *Evaluation of the New York City Police Department Firearm Training and Firearm-Discharge Review Process* (Santa Monica, Calif.: RAND Corporation, 2008), www .rand.org/pubs/monographs/2008/RAND\_MG 717.pdf.

 8. Al Baker, “Tasers Getting More Prominent Role in Crime Fighting in City,” *New York Times,* June 15, 2008, 25.

 9. See www.youtube.com/watch?v=6bVa6jn4rpE.

10. Baker, “Tasers Getting More Prominent Role in Crime Fighting in City.”