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# Zapped: A Typology Of Use And Misuse Of The Taser

Lindsey L. Upton  
*Eastern Kentucky University*

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ZAPPED: A TYPOLOGY OF USE AND MISUSE OF THE TASER

By

Lindsey L. Upton

Thesis Approved:



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Chair, Advisory Committee



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Member, Advisory Committee



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Member, Advisory Committee



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Dean, Graduate School

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Date 04/07/11

ZAPPED: A TYPOLOGY OF USE AND MISUSE OF THE TASER

By

Lindsey L. Upton

Bachelor of Arts, Interdisciplinary Studies: Criminal Justice & Psychology

Iowa State University

Ames, Iowa

2009

Submitted to the Faculty of the Graduate School of  
Eastern Kentucky University  
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for the degree of  
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## DEDICATION

This thesis is dedicated to my parents  
Jody and David Hollingsworth for their unwavering support, and to my siblings Colton  
and Tierney Sievers for their incandescent humor and vitality; *Carpe Diem.*

## ACKNOWLEDGMENTS

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## ABSTRACT

Police use of TASER force is currently a hot topic of controversy in the intersections of society and the criminal justice system. Proponents, including manufacturers and law enforcement, value the TASER as a less than lethal alternative to deadly force; providing increased safety for officers as an aid to maintain distance between potentially threatening suspect(s) and officer(s) while preserving the life and well being of suspects in such encounters. Civil and human rights advocacies argue the TASER to be associated with many deaths, serious injury and abuse of power by law enforcement. Those who lean more toward the opposition of the TASER argue it is being abused and misused by law enforcement, resulting in cases of excessive force and wrongful death. The controversy surrounding TASER use of force has received a great deal of media attention; fueling the fire on both sides of the TASER controversy. Manufacturers, law enforcement and other proponents often argue the level of force to be justified and in line with policy while opponents claim excessive force, and occasionally wrongful death, in association with identical cases being “justified” by police and their departments. It is apparent that much research is needed in this area to gain general knowledge in the reality of TASER use and misuse to positively influence TASER policy in departments across the U.S. Just as a wide array of terms are used to reference the TASER in literature and in the field (Taser, ECD, ECW, CED, etc.), it is a research endeavor to explore if the same ambiguity in terminology is reflective of the TASER practice and policy used in the U.S. criminal justice system.

The purpose of this thesis study was to examine and identify police officer prescribed and proscribed TASER use of force. The study is a content analysis of

secondary data collection that included articles collected from a National Police Misconduct Statistics and Reporting Project (NPMSRP) website, InjusticeEverywhere.com. Data were examined to identifying common prescribed and proscribed use of force themes in accordance to the 9th Circuit Court of Appeals ruling (Bryan v. MacPherson, 2010). This paper extends knowledge and understanding of current themes of prescribed and proscribed TASER use of force by law enforcement agencies. One-hundred thirteen cases were collected and supplemented with additional resources as they became available. This includes, and is not limited to, non-duplicated online news articles and available court case rulings pertaining to each subject/case.

The research was used to create a typology of use of TASER force. The author is not determining the appropriateness of each use of TASER force instance; rather the author provided a contribution to the knowledge base and categorization guideline for future police departments, policy makers, etc. to analyze their own “trending”, which is strongly encouraged by PERF (Police Executive Research Forum, 2010). While it is important to explore TASER associated fatalities, health consequences, and potential risks with its use, it is also important for police organizations and researchers to conduct simultaneous research on use and misuse of the TASER to its near entirety. Continued evaluations of its use and misuse by law enforcement agencies will aid in evaluations of policy, training, education and practice.

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## CHAPTER I INTRODUCTION

TASERs were initially implemented in police departments to “save lives” as a non-lethal device designed to immobilize voluntary muscle control through extensive pain from electric shock cycles (Griffith, 2009). Decades after the initial implementation of TASERs in law enforcement agencies, death totals associated with the use of TASERs in police-suspect encounters have exceeded between three hundred and fifty to five hundred plus (Anonymous 2, 2010; Anonymous 1, 2011), while continued growth in associated death tolls is witnessed. National and international scrutiny and public outcry over the controversial use of less lethal TASERs by police is fueled by mass media coverage and gaps in the information highway. Information and misinformation contribute to the historically damaged relationship between police and the community regarding police use of force, authority and control. Surveys and scholars indicate highly infrequent occurrence of police use of force (Alpert & Dunham, 2004; Hickman, Piquero, & Garner, 2008; MacDonald, Kaminski, & Smith, 2009; Barker, 2011) and yet attention and debate over use of police use of force and police use of TASER force remain at the forefront of society and mass media intersections (Alpert & Dunham, 2004).

Research is needed to further explore the definitions, trends and understanding of types of police use of force to ensure public perception and preservation of civil liberties is improved and maintained as additional roll outs of new less lethal technologies, such as TASERs, continue across U.S. law enforcement agencies (Thompson & Lee, 2004; Alpert & Dunham, 2004). Police have an ultimate goal in government interest to protect and serve civil liberties of U.S citizens (Kappeler, Sluder, & Alpert, 1994). When police violate civil liberties, they violate public trust, threat to constitutional rights to be free from “unjust and unwarranted governmental restrictions and intrusions” (Kappeler, Sluder, & Alpert, 1994). A surge in civil complaints and law suits associated with police use of TASERs force can be witnessed as ambiguity and controversial debate surround important questions of device’s appropriate use by law enforcement, appropriate subjects capable of withstanding TASER shock(s), circumstances in which its use is permitted, and most importantly lethality of the weapon.

As scholars and researchers, it is crucial to avoid overlooking the current practice, and malpractice, of TASER force in effort to lessen the gap between practice and policy in ensure a majority of appropriate use by law enforcement.

Scholars have acknowledged empirical evidence at that time lacked a simultaneous study of fatal and nonfatal TASER encounters by police (White & Ready, 2009). Since then, White & Ready (2009) remain among the few publications to date studying simultaneously fatal and nonfatal TASER use of force encounters. While the author of this piece acknowledges research endeavors of similarity to White & Ready (2009) may be underway, it is important and crucial in our field to extend simultaneous research of fatal and nonfatal associated use in effort to contribute to the overall body of knowledge as the controversy of police use of TASER force unravels (White & Ready, 2009). Results will lend general information and knowledge to the current types of police use and misuse of TASER force by examining media, more specifically, internet news articles. The author feels as though the use of secondary data analysis using media resources is invaluable in future research within the social sciences; media consumption being one of the top influential and consumed information sources today on public knowledge (Dowler, 2003).

## CHAPTER II

### HISTORY OF TASERS & TASER© INTERNATIONAL

According to TASER© International CEO Rick Smith (2007), the company name TASER© refers to the original device designed by NASA Scientist Jack Cover. TASER© is a copyrighted acronym which stands for Thomas A. Swift Electronic Rifle (Hemenway & Weil, 1990; Smith, 2007; TASER International, 2010). TASER© experienced many attempts at successfully marketing these “non-lethal alternatives” to law enforcement agencies before exponential consumer growth was witnessed. TASER Systems©, the first company to market the devices for inventor Jack Cover, and Tasertron©, the second company, experienced less success the first few decades following the original TASER© invention by Cover (Smith, 2007). The first model of the TASER is the TF-76 which fired two darts up to fifteen feet, similar to design of those used by law enforcement today. The differences in technology include the TF-76 model with gunpowder propellant, classifying the device as a Title 2 firearm eligible for law enforcement purchase and use (Smith, 2007; TASER International, 2010).

Hemenway et al (1990) analyze the argument, invention, and design of a TASER based upon a 1985 Supreme Court ruling that police officers cannot use deadly force on a suspect attempting to escape (or flee) in a nonthreatening manner from police custody or the crime scene. The prohibition of deadly force in nonthreatening circumstances lead to the need for departments to develop a less lethal weapon for prevention of deadly force during situations in which violence and threats from the suspect occur in a confrontation. The demand for a technological advancement in police officer weaponry escalated, as did the scrutiny regarding use of TASERs, once distribution and implementation in U.S police departments escalated. This proved to be an opportune time for TASER© to invest in new and improved models in effort to meet demands of law enforcement weaponry.

In 1993, a business partnership between brothers Tom and Rick Smith known as ICER Corporation solicited Jack Cover’s TASER© patent in efforts to improve and market the TASER to increase consumption by law enforcement agencies whom can benefit from the “non-lethal” weapons designed to save lives (Smith, 2007; TASER

International, 2010). ICER Corporation joined forces with Jack Cover in 1993 to form what is known today as TASER© International. The trend in TASER© use by law enforcement agencies witnessed a significant increase internationally starting in 1999-2000 when the TASER© M26 version was launched and again in 2003 when the TASER© X26 was launched. TASER© X26 is the improved and advanced technology considered the 4<sup>th</sup> Generation TASER© device and is comprised of a majority of the company's current sales. TASER© International is currently the leading company in TASER device providers to law enforcement agencies. TASER© International consumer base has been expanded to consist of law enforcement, airlines, and everyday citizens since the devices adaptation to operating with a compressed air cartridge instead of gunpowder (Smith, 2007; TASER International, 2010; TASER, 2010).

Though TASER© International most certainly has become a household name and popular company to provide TASER weaponry to US law enforcement agencies, other companies provide similar products (PoliceOne.com, 2011). In this article, the term "TASER" will be used as a general reference to encompass all TASER devices and "TASER©" refers to the specific product produced by the manufacturer TASER© International. While growth internationally has subsided under the intense scrutiny controversy, for example in Canada after the Braidwood Inquiry (Braidwood, 2008), US law enforcement agencies continue with rapid implementation of the products in police departments. DeLone & Liddie (2009) estimated that 7,000 of the approximate 18,000 law enforcement agencies have adopted TASERs in the United States. TASERs provided a technological advancement that initially appeared as a non-lethal use of force against suspects. TASER©s have the capability of shooting up to 50,000 volts through two metal barbs, in which the average voltage used by officers is approximately 1,200 volts (TASER, 2010). Once the two metal barbs are embedded on the suspect, voltage cycles can be repeatedly deployed (DeLone & Liddie, 2009).

Since the introduction of the TASERs, technological advancements and improvements have been made in order to better monitor and control the use of force in regards to TASERs. TASERs have the ability to measure and monitor the number of shock cycles, deployments, etc. through software which is used to download the

information to a computer. TASERs also have “TASER© Cams” which are CCTVs attached to the design of the TASER to record encounters when (Griffith, 2009). Arguably, the TASER overall offers a safe intervention with the option of drive stun mode, which includes close space of physically driving the stun gun into the suspect, or the barb wire deployment mode discussed above, with a thirty five foot range between the TASER operator and the suspect. In many instances on TASER© International’s website, the manufacturer advocates increased safety of the officer due to the distance this revolutionary less lethal device has to offer (TASER International, 2010). Though the argument of safety may be the case more often than not from law enforcement and manufacturer’s perspectives, TASERs in general have well accumulated in various media source outlets such as [www.youtube.com](http://www.youtube.com) and online news articles in ways violating Fourth Amendment rights. At this point the questions of appropriate police use of force come to play in each police-citizen encounter involving a TASER. A more notable 9<sup>th</sup> circuit court of appeals ruling (Bryan v. MacPherson, 2010) addresses violation of Fourth Amendment rights regarding excessive use of force on an unarmed, non threatening subject, Carl Bryan.

CHAPTER III  
SETTING THE PRECEDENT:  
*BRYAN V. MACPHERSON*

July 24, 2005 was the day Carl Bryan would find himself battling a case of excessive force nearly five years in the making. According to the publication by US Court of Appeals for the 9<sup>th</sup> Circuit filed June 18, 2010, defendant Officer Brian MacPherson pulled over plaintiff Carl Bryan for a seat belt violation. This would mark the second traffic stop of Carl Bryan that morning by law enforcement officials. The traffic stop escalated to Bryan being agitated by his own actions regarding traffic violations that morning, essentially resulting in Officer MacPherson deploying a TASER against Bryan on the side of the road. Resulting injuries included facial contusions and four broken teeth from Bryan's fall after voluntary muscle control loss after the electronic shock. Bryan was charged with resisting and opposing an officer in the performance of his duties; charges that were later dismissed following a hung jury trial (*Bryan v. MacPherson*, 2010). Bryan followed the dismissal by filing a law suit against Brian MacPherson, the Coronado Police Department and City of Coronado (all listed as defendants in the court ruling) alleging excessive force in violation of Fourth Amendment.

Two questions asked by the US Court of Appeals in the court ruling publication are considered by the author incredibly worthy of noting. Each is as follows:

*1) Did Officer MacPherson employ constitutionally excessive force?*

The incident in the case was examined and evaluated under the court ruling *Graham v. Connor* to determine government interest and appropriate use of force. *Graham v. Connor* takes into account three main aspects of the incident that can be applied to *Bryan v. MacPherson*; “severity of crime at issue, whether suspect poses an immediate threat to safety of the officers or others, and whether he is actively resisting arrest or attempting to evade arrest by flight” (*Graham v. Connor*, 490). The jury ruled Office MacPherson, on behalf of the best interest of the government, used excessive force. Carl Bryan caused no immediate threat and was without advancing direction; he was not a dangerous felon and clearly unarmed; and lastly, he was not a flight risk and never attempted to flee the scene.

Therefore there was no immediate need for Officer MacPherson to use the level of force he did without attempting to subdue the subject with “less invasive alternatives” (*Bryan v. MacPherson*, 2010).

2) *Did Officer MacPherson violation Bryan’s clearly established rights?*

The ruling acknowledges that Officer MacPherson clearly violates Carl Bryan’s fourth amendment rights however it is noted that at the time of the incident, in conjunction with the state of law at that time, Officer MacPherson is granted qualified immunity from any disciplinary actions against him related to the encounter with Carl Bryan (*Bryan v. MacPherson*, 2010). The court states “...a reasonable officer in Officer MacPherson’s position could have made a reasonable mistake of law regarding the constitutionality of the TASER use in the circumstances...” in regards to the final ruling for this section. Evidence found in the *Bryan v. MacPherson* (2010) can be used in future policy and case law to deem appropriate or inappropriate use of TASER force by law enforcement. It should also be noted that the three main components of this ruling to constitute Officer MacPherson’s actions as excessive force violate the recommendations provided by the PERF (Police Executive Research Forum, 2010) on electric conducive weaponry, or TASER use, by law enforcement. Underlying much of the TASER controversy is a lack of department policy standard, coinciding with federal ruling, for appropriate levels of police use of force under particular circumstances and contexts involving suspects.

## CHAPTER IV

### POLICE USE OF FORCE

#### i. CONSIDERING DANGER & THREAT

According to the Bureau of Justice Statistics's (BJS) survey entitled Police-Public Contact Survey (PPCS), one percent of police-public encounters involve use of force, however a closer look at a total of only six jurisdictions in a study revealed up to twenty percent of instances involved police use of force (National Institute of Justice & Bureau of Justice Statistics, 1999). MacDonald et al (2009) would support the consistency in police use of force to remain a fairly low percentage of police-citizen encounters, claiming that less than 2% of estimated total police-citizen contacts required use of force. Though a low statistic, it is important to avoid over generalization due to potential to hide qualitative factors pertinent in researching the current trends in use of force, in particular TASERS, and the controversy surrounding the less than lethal alternatives to police use of force. Although use of force is relatively low in total number of police-citizen encounters, the prevalence of injury to either suspect, officer or both is very high (MacDonald, Kaminski, & Smith, 2009). Hickman et al (2008) criticized PPCS, administered by BJS, for underestimating the amount of force due to exclusion of recently incarcerated; a population largely susceptible and at high risk for police use of force. Proper use of force by police departments is a major concern of the public to properly serve justice and avoid abuse of power, control or discretion considering the unique position police hold in having power and responsibility in enforcing legal mandates (Kappeler, Sluder, & Alpert, 1994).

Policing is inherently faced with moral and ethical controversy due to the nature of the profession and the authority and control consuming its actors (Barker, 2011). Barker (2011) emphasizes the importance in education and adherence regarding ethical standards for police in efforts to professionalize and legitimize the field as a profession. Technology advancements enable rapid transit of information, including concerns of police conduct in society. For example, many news sources devote entire sections to "Crime" in society. It is ever more pertinent and crucial for police to conduct their duties in a professional manner in order to avoid public scrutiny in an increasingly open

information highway via internet, cell phones, etc (Barker, 2011). While police encounters caught on tape, both audio and visual, quickly spread through sources, such as YouTube.com, and are used against officers in alleged cases of misconduct, technology can be used to aid officers in their justifications and discretion regarding professional conduct.

Police discretion to use force or threat of force is an immense responsibility on the shoulders of the police as professionals and is a "prescribed means for fulfilling their mandate" according to Lawton (2007). Similar to the controversy over less than lethal and non-lethal alternatives face upon their initial introduction into policing throughout history, a lack of common understanding and agreement in regards to placement of the TASER on the use of force continuum has occurred (Alpert & Dunham, 2004). The levels of citizen resistance must be defined in correlation with the police use of force continuum to insure proper police discretion during encounters involving a TASER (Alpert & Dunham, 2004). Contextual factors must be examined as scholars in order to properly assess the characteristics of both officer and citizens during encounters (Lawton, 2007). Intensive police discretion of contextual factors, including physical characteristics and positioning of the potential TASER subject, have remained crucial in court case rulings (Bryan v. MacPherson, 2010)

As increased implementation into law enforcement agencies is witnessed, media coverage has also increased on the use of TASERS by police officers in circumstances of prescribed and proscribed use of force. Court cases, news articles and video footage debating the controversial use of TASER force by police tend to juxtapose use of force as either right or wrong, with little room for cases between the two polarities and minimal contextual information made available for media consumers. Since the implementation of the TASER in American policing in 1977 (Smith, 2007), several cases of alleged misconduct have been pushed to the forefront of the justice system. TASERS were initially implemented as a "non-lethal" weapon for law enforcement. As deaths associated with the use of TASER force exceed five hundred emphasis on TASER research and policy reform demand immediate attention in the field. TASER policy

currently faces the challenge of uniformity and conformity to PERF recommendations across the United States (Adams & Jennison, 2007).

PERF (Police Executive Research Forum, 2010) released a revised version of their original 2005 recommendations for Taser use of force by police (*see Table 1*). The Police Executive Research Forum, under funding granted by the U.S Department of Justice Office of Community Oriented Policing Services, revised the guidelines to improve proper and appropriate use by law enforcement (Police Executive Research Forum, 2010). PERF (Police Executive Research Forum, 2010)) made it a point to rename TASERS in their revision from “conducted energy devices” to “electronic control weapons”, noting that the field should consider consistency in their reference to devices in the future. As this research study will reveal in later discussion, the categorization and terminology vary widely among media references thus consumers of such media are misinformed on the categorization and terminology of TASERS and TASER©.

In their most recent revision, PERF (Police Executive Research Forum, 2010) states “no weapon is a panacea for officers, and no weapon should be used at the expense of diminishing the fundamental skills of communicating with subjects and de-escalating tense encounters”. The importance of officers to take into account contextual factors is ever more important in using discretion with Taser use of force. In using the guidelines, agencies can provide a policy to justify and support responsible and accountable use of the Taser by law enforcement agents (*See Table 1*) (Police Executive Research Forum, 2010).

**TABLE 1**

<b>SUMMARY OF PERF RECOMMENDATIONS 2010</b>	
<i>Source:</i> (Police Executive Research Forum, 2010)	
<b>Section I. Agency Policy</b>	
Totality of circumstance must be considered; exigent circumstances may outweigh recommendation however articulation and justification beyond training and policy necessary	
Policies and training curriculum must be provided and integrated prior to use	
Partnership with adjacent jurisdictions for multijurisdictional policy and training	

<b>TABLE 1: SUMMARY OF PERF RECOMMENDATIONS 2010 (CONTINUED)</b>
Avoid privately owned ECWs to be used by public service on duty officers
Brightly colored ECWs to avoid firearm confusion over dark colored unless specialized unit
Weak-hand, weak-side upholster to avoid mistake of firearm
<b>Section II. Training</b>
Mandated training and qualifications dictated by policy prior to being equipped with ECW
Training should include scenario based and judgment based training; addressing ECW limits
Recertification and updates on changes to policy, technology and/or local and national trends of ECW use in law enforcement
Training should emphasize increased risk of death or injury with multiple applications and continuous cycles of ECW deployment
Team work with medical personnel to understand importance of after care in training
Restraint techniques used after ECW deployment must not impair respiration
Manufacturer's training and use of force policies and values must coincide; no contradictions
ECW application should NOT be mandatory for certification of weapon
Leadership should receive awareness training for investigations and reviews of ECWs
An officer alone and armed with ECW who is threatened or attacked should consider deadly force as a response, however if multiple officers present deadly force response should not be explored first given situation
Discourage use of drive stun as pain compliance
If more than one model used in a department, should emphasize and educate on differences
Awareness training provided to everyone, especially those not certified to carry who may encounter ECW incident in future

**TABLE 1: SUMMARY OF PERF RECOMMENDATIONS 2010 (CONTINUED)**

**Section III. Using the ECW**

Use against actively aggressive and actively resisting subjects likely to result in injury to themselves or others, in officer's judgement; passive subjects are not included

Do not use on subjects in physical control of vehicle in motion

Do not use against those deemed "at risk": pregnant women, elderly persons, young children and visibly frail persons

- Age and physical condition should be taken into account

Do not use on handcuffed individuals in custody nor individuals under officer's control

Do not use on subjects in elevated position where fall may cause serious injury or death

Use against aggressive animals can be effective

Do not intentionally activate more than one ECW against single subject simultaneously

Evaluation after one standard cycle is necessary considering increased risk of death and serious injury for each standard cycle to follow

Fleeing should not be sole justification for use; consider offense severity, threat and subject risk

Avoid sensitive areas (including head, neck, genitalia)

Warning should be given prior to activation unless warning itself is risk; verbal +/- display

Warning to other personnel and officers on scene ECW will be activated

**Section IV. Medical Considerations**

Awareness of higher risk for sudden death to those under influence of drugs and/or those exhibiting symptoms of excited delirium

Medical personnel should be notified if ECW application takes place

Medical evaluation and treatment should follow to subjects exposed to ECW application

In police custody, subjects should be monitored following ECW application, even after medical care is provided

<b>TABLE 1: SUMMARY OF PERF RECOMMENDATIONS 2010 (CONTINUED)</b>
<b>Section V. Reporting and Accountability</b>
Off duty rules similar to service firearms should apply
Supervisor should conduct initial review of <i>every</i> ECW activation and use
Force investigations should take place in encounters that result in death, serious injury, prolonged application (15+ seconds), abusive or punitive use, deviations from training, and involving at-risk categories (mentioned in <i>Section III. Using the ECW</i> )
Investigations should include: location and witness testimony; forensic quality photographs of all associated injuries for all parties; photographs of cartridges/probes; collection of ECW cartridge, probes, downloads, car video, confetti tags; copies of ECW data download; other information available
Supervisor should respond to all scenes where ECW activated
Supervisor should respond to scenes considered high propensity for potential ECW use
Awareness that total activation time registered may vary from actual subject application
ECW activations tracked in agency's early intervention system (EIS)
Random audits should be conducted on available ECW data and use of force reports
Audits should be conducted to ensure initial certification and recertification is updated
Agencies should collect and analyze information to identify ECW trends and provide information to the public
21 recommendations for information to collect on ECW use (refer to <i>PERF, 2010</i> )
<b>Section VI. Public Information/Relations</b>
Conduct neighborhood programs that focus on ECW awareness training
Public Information officers should receive extensive training to better inform and reduce anxiety of media and public about ECW and its use
Awareness should include partnership with medical personnel, citizen review boards, mental health professionals, judges and local prosecutors, etc.

## POLICE USE OF FORCE

### ii. CURRENT CONTROVERSY

Criminal justice policy across U.S police departments seriously lack clarification, communication, and training required prior to implementation of less lethal weapons ( (Amnesty International, 2008). It is first, and foremost, important to understand that TASERs are considered a less lethal form of weaponry to the author due to their potential of being lethal when misused. While TASER© International (TASER International, 2010) now recognizes the weapon as a less lethal weapon, it is important to examine the education and current understanding of the weapon by law enforcement, the law and the community. Scholars and practitioners alike have reached consensus that to ensure proper implementation and use of TASERs in law enforcement agencies must provide and maintain proper education, training and certification in an effort to minimize unethical or inappropriate use of TASER force (Amnesty International, 2008; Police Executive Research Forum, 2010). Deaths associated with use of TASER force demonstrate the ability of this less lethal weapon to become lethal (Amnesty International, 2008). While education and training is essential during the implementation of TASERs amongst law enforcement agencies, further research regarding trends of TASER use of force will benefit policy reform by providing a basis of knowledge regarding national and international use of the TASER and a baseline for furthering proper education to insure proper use during threatening encounters.

Consider the case of UCLA Powell Library Student. In 2006, only three years after the TASER X26 was launched (Smith, 2007), news and media sources highlighted a police encounter at the University of California Los Angeles (UCLA) with UCLA student, Mostafa Tabatabaiejad (Bobb, Barge, & Naguib, 2007). Tabatabaiejad was tased by two police officers after refusing to provide the UCLA Powell Library community service officers with proper school identification. Tabatabaiejad is later identified as a passively resistant suspect by community service officers working for the library who contacted the UCLA Police Department (UCLAPD) to remove the resistant suspect from library premises. Upon arrival of the UCLAPD, Tabatabaiejad is approached, tased and removed from the premise within less than fifteen minutes. The

events between Tabatabaiejad's first interaction with CSOs to his final interaction and physical removal by UCLAPD during the encounter remain in ethical question; did officers properly use the TASER? During the brief encounter, several altercations occurred in which UCLAPD used "excessive force" against an unarmed, non-violent, passive suspect. The suspect was tased a total of three times in less than five minutes as officers attempted to remove Tabatabaiejad from UCLA Library premises. It is confirmed that one of the TASER administrations occurred while the suspect was handcuffed (Bobb, Barge, & Naguib, 2007).

Bobb et al (2007) find subjectivity in police, suspect and witness recollections of the events on November 14, 2006. News articles, police reports, YouTube videos, and other available documents or media are used to critically examine the escalated event and the student's refusal to show a form of school identification (Bobb, Barge, & Naguib, 2007). Hemenway et al (1990) recognized a similar call for action by criminal justice policy makers as scholars are faced with today regarding TASER use of force policy; highlighting the necessity for proper training and education required by each department's policy to insure proper discretion and ethical use during encounters. Previous research has acknowledged that education, training and policy vary greatly across police departments in the U.S. (Hemenway & Weil, 1990) Historical analyses of law enforcement TASER related events reflect on needs for improved implementation and policy to ensure TASERs are properly used as alternatives to lethal force. DeLone and Liddie (2009) address controversial use of TASER force, TASER policy and TASER placement on the use of force continuum, which ideally will aid officers in discretion during high stress situations where a TASER can be used. According to the conflict model, use of force by officers is acted on those individuals who act outside the community norms and TASERs will most likely be used on minorities and the lower class because each group is stereotyped to fit the characteristic of being outside norms and experiencing economic inequality (DeLone & Liddie, 2009). Police use of force is widely acknowledged to differ from department to department on a range of verbal noncompliance and passive physical resistance to being armed.

In this argument, it is important to note the interchangeable use of the labels “non-lethal” and “less lethal” in current publications (Adams & Jennison, 2007; DeLone & Liddie, 2009). Although this is more along the lines of broad critique, rather than methodology critique, the importance must be exemplified in order to gain an understanding to the current state of education and training on use of TASER force. The argument for most policy is lack of clarity in the situations in which the level of police use of force is appropriate (DeLone & Liddie, 2009). To define a TASER as a non-lethal use of force interchangeably with reference to it as a less lethal use of force has two entirely different connotations from a semiotics analysis. Non-lethal implies that TASERs are not capable of lethality while “less lethal” implies a relative possibility of lethality, yet less lethality possibilities in comparison to other weapons disposable to law enforcement. TASER© International addresses the *potential* to cause death or serious bodily harm, as stated and later discussed, in their warning for use of TASER© International ECD devices. Reference to this warning should be clarified in all discussions of TASERs. Both scholars and department training personnel well versed in the research on the use of TASERs by law enforcement should consider the implications of wide diversity used in reference to TASERs; also referred to as ECD, CED, ECW, Taser, TASER, etc. In not following the distinction, using the term non-lethal implies the TASER to be the opposite of lethal, therefore welcoming the opportunity for unnecessary, repeated deployment of TASERs on a suspect – something already witnessed at alarming rates. It is important to use the same terminology in reference to the weapon as efforts to establish universal policy across departments in the United States (Police Executive Research Forum, 2010).

As its title might suggest, the use of force continuum is designed to provide a standard in measuring the appropriate amount of force to use on a suspect. A TASER is considered an intermediate weapon on the continuum. Due to this intermediate placement, departments have found leniency in creating policies for TASER use, more specifically, the use of force ranges from verbal noncompliance and passive physical resistance to deadly force (Adams & Jennison, 2007). It is legitimate to link this large range of potential circumstances to the influx of lawsuits and media hype over the

“misuse” of TASERS. To allow such a wide range of unclear, potential encounters that may or may not account for appropriate use of force allots room for criticism, controversy and improper use of the device.

In response to the negative controversy surrounding use of TASERS by law enforcement, TASER© International, the dominant private manufacturer and distributor of all TASERS (TASER© included among other manufacturers) at an international level to law enforcement provided a revised release in October 2009 to override and supersede any previous revisions of their *Warnings, Instructions, and Information* policy (TASER International, 2010). The policies and warnings attached to products in the current consumer culture provide, the material provides a disclaimer within the first few lines of the policy “...failure to comply with instructions could result in death or serious injury”. This is followed by a list of potential threats noncompliance to the warnings consequential to the use of a TASER©. Precautions to avoid undesirable discharges and deployments of the TASER© include a range from avoiding complete contact with the TASER©, in particular the trigger, until absolutely prepared to deploy to completely disarming the battery when the TASER© is not in use (TASER International, 2010; TASER, 2010). The entire nature of police work involves providing public service to the community or, in contemporary society, responding to threat and danger therefore making it highly impractical for the profession to keep the TASER© battery disarmed to avoid accidental fire.

As the development of TASERS continues by various manufacturers, the design of the TASER becomes far more similar to the image of the handgun carried by officers despite recommendations to arm law enforcement with bright colored, clearly distinguishable TASERS (Police Executive Research Forum, 2010). TASER© International has recently addressed the potential for confusion through their *Warnings, Instructions, and Information* policy released October 15, 2009. According to the policy, “confusing a handgun with a TASER© could result in death or serious injury” (TASER International, 2010). Under no circumstance is it necessary for an officer to be carrying a TASER© and a handgun if the officer cannot decipher the physical feel and holstering of the two. *Grant v. Mehserle* (2010) is a prime example of the importance in educating and

training properly to insure the distinction is made by officers equipped with both handgun and TASER. As the design becomes far more similar to a hand gun, carrying a gun and a TASER can only be expected to lead to confusion at some point.

The nature and severity of the side effects of TASER© use depends on the area of exposure and method of application, individual susceptibility, and other circumstances surrounding TASER© use, exposure, and after care (TASER International, 2010). Training methods and policies are emphasized to exist in departments which include particular education requirements and certification of the TASER© device in order to carry one (Police Executive Research Forum, 2010). Due to the misconception that has been created in society from the misuse of the term “non-lethal” as it applies to TASER use, extended education and training must be provided to break this common misconception and wrong reference in all outlets. TASERs have potential to be lethal when misused and are less than lethal alternatives; reiterating the importance in focus and education on potential TASER effects during training.

According to the Griffith (2009), TASERs are designed to cause pain, immobilize person by interfering with voluntary muscle control. TASERs were initially supported for use of force by police officers to deal with violent or aggressive people in a less lethal manner. During controlled studies conducted in Australia, statistics showed a 93% decrease in violent confrontations and a 40% decrease in police officer assaults. The results of the study supported the international movement to re-budget and fund TASER investment for officers to carry in addition to standard equipment. New South Wales government budgeted \$10 million to provide TASERs for frontline officers (Griffith, 2009). In July 2009, the glorious plan of implementing less lethal weapons into the police force was placed on hold due to increased incidents of TASER misuse. Media attention in Queensland focused on incidents where officers fabricated an incident involving a 39 year old man who was tased twenty-eight times and another incident in New South Wales involving a 38 year old man surrounded by four officers and tased multiple times despite his compliance to officer commands (Griffith, 2009). The TASER Cam attached to the device provided evidence the officers were indeed unjust in their use of the devices. Although the prevalence of the incidents may be exaggerated through the media, the

argument still exists that the lethality of the TASER is wrongfully estimated by officers. For an individual to conceptually assume the TASER is non-lethal, when in fact it is less lethal, may cause a higher likelihood of the device to be used and abused more frequently in circumstances lethal force is not justified. The handgun itself is considered a lethal weapon therefore it is conceptualized as a far more consequential use of force, hence more thought out discretion in the use of lethal measures. The understanding of the lethal consequences of TASERs need to be restructured to align more similarly with that of a handgun through clarification and training of TASER use policy considering TASERs are a less lethal alternative to lethal (handguns).

Hemenway & Weil (1990) argued a decade ago that TASERs need to be improved and redesigned to be safer because, like handguns, it is the operator of the gun who misuses it. By eliminating potential misuse through redesign is Hemenway & Weil's recommendation for solutions to such controversy. Possible improvements of the design are provided through the warnings through the *Warnings, Instructions, and Information* (TASER International, 2010) precautions to decrease unintentional malfunctions of the TASER. By simply redesigning the TASER is not guaranteeing the problems of TASER misuse to be addressed. An argument to improve the TASER by added a child lock on the TASER has been used in Hemenway & Weil's article (1990).

Amnesty International, a critic in the controversial debate of TASER use from a human rights perspective, conducted a survey on TASER related deaths in 2006 (Adams & Jennison, 2007). Their findings pose great implications in the arguments for a less lethal weapon over a handgun. Over 150 TASER related deaths included a suspect which was unarmed, suffered from mental or physical impairment, under the influence of alcohol or drugs, and/or received multiple shock cycles during the TASER deployment. It is important to recognize the less lethal assumptions and associations of the TASER and the correlation with over use or misuse.

Particular attention is needed on the suspects of TASER use of force in order to research the phenomena. DeLone & Liddie (2009) published an article on a TASER study that took place in Lincoln, Nebraska. The study was conducted to use in comparison of other cities such as Seattle, Green Bay, etc. in which police departments

report a very close percentage of whites and blacks being tased, while other minorities accounting for approximately 8-10 percent of TASER incidents (DeLone & Liddie, 2009). What the articles failed to address in their examination of TASER suspects is the proportionality to the population each race was tased. When blindly looking at a statistic, it may seem to be an equal distribution and nonracial bias between black and white TASER subjects. In 2008 Madison, Wisconsin, for instance, reported an overall population census of 89.7% white, 6.1% black population, and the remainder 4.2% other minorities (Census Bureau, 2009). Yet TASER incidents included deployments on 51% white, 41% black and 7% on other racial minorities (DeLone & Liddie, 2009). To claim an equal percentage of whites and blacks are equally tased is highly misleading due to unequal proportionality to the city population. In the methodology section, it appears to be an important demographic examined by police use of TASER force scholars.

DeLone & Liddie (2009) acknowledge the sample to be a very small and uncommon site for TASER research due primarily to location of the research in Lincoln, NE. Therefore its application and translation need to be critically viewed and not loosely applied to policy. Lincoln Police Department's (LPD) policy states that officers need to be trained, must carry the device in an approved holster, and a suspect needs to be actively aggressive in the situation. TASER use is not permitted on small children, pregnant women, or while a suspect is in cuffs (DeLone & Liddie, 2009) (Police Executive Research Forum, 2010). Officers may run into problems with this incident as well. Creation of policies that encourage absolute TASER use when an imminent threat against the officer or the suspect is threatening another person must be emphasized in every policy and training session in practical circumstances.

Verbal notification and communication is relevant to current policy on TASER use of force considering the large number of precautions warned by TASER© International (2009) and other manufacturers. Verbal warning is often recommended prior to deployment (Police Executive Research Forum, 2010). If the individual is unresponsive or noncompliant, officers are encouraged to use prior training and thorough discretion in the situation to insure justified action. Similar cases to the story of Antonio Love, 37, reify the importance in assessing the circumstances in situations lacking

immediate threat to the officer or suspect. In the few case examples of Antonio Love in 2009, Donnell Williams in 2007, and Bob Ross in 2006 all were subject to a Taser, and unfortunately death in the case of Bob Ross, for failure to comply with verbal orders despite being legally deaf. Assessment on part of the officers of the encounters above, among others available online each year in the media, remain important in policing as new weapons are introduced to the field.

## CHAPTER V

### PURPOSE & METHODOLOGY

The purpose of this research is to examine and identify prescribed and proscribed TASER use of force by police officers in the United States in order to create a typology from practice of law enforcement as presented in the media. The study is a content analysis of secondary data collection which included articles collected from the National Police Misconduct and Reporting Project (NPMRP) website, InjusticeEverywhere.com, on TASER use of force (National Police Misconduct & Statistics Reporting Project, 2010). Although the research has limitations, it is necessary to use secondary data in attempts to provide a current typology analysis of the reality of TASER use of force in the United States. Data is examined to identify common prescribed and proscribed use of force themes in accordance with a 9th Circuit Court of Appeals ruling, *Bryan v. MacPherson* (Bryan v. MacPherson, 2010).

The media constitutes as a main source for information among Americans. Sections in a newspaper or online media source often include entire sections devoted to crime and justice related topics; police misconduct and abuse of authority by police officers being a hot media spotlight topic. The data source InjusticeEverywhere.com is monitored and administered by the National Police Misconduct Statistics and Reporting Project (NPMSRP). The project, which began in 2009, aims to provide the public with a general knowledge of police misconduct. The website acknowledges the lack of government initiative to provide police misconduct information to the public since 2002. The last attempt of the government to gather national data on police misconduct in 2002 resulted in only 5% coverage of law enforcement departments in the U.S (InjusticeEverywhere.com). The following is quoted from the page of the NPMSRP:

*“While the use of media reports as a source of data for the NPMSRP is an imperfect solution, there are none better at this time since a vast majority of police departments do not release misconduct data and state laws in many locations [even] prohibit the sharing of such data. Additionally, utilizing court records only gives us cases where officers were prosecuted or faced civil action while neglecting data from disciplinary actions taken against officers in the*

*absence of other actions.*” - (National Police Misconduct & Statistics Reporting Project, 2010)

NPMSRP gathers data using media to generate statistical and trending information reports. The media is obtained by NPMSRP researchers daily, then released in quarterly and semi-annual reports available online (National Police Misconduct & Statistics Reporting Project, 2010). Each quarterly report includes alleged incidents tracked in national news media per three months, often far exceeding 1,000. Prior to releasing the quarterly reports, NPMSRP scans the records for duplicate news articles and fixes any multiples that may be found. For this research project, the author has pulled any and all TASER-related articles provided by the NPMSRP quarterly reports April 2009-September 2010. During the literature review, I noted particular demographics from similar evaluations of police use of force incidents that may pertain to the research. MacDonald et al (2009) recorded the following demographics pertinent to the current research study:

- force used by officer
- level of resistance (passive, active, aggressive or aggravated and no resistance)
- suspect demographics - age, race, sex
- Departmental policy in place, yes or no?

In addition to the outlined dimensions modeled after MacDonald et al(2009), I built the dimensions to be coded as the study developed. To ensure that all information provided by the news article might become valuable in the analysis of each case was coded under its own dimension. If a new dimension was added at case thirty-two, for example, the author would go back and review all previous thirty-one cases to double check if the information was available. As the research progressed, the need to return to prior cases for dimensions that were non-existent in the data recording at the time of their evaluation occurred less and less. An inductive approach was taken to conducting this research and creating the dimensions due to the exploratory nature of the media articles regarding Taser use of force.

Great variability is witnessed in reporting styles of news articles, ranging from thin to thick reporting (Barak, 2007). “Thin to thick” refers to the amount of information provided. The type of information provided varied greatly in the current research study. Cases are often at different stages of the litigation and complaint processes when information is reported in the media, therefore certain dimensions would not necessarily be pertinent to other cases that did not reach litigation at the time of print and/or charges or civil complaints were not filed against the officer(s) involved on behalf of a subject. Each case provided by the NPMSRP in the quarterly reports was recorded and served as a baseline source to be included in the data set. Up to three additional sources were used on average for each case as supplementary sources to include as much data under each dimension as possible for each case. In several instances, the search engine “Google” would return repeat websites with identical URLs or “feeding” from the URL provided by NPMSRP. Several websites reported the exact story as previously used in the data collection though the URL may have been different than the original source or other supplementary sources used. The process is similar to researchers in our field and beyond citing one another. The source and original document is maintained on the new website and properly cited with its source, however it is a different URL and the researcher must take caution in evaluating the entirety of the URL as a website source in order to avoid repetition of sources. This was practiced throughout the data collection process and each case varied from at least one original additional source to three additional supplementary sources.

Court cases are often provided online and can be easily found using the Google search engine. PDF files can be viewed online or downloaded for reference, as they are public knowledge available for those interested. The author felt that since this information is made available online and hyperlinks are occasionally provided on the URL page of a story printed in the media to link the story with a court case available, it sufficient to include information obtained from court rulings and civil complaints pertaining to dimensions of the case in the data set. Court cases provided an in depth account and more contextual information to include in the demographics. The dimensions

were not altered based on court cases. Court cases were only used as supplementary information and had no influence on adding more dimensions to the data set.

A total of 113 unique cases were found in the data set provided by NPMSRP's quarterly reports from April 2009-September 2010. 26 dimensions were created based on the original articles provided by NPMSRP. As stated before, the original data set was examined first, dimensions were created during the review of the original data set, and any supplementary information obtained after was only coded for dimensions already existing from the original data set. All dimensions were applied to every case to allow information for each case into the data if it was made available by media. Identifiers were used to reference each case in order to ensure cases were not being repeated as an individual case more than once throughout the data set. Identifiers included date of encounter, date article published online, name of subject(s), police department involved in encounter and name of lawyer or legal representative (parental guardians). The identifier for the name of lawyer or legal representative was found beneficial in the case of juveniles who were subject to TASER use of force by law enforcement, both on the streets and as resource officers. A majority of media often avoid listing the name(s) of juveniles involved in cases, therefore reference to lawyers or legal representatives (including parental guardians) would serve its purpose in later case multiplicity evaluations of the data set.

The dimensions can be broken down into three categories; subject related, police related, and court and civil complaint related dimensions. First, subject related dimensions referred to information related strictly to characteristics, actions and behaviors of the subject as the media reported. This included subject sex, subject race, total subjects involved in encounter, total subjects tased, alleged offense or suspicion on part of subject, was the subject armed, was the subject under the influence of alcohol, was the subject harming self, was subject harming others, did the subject have a mental or health disability, was the subject pregnant and if so how many months, was the subject provided after care, was the subject handcuffed during any deployment of TASER cycle(s), was the subject actively or aggressively resisting arrest, was the subject subdued

(i.e. under control) when tased, and the known injuries to the subject resulting from encounter.

Second, police related dimensions referred to information related to characteristics, actions and behaviors of the law enforcement agent acting on behalf of government interest. This included number of officers involved in encounter, total number of TASERs deployed during encounter, total number of TASER shock cycles administered by each individual TASER deployed (information for each to be recorded separately within one dimension cell), was the TASER effective, did the department the officer belong to during the time of the encounter have a policy, did the department require training or had the officer received training for use of TASER force, did the department justify the officer(s) use of Taser force, and the known injuries to the officer.

The last category of dimensions is the court and civil complaint related dimensions. This referred to all dimensions related to the civil complaint made by a subject or court rulings made regarding an encounter. This category proved to be one of the least complete of the categories because each case was at various stages of the litigation and disciplinary processes. Occasionally, the media would report on an incident however it was unclear whether or not any reaction on behalf of the tased subject had been or would be made requiring intervention of the legal system. Some would mention an internal investigation was taking place, however court and civil litigations may or may not have resulted from the incident. Nonetheless, this category included the court or civil complaint level (state or federal), lawsuit charges or complaints against the officer(s), and the verdict. Two dimensions remained that did not fit in the categories and were not used for any type of analysis, however they could be reconsidered in the future under another category for another purpose; is video available of the incident and what is the reported length of the entire encounter? Because the dimensions were not focused on in this particular study, a category was not created to include them in the analysis.

The results were used to create a typology of police use of TASER force. The typology can be used as a valuable outline in future research for determining police practice of TASER force. PERF (Police Executive Research Forum, 2010) recommends police agencies to conduct research on themes of ECW (i.e. TASER) use in their own

departments in order for supervisors and leadership to assess problems areas within their police force. The typology can be used for the department to more easily identify types of TASER force and what is appropriate in conjunction with department policy. All data collected for this research study has been used to create a category of TASER use by police, therefore all data fits into categories. The typology is created based on initial use of TASER force and does not reflect resulting charges of the individual subject in the encounter after the subject is taken into police custody. Few incidents took place while in police custody and had little or nothing to do with subject resistance while arrest was made. Such incidents are discussed more thoroughly in the results

## CHAPTER VI

### RESULTS

A total of 113 unique cases resulted from the secondary data sources obtained. An overwhelming majority of the cases involved a male subject, unarmed, not under any indicated influence of alcohol or drugs, without a notable health or mental disability. A majority of the cases did not involve a subject who was harming themselves or others. The number of officers indicated at the scene of the encounter varied greatly from one to two or more officers, with the maximum and most rare case involving a total of eighteen officers. The incidents involving one officer versus the incidents involving two to four officers were fairly equal across the data set. In a large majority of the cases, only one TASER was deployed, however the amount of administrations or TASER shock cycles often included two or more cycles on a single subject. In a majority of cases, the subject was not handcuffed during the first TASER implementation and if they were handcuffed while tased at any point of the encounter a majority of the cases involved the subject to be tased while in handcuffs after the first TASER cycle was administered. Only a few cases resulted in police officers with minor injuries related to each incident. An overwhelming number of incidents resulted in serious injuries to the subject(s) involved in the incidents, such as brain damage, paralysis, long term physical ailments and bodily defects or hospitalization. 19 subjects died as a result of the incidents used in the cases obtained from the NPMSRP data set.

As mentioned in the methodology, the results from the data were used to create the typology. Ideally, the typology has been created using three criteria used in the ruling of *Bryan v. MacPherson*. The author feels as though this ruling could potentially set the precedent for future use of TASER force. While the 9th circuit court of appeals does not recognize TASER as a less lethal weapon at the time of the *Bryan v. MacPherson* ruling (stemming from previous ruling of *Graham v. Connor*), the criteria used in the case are ever more pertinent in creating a typology under the position that TASERs are a less lethal alternative weapon for police use. The criteria used to create the categories include government interest in severity of crime, subject threat to officers and others, and whether he is actively resisting arrest or attempting to evade arrest by flight. The

typology is essentially structured to account for subject encounters that are less to more threat potential against police officer and others, less to more subject severity in offense, and less to more resistance in successful arrest by the officer.

The first category on the typology is fooling around and/or abuse of department weapon by officers, both on and off duty. Cases from the data found instances in which either an on or off duty officer(s) used a department issued TASER in a joking manner without malicious or serious intent, typically with friends and/or to show off. Examples from the data set that fall into this category include Michael DeTar using his TASER while off duty on friends at a Superbowl Party (Osborne, 2008), a Wakulla County Sheriff's Deputy accidentally misfiring his TASER on a BP Oil Receptionist while showing it off (Herrschaft, 2010), and a Collier County Sheriff's Deputy tasing another deputy on the buttocks while playfully teasing and chasing one another around the department office (E.W. Scripps Co., 2010). This category does not involve any intended subject who might be under suspicion for breaking the law and therefore of government interest for police investigation. Within the category, all on and off duty incidents of "fooling around" or accidental fire while showing others the weapon and/or the weapon's capabilities are included. It also includes abuse situations in which a government or department issued weapon is used for means other than government interest.

The second category in the typology is verbal and physical noncompliance to orders. The aspect of verbal noncompliance includes the instance where officers state orders to a subject and the subject does not respond. Physical noncompliance is included in this due to circumstances in which verbal orders were given to a subject to follow through with a physical response (i.e. hands behind back, hands on head, etc.) and the subject did not follow orders. This is different than passive resistance which would involve physical noncompliance to orders, such as the UCLA student case discussed earlier (Bobb, Barge, & Naguib, 2007) combined with the subject going limp during an attempted arrest to intentionally protest against arrest with forced arrest still possible.

The second category of the typology, verbal and physical noncompliance, also includes nonthreatening, nonviolent incidents often resulting from a confusion of too many contradictory, sometimes impossible to react to simultaneously, orders being

directed at the subject, and subject confusion prevents complying with officer(s) orders. The subject is neither passively nor actively physically protesting arrest. Rather other contextual factors prevent compliance with police orders or the individual simply does not comply with orders by choice. All criteria of the *Bryan v. MacPherson* case apply; nonthreatening, non fleeing, and less severe offense committed by subject to this category. Though the contradiction in orders incidents did not emerge in this data set, it has been noted that in all possibility this could happen.

Examples of verbal and physical noncompliance from the data obtained in this study include Phillip S. Chappell, a football fan who had taken a cab however passed out in the cab during the ride (Ward, 2010). Two police officers responded to the cab driver's call to help get Chappell out of the cab from his passed out inebriated state; Chappell was tased by the officer for "shhsh-ing" and failure to comply with orders. Another example includes Pamela Brown, a local known as the "Hula Hoop" lady who suffers brain damage and other disabilities, is caught on video pleading with officers that she physically cannot put her hands behind her back due to physical disability preventing her from doing so. Officers tased her a total of three times while Brown was clearly subdued, on her knees and expressing her physical inability to put her hands behind her back. She was not threatening herself or others, unarmed and no attempts to flee (Gibson, 2008).

A third example includes the incident of Lucas Maliszewski and the Court family when officers illegally entered a home based on a noise disturbance complaint (Hayden, 2010). The family had been drinking and celebrating a birthday party when police illegally entered the home and used a TASER in response to Lucas Maliszewski asking for badge numbers. The officers involved in the Maliszewski and Court family incident entered the home demanding orders and the family responded demanding to know why their home had been entered (Hayden, 2010). The family did not comply with the responding officers and Lucas Maliszewski can be seen on video being tased after requesting officer badge numbers. Maliszewski was not armed, not threatening others or officers and not attempting to flee the scene (Hayden, 2010) therefore in conjunction with the criteria of *Bryan v. MacPherson*, the officers used excessive TASER force on Maliszewski.

The verbal and physical noncompliance category would also include cases of verbal assault against an officer. Verbal assault is strictly verbally assaulting an officer for the incident at hand. Typically, this type of incident has occurred during traffic stops and/or suspicion stops in which subjects become verbally agitated with the officer for conducting the stop. Use of TASER force is a response to verbally assaultive behavior and disrespect toward an officer. In some instances the assaultive behavior is direct with the officer and in other situations the subject ignores the officers commands, showing disrespect and disagreement with the reason(s) he or she (as the subject) is being stopped. Examples of the verbal assault within the verbal and physical noncompliance category include Irman Jones, a traffic stop by the Aurora Police in which officers tackle, tase and arrest Jones for virtually ignoring officers and using his cell phone during the encounter (Marcus, 2010). Jones had originally been pulled over for failure to use his turn signal and according to officers, Jones had “taken too long” to provide insurance and registration and officers became suspicious he may be intoxicated. Jones was then pulled from the car, beaten with a flashlight and tased a total of three times during the incident (Marcus, 2010).

In 2009, Audra Harmon faced a similar situation of a routine traffic stop that ended with her being tased twice for objection to the officer’s citations (Associated Press, 2009). Harmon refused to sign the ticket and subsequently can be seen in released videos being dragged out of her car and tased to the ground twice in front of her two children. The overlap here is her refusal to sign a ticket and questioning an officer’s conduct. Harmon originally complied with orders to step back into the vehicle during the interaction between the officer and Harmon about the allegations of speeding and talking on her cell phone, however when ordered to step out of the vehicle, Harmon refused and the officer forced her out with TASER force (Associated Press, 2009).

The third category found in the data is fleeing suspect; in which a subject is attempting to flee the scene. In determining the appropriateness of use of TASER force, *Bryan v. MacPherson* provided the combination of assessing severity and threat. If a subject is fleeing, officer discretion in assessing the situation is crucial to prevent any unintended consequences to voluntary muscle intervention from TASER use and to

minimize risk of serious injury or death. In this category, the subject is not threatening the officer or others. The subject may or may not be armed, which would be an important assessment on part of the officer on whether or not to use TASER force on a fleeing subject due to the potential of that individual to hurt someone crossing their path during the flee. Examples of fleeing found in the data include separate incidents with Christopher O'Banion in 2005 and Matthew Hook in 2010. Christopher O'Banion, 14, had a toy gun on him heading to a friends house in the neighborhood when an officer pulled him over, questioned the toy gun and requested O'Banion to put the gun on the hood. O'Banion complied with orders, put his hands behind his back also as ordered and the officer proceeded to shove him to the ground. O'Banion attempted to flee the scene when officer radioed help, mentioning a gun was at the scene however failed to mention the gun was on the car hood and was a toy gun, as the suspect had already taken off. O'Banion was tased and attacked by K-9 unit who were never informed that O'Banion was not armed. The case ended in a \$150,000 settlement of excessive force (Parrott, 2010).

A separate incident of TASER use on fleeing subjects involved Perry Township and Matthew Hook (Johnson, 2010). Hook was attempting to flee and evade arrest for burglary charges by scaling a fence when police tased the man. He fell headfirst and suffers serious brain injury, paralysis and hospitalization from the fall (Johnson, 2010). Incidents similar to Hook have raised the question of whether or not to tase a fleeing subject due to the involuntary muscle disruption (PERF, 2010; TASER© International, 2009), while PERF's latest recommendations clearly state to avoid using TASERs on fleeing subjects (PERF, 2010). For the purposes of this category in the current typology, the threat and the severity of the offense must be assessed. If a subject is knowingly armed when attempting to flee, one would consider the potential threat to others crossing their path during the flee to be high therefore a TASER justified. If a lack of threat and armed subjects is present, to use a TASER would need to be weighed with potential risks to the subject and severity of the offense as *Bryan v. MacPherson* case was ruled.

The fourth category on the typology is emotionally disturbed and suicidal subjects. As the title eludes, individuals who are attempting to hurt themselves,

consciously or subconsciously, with the risk of suicide or serious injury to themselves and/or others, and appear to be emotionally disturbed or agitated to the point of risk of hurting themselves and/or others. An example of potentially suicidal and emotionally disturbed subject(s) includes the case of Steven Spears in 2007 (Justice News Flash, 2009). From the data collected, Spears was tased and forcibly arrested as he was found running through traffic in his underwear. Officers tased the man in order to keep him out of traffic and from hurting himself. Spears died as a result of suffocation by force tactics used by the five responding officers and the family was awarded a \$1.95 million settlement (Justice News Flash, 2009).

Another example within this category is the case of Iman Morales in which officers tased the emotionally disturbed man while he was on a 10 foot ledge, threatening to jump; the officer tased the man who subsequently fell to his unfortunate death after the TASER application (FOX News, 2009). Clearly, this category needs a great deal of attention and assessment regarding the consequences of a TASER application by the officer(s) involved in the incident. The nature of the encounter might involve weapons being used by the subject to commit suicide or harmful actions or those similar to Morales in which a TASER application may cause the subject to fall an unintended direction. Consequentiality in TASER use must be considered in order to avoid lethal incidents between officers and subject(s).

The fifth category on the typology is passive resistance. Passive resistance is defined as obstructing the official acts of an officer to successfully make an arrest in a protesting manner that does not fully prevent an officer from control of the subject. The subject is not threatening to the officer or others, not attempting to flee and is not armed. The subject is passively protesting and resisting arrest attempts made by officers while remaining subdued by officers. An example of TASER force on passively resistant subjects includes the case of two anti-war protestors De'Anna Caligiuri and Carole Weidmann in 2005 (Brandolph, 2010). Caligiuri and Weidmann claim they were mistreated and arrested during the protest by officers who tased Caligiuri and allowed the K-9 unit to bite Weidmann. The group was part of a demonstration in which officers were attempting to break up and at no point were the two mentioned to be out of police control

or unable to subdue. The two were arrested on failure to disperse charges (Brandolph, 2010). Another example includes the case of UCLA student, Mostafa Tabatabaiejad. Tabatabaiejad was approached by officers at the school library for failure to show proof of school identification when he protested his arrest and removal from the library by using his “dead weight” to protest. Tabatabaiejad was not threatening, not armed and not attempting to flee. The student allowed his body to go limp, or as officers refer to it in the case as “dead weight”, during their attempts to physically remove and arrest the student (Bobb, Barge, & Naguib, 2007).

The sixth category is active resistance which is defined as subjects actively protesting attempts at controlling and arresting officers. Subjects who attempt to pull away from officers who are attempting to control and arrest them would be included in this category. In most instances, subjects are considered combative however in the last category, active aggression, the difference is elaborated between being combative during an arrest and being assaultive toward an officer. An example of active resistance includes Christian Pagan, a handicapped teen who had been acting erratically when his mother called police for help controlling him (Ovalle, 2010). Pagan’s mother explained to officers that he was not armed and had mental disabilities and a heart condition. An officer arrived, told Pagan’s mother to move as he pointed the TASER at Pagan and tased him three times. Pagan was considered to be “resisting arrest without violence” (Ovalle, 2010). He was unarmed and mostly threatening to himself due to the lack of violence the subject projected on anyone else involved (Ovalle, 2010).

The last category on the typology is active aggression. This category includes a subject who may be armed, violent and threatening to an officer and/or others. The assaultive behaviors are different than active resistance due to the potential presence of a weapon, increase combat to violence and direct threats being made to officers or others involved in the incident. An example of this includes the case of Maria Dela Torre. Officers approached Dela Torre, tased and shot the woman because she was aggressively advancing toward officers with an ice pick and jabbing herself with safety pins (Megnin, 2010). She was tased and shot by a firearm simultaneously by separate officers approaching her which resulted in her death and a \$2.1 million settlement to her family

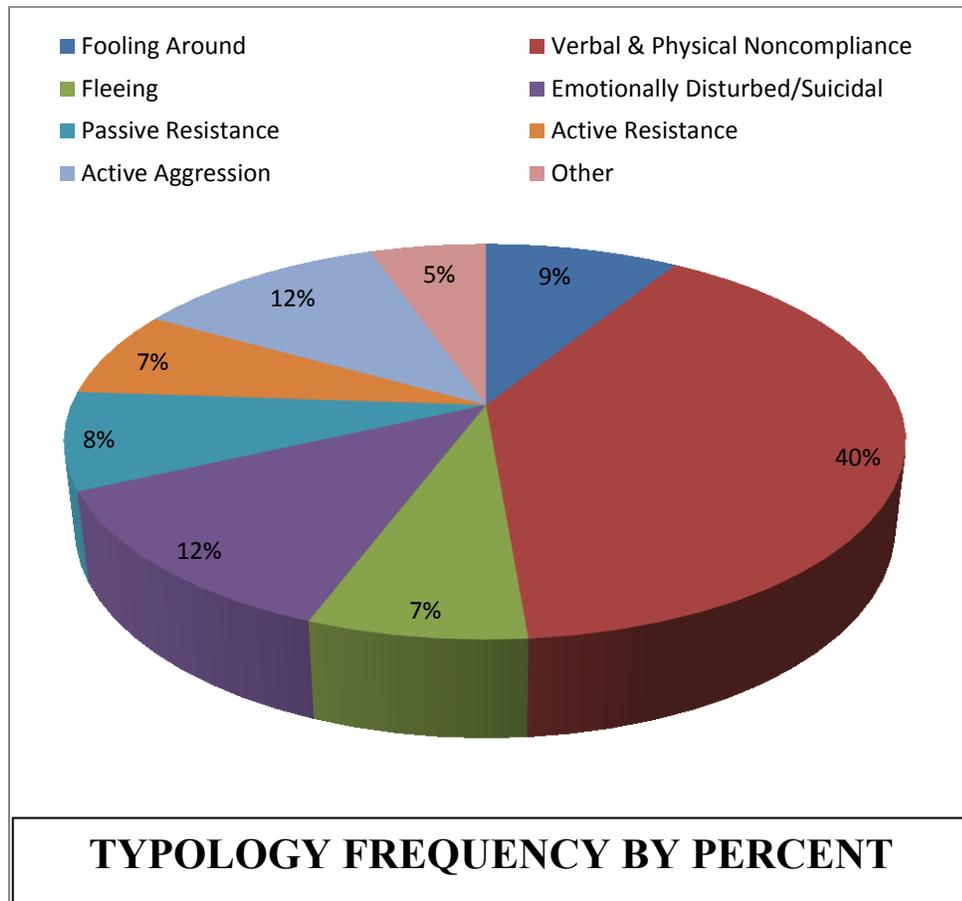
(Megnin, 2010). Another example within this category is the case of Jarrel Gray in 2007 (Augenstein, 2010). Gray was involved in a fight between him and three others when an officer arrived, ordered Gray and the others to stop. Gray stopped fighting, put his hands in his pockets and failed to comply with orders to “show your hands”. The officer then tased Gray twice in fear of not knowing what was in Gray’s pockets and noncompliance to the demands (Augenstein, 2010). Another type of active aggression resulting in TASER use involved Lawrence Doheny. Doheny was pulled over for driving while intoxicated when he attempted to take an officers weapon and flee the scene after he was arrested and already in transport to the hospital for an alcohol blood test due to refusal of a breathalyzer (Ferraro, 2010). Doheny reached for the officers weapon, pushed the officer in the chest then attempted to flee the scene when the officer tased him a total of three times to successfully apprehend the subject again (Ferraro, 2010).

The final category in the typology is considered the “other” group. This is a category that can be also referred to as an outlier group or a catch all for obviously outstanding or rare incidents. Throughout the analysis an occasional incident would arise that was very rare and/or incredibly complicated in its rare outlier context. An example of this would include the case of Gladwyn Taft Russ III, a man who had a warrant out for his arrest had negotiated with officers in the past two months to turn himself in after the funeral service for his father (Gonzalez, 2008). In Russ’ case, five undercover officers attended the funeral despite continued negotiations to turn himself in once his father’s severe illness turned death had passed (Gonzalez, 2008). Russ was tased and arrested as while helping to load his father’s casket into the Hurst during the funeral. The officers clearly stated the timing was poor and due to miscommunication in part of the Sheriff’s Department (Gonzalez, 2008).

The eight categories found on the typology have been clarified and elaborated to include a different level of resistance and threat in the immediate situation officers deal with while conducting their business. Ranging from on/off duty fooling around to blatant aggression and assault on officers, the spectrum of use of TASER force is clearly a wide array of circumstances. In the data, a large majority of the cases are explained in news articles to be “justified” by the department. Settlements are often mentioned and result

from civil complaints and court cases submitted as a result of instances in which excessive use of TASER force may be present. This does not mean the police are taking any liability for what occurred, instead it simply means the city or department being sued has agreed to settle out of court without admittance to guilt on behalf of officer(s) involved. As the array of terminology used to reference TASERs varies greatly, so does the actual practice of their use in the field of law enforcement.

Figure 1 and Table 2 below include a summary of the results. See Appendix A: Table 3 for a breakdown of each case used in the current research study.



**FIGURE 1**

<b>TABLE 2</b>		
<b>TYPOLGY OF USE &amp; MISUSE OF THE TASER</b>		
<b>Type</b>	<b>Dimensions</b>	<b>Frequency</b>
fooling Around & Abuse of Department Issued Weapon	<ul style="list-style-type: none"> <li>▪ On/off duty officer(s) using department issued TASER</li> <li>▪ Lack of malicious, government or serious intention</li> <li>▪ Physically showing TASER or showing off with TASER</li> <li>▪ Abuse of department issued weapon for personal interests</li> </ul>	10
Verbal & Physical Noncompliance	<ul style="list-style-type: none"> <li>▪ Subject does not respond verbally and/or physically to orders given by law enforcement agent</li> <li>▪ Disability that may prevent compliance (physical, mental, etc.)</li> <li>▪ Includes verbal assault and verbal disrespect toward officer(s)</li> <li>▪ Contradictory commands make it impossible to follow all orders given by all officers present during incident</li> </ul>	45
Fleeing Suspects	<ul style="list-style-type: none"> <li>▪ No immediate threat to officer or others (unless armed; potential threat to others who cross path during fleeing process)</li> <li>▪ Attempt to flee scene and evade arrest</li> <li>▪ Severity of offense, threat to officer(s), and armed/unarmed assessed</li> </ul>	8
Emotionally Disturbed & Suicidal Subjects	<ul style="list-style-type: none"> <li>▪ Conscious or subconscious efforts to hurt self (apparent threat to self)</li> <li>▪ Emotionally disturbed or agitated to point of risk to self and/or others</li> </ul>	14
Passive Resistance	<ul style="list-style-type: none"> <li>▪ Nonviolent protest against arrest</li> <li>▪ Officer(s) can still control and/or subdue passively resisting</li> <li>▪ Not armed with weaponry</li> <li>▪ Not threatening to officer(s) or others</li> <li>▪ Not attempting to flee</li> </ul>	9
Active Resistance	<ul style="list-style-type: none"> <li>▪ Resisting arrest without violence</li> <li>▪ Attempts to prevent arrest in combative, nonviolent nature</li> <li>▪ Not armed with weaponry</li> <li>▪ Not threatening to officer(s) or others</li> <li>▪ Officer(s) face great challenge in controlling and subduing subject</li> </ul>	8
Active Aggression	<ul style="list-style-type: none"> <li>▪ Physical assault against officer(s) or others</li> <li>▪ Threat to officer(s) and others</li> <li>▪ May be armed and dangerous; violently combative</li> </ul>	13
Other	<ul style="list-style-type: none"> <li>▪ Incredibly rare cases that do not fit into the rest of the categories</li> <li>▪ Outlier cases in which officers apprehend wrong suspect with little to not communication regarding the event</li> </ul>	6

## CHAPTER VII

### DISCUSSION & CONCLUSIONS

The typology does not address the issue of fatalities associated with the incidents. More information needs to be researched on this as death tolls are reaching overwhelming numbers. It is important for researchers to avoid minimizing the light shed upon such controversial issues based on the smaller percentage of death associated with overall TASER use of force. Nineteen of 113 cases used in this data set alone resulted in death, which eludes to the fact deaths are occurring in a high enough percentage of TASER associated uses of force. While news accounts are far more likely to shed light on fatalities, it is important to note 19 have died in this data set alone and the remainder involved use of TASER force that may be in question for police misconduct. As researchers, it is important to continue examining correlations and contextual information for both fatalities and non fatalities associated with TASER force.

During this research endeavor, a few noteworthy policy implications emerged to consider in future education and training for the use of TASERs by law enforcement. It must be emphasized that the controlled environment witnessed during training of the use of TASERs is highly differential in comparison to action and circumstances in reality. Just as police argue “things are different out there”, a similar ideology must be taught and withheld when approaching the consequential nature of their use of TASER force. The suspect will not have a padded room to fall when his or her voluntary muscle controls are intercepted through the TASER shock (Griffith, 2009). PERF (2010) addresses outside circumstances and contexts in reality that may increase risk of serious injury or death in association with use of TASER (or ECW). It is also important to follow proper after care measures. TASER© International (2009) addresses the importance of such after care procedures due to the possibility of tetanus and other infectious disease to develop. In order to create policies that properly address TASER use, officers who are trained to use TASERs must understand the importance of after care and must not disregard any medical attention resulting from a TASER incident.

As a subject of a TASER incident expressed during an informal interview, “to understand the difference between being shocked once and having their buddies around

to catch them fall and receiving the proper treatment an experimenter or trainee receives during their training is far different than the attention a suspect being apprehended through use of a stun gun would receive.” This can be interpreted as the idea of diversity in the context of police being tased for certification based on lack of nurturing and support that will place with the suspect relative to the police training context. Aftercare is emphasized as a way to combat this difference to ensure civil liberties of a potential suspect are protected and health consequences are minimized by continued monitoring of a street subject. TASER disclaimer states “...use of an ECD may cause irritation, puncture, mark, abrasion, rash, burn, keloid, or other scarring that may be permanent...” after a stun gun is used (TASER International, 2010). An area that calls for future attention from scholars and professionals is the intersections between medical and law enforcement divisions regarding use of TASER force, particularly the aftercare provided to tased suspects and the blurred distinctions between medical responsibility and capability regarding continued monitoring of tased subjects following encounters.

Technologies of less than lethal policing approaches have been mistakenly defined as non-lethal and later argued as less than lethal alternatives to lethal force by definition, these definitions remain inconsistent and ambiguities can only be anticipated to encourage a wide spectrum of use of TASER force in regard to lethality, threat and circumstance. An additional component of this inquiry examines the mediated construction of police use of force by popular culture at large. As scholars note, the news media is the principal vehicle in which the public learns about crime (Barak, 1995) the representation and perception of police accountability as constituted by various media spheres is highly influential in police-community relations. Operational definitions of police use of force and use of force placement on the continuum have evolved alongside the implementation of new technologies and tools used by law enforcement; from Kavanagh's definition of justified use of force to be when one arrest involves a "resisting arrest" to Terrill et al's definition of force as "acts that threaten or inflict physical harm on citizens" and separations between officer verbal force and physical force (Hickman, Piquero, & Garner, 2008).

The link between ideal and reality of TASER use of force must be connected. As police aim to provide service against what is perceived as a violent criminal world, lack of communication and single incidents of police use of force can potentially further alienate communities and police (Lersch et al, 2008). It is imperative for research to continue to help enhance the public's understanding of the nature of police work as well as factually report the types of policing and police conduct in efforts to encourage a more engaged and participatory relationship between the police and the communities they serve. Media accounts of police misconduct draw public attention (Kappeler et al, 1994) and it is unquestionable media representations of police use of TASER force are indeed being consumed by society and can potentially affect public interest and police-community relations. Based on this research, TASERs in the media and public spotlight include a considerable number of severe cases associated with death and injury and based on their nature of the irreversible, consequential nature of death receive great attention. The contextual factors of police TASER use of force on a broad spectrum will aid in understanding, educating and training to improve a potentially damaged police-community relation fueled by an otherwise valuable, but misunderstood and misused police use of less lethal force.

## CHAPTER VIII

### RESEARCH LIMITATIONS

There are no valid statistics on any type of police deviance, including the use/misuse of TASERS; therefore, research on these topics must seek data and information wherever available. We recognize the faults and limitations of a content analysis of data supplied by a private source such as Injustice Everywhere and in future research Google Alerts, but we have limited alternatives available to shed light on the secret world of police misconduct. We recognize that such data does not allow for rigorous statistical analysis, however it is useful to establish patterns and trends using a typology to lend insight into the phenomenon and to suggest areas for future research.

In approaching this research endeavor, I understood the potential limitations in conducting research using a secondary data source. The research conducted faces limitations including but not limited to the availability of information pertaining to each case and the cases which appear in the data set. According to Barak(2007), the nature of “thin news accounts” as a reporting method potentially “lack context, background, explanation, or competing definitions and accounts”. This is true to the particular data set used for this research project however the consequences to the production of such news articles should not be disregarded or downplayed and the availability of information increased as supplementary sources were used to provide further information about each case as a counterbalance. The bottom line is this is being consumed by the community and has influence on relations. It also lends another perspective to the overall general knowledge base scholars, researchers and police are offering to the TASER force research.

Though the information may lack an entirety of “contextual, background, explanation or competing definitions” associated with 113 cases. That is not to say that the influence on public perception and the potential for an effect (negative or positive to be determined in future studies) on the police-community relation to be disregarded. Online articles in the data set varied from one printed page up to nineteen printed pages, each including tens to hundreds of comments since the articles original post online. One conclusion that can be drawn from this observation and from reading over much of the

commentary is that people feel passionate about the controversy of Taser use of force by law enforcement. Where passion exists, it can be anticipated that perceptions and social relations are influenced – including that of the police-community relation. The articles, despite the available information pertaining to each case in a single issue, are being consumed and consequentiality should be considered in part of the field to conducting research of this sort. As the InjusticeEverywhere.com website eloquently states: “...The more information we have about these issues, the more we can do to help law enforcement agencies improve how they interact with the communities they are entrusted to protect and serve and, in doing so, help build better relationships of trust between the community and law enforcement agencies.” (National Police Misconduct & Statistics Reporting Project, 2010)

A second limitation to this research is that the author did not have control over the data included in the data set. InjusticeEverywhere.com (National Police Misconduct & Statistics Reporting Project, 2010) acquires police misconduct statistics through human conducted searches daily. At the end of each quarter, information is “scanned to ensure all recorded reports are not duplicates of reports already gathered and meet all criteria for valid police misconduct reports” on the InjusticeEverywhere.com website (National Police Misconduct & Statistics Reporting Project, 2010). Originally, one year’s worth of GoogleAlerts (approximately 7,680 tagged websites) news articles related to the tags “TASER” or “TASER misconduct” were to be included, similar to the method by NPMSRP. The control of what data appeared as available to the author in the data set is subject to human error in searching and filtering websites or cases out as the searcher representing the InjusticeEverywhere.com research team defined to fit in the quarterly reports. Though the limitations pose viable questions, scholars, practitioners and policy makers can use the typology to categorize how Taser use is being practiced and how this coincides with policy within departments and at the federal level. This particular data set serves only as a platform for general understanding of use and misuse of the Taser and will continue to be expanded upon for further publication.

## CHAPTER IX FUTURE RESEARCH & IMPLICATIONS

Currently, research studies expanding upon this are already underway. The author has been in a long running process of collecting daily Google tags, referred to as GoogleAlerts, on new articles using the keywords “TASER” and “TASER misconduct”. In a similar methodology to this research study, the thousands of Alerts have been recorded using the same dimensions. Due to the increased volume in news articles, it can only be anticipated that many more cases will appear. It is an ongoing research study being conducted by the author to merge the two data sets together by reviewing case identifiers (such as name, age and police department) to ensure the cases are not duplicated throughout the data set and to continually redefine and evaluate the typology to encompass *all* cases of use and misuse of the Taser by law enforcement. Such a timely process is invaluable in providing general knowledge and understanding to the contemporary practices of police and use of Taser force.

Future research may find other case rulings of Taser use of force by law enforcement as an improved or objectively “more valuable” case to comparing use presented in articles to what is ruled in court as appropriate use. As Tasers continue to be implemented in more U.S law enforcement agencies, alongside various security, correctional and defense agencies nationally, it can be anticipated that the Police Executive Research Forum will update their recommended standards since their latest update in 2010. Future research might invest in a more thorough exploration of how PERF recommendations are being followed in practice based upon stories in the media. International agencies are heavily investigating this controversy to determine if the weapons should be completely banned or to become another tool for their police task force. Paying attention to releases such as the Braidwood Inquiry (Braidwood, 2008) might provide future precedents valuable to researchers, too. A survey of public perception of the device might be valuable to law enforcement agencies aiming to tackle the controversial weapon impacting police-community relations.

As the research continued on this data set, it became apparent that future research should examine the differences in police decision making regarding use of

TASER force and subject decision making regarding use of TASER force. Throughout informal discussions with various individuals on TASER use of force, many officers have expressed the TASER as being far more of a deterrent to subjects due to the pain and publicity surrounding its use. This poses the question of how often is the TASER truly used as a visual deterrence by officers and is not used. Though information on this would be challenging to gather, research on the perception of both sides and its effects on deterrence and/or decision making to use or not to use have potential in the future.

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APPENDIX A:  
CASES OBTAINED FROM DATA

<b>TABLE 3</b>				
<b>CASES OBTAINED FROM DATA</b>				
<b>Suspect Name</b>	<b>Police Department</b>	<b>Age</b>	<b>Sex</b>	<b>Typology</b>
Kurt Kopek	Aurora Police	32	Male	Verbal & Physical Noncompliance
Daniel M. Torres	Riverside County Sheriff's Dept	47	Male	Verbal & Physical Noncompliance
Peter McFarland	Marin County Sheriff's Department	64	Male	Verbal & Physical Noncompliance
Juan Rivera, Janet Escobedo, Julian Aldaco, Juan Villareal, Margarita Rivera	Melrose Park Police	15-16	Male&Femae	Verbal & Physical Noncompliance
Lucas Maliszewski (& Court Family)	Arvada Police	N/A	Male	Verbal & Physical Noncompliance
Unknown Girl	Cary Police Officer (School Resource Officer)	12	Female	Passive Resistance
Derrick Smith	Village of Riverdale Police	N/A	Male	Verbal & Physical Noncompliance
Phillip S. Chappel	State Police	29	Male	Verbal & Physical Noncompliance
Clyde Anthony	Coffee County Sheriffs Department	N/A	Male	Active Aggression
Irman Jones	Aurora Police	31	Male	Verbal and physical noncompliance
Heidi Gill	Warren Police	N/A	Female	Fleeing (Unarmed)
Tyler P. Thomas	Oregon Police	19	Male	Active Aggression
Sylvester Hill's 3 year old	Volusia County Police	3	Male	Other - Accidental fire on wrong subject
Josh Booty	Orange County Jail	32	Male	Verbal & Physical Noncompliance
Richard Sazo	Twin Rivers Police Dept (Sacramento, CA)	28	Male	Active Resistance
Maria Dela Torre	Salinas Police	45	Female	Active Aggression

<b>TABLE 3 (CONTINUED)</b>				
<b>CASES OBTAINED FROM DATA</b>				
<b>Suspect Name</b>	<b>Police Department</b>	<b>Age</b>	<b>Sex</b>	<b>Typology</b>
Malaika Brooks	Seattle Police	N/A	Female	Verbal & Physical Noncomp
Roney Wilson	Hillsborough Sheriff's Department	46	Male	Emotionally Disturbed & Suicidal
West Lake Middle Schooler, 8th grade	West Lake Middle School Resource Officer	8th grade	Female	Active Resistance
Christian Pagan	Miami-Dade Police Officer	25	Male	Active Resistance
Lawrence Doheny	Anoka County Sheriff's	49	Male	Active Aggression
Ed Kozar	San Diego Sheriff's Dept	N/A	Male	Emotionally Disturbed & Suicidal
BP Receptionist	Wakulla County Sheriff's Dept	N/A	Female	Fooling around & Abuse of Dept Weapon
Toni Michele	San Juan County Sheriff's Dept	45	Female	Verbal & Physical Noncompliance
Cadillac Derrick	Columbia Police	23	Male	Verbal & Physical Noncompliance
Frank Meek	Teton County Sheriff	N/A	Male	Verbal & Physical Noncompliance
Audra Harmon	Onondaga County Sheriff's Dept	38	Female	Verbal and Physical Noncompliance
Christopher O'Banion	South Bend Police	14	Male	Fleeing
Steven Spears	Shelby Township Police	49	Male	Suicidal and Emotionally Disturbed
Terry Wayne Jackson	N/A	21	Male	Active Resistance
Amanda Juarez	former Police Chief in Oakwood	N/A	Female	Fooling around & Abuse of Dept Weapon
Judge Randal Caldwell	Oneida County Sheriff	N/A	Male	Other -Accidental fire
Celeste Thomas	Cincinnati Police	26	Female (driver male)	Verbal & Physical Noncompliance
Iman Morales	NYPD	35	Male	Emotionally Disturbed & Suic.

<b>TABLE 3 (CONTINUED)</b>				
<b>CASES OBTAINED FROM DATA</b>				
<b>Suspect Name</b>	<b>Police Department</b>	<b>Age</b>	<b>Sex</b>	<b>Typology</b>
Gerald Amidon	Boise Police Dept	N/A	Male	Verbal & Physical Noncompliance
Gladwyn Taft Russ III	New Hanover County Sheriff	42	Male	Other
Pamela Brown	Norfolk Police Dept	49	Female	Verbal and Physical Noncompliance
Margaret Hiebing	N/A	54	Female	Passive Resistance
Unknown - Sheila Weatherspoon's son	Syracuse Police, school resource officer at Fowler HS	15	Male	Active Aggression
Andrea Boarman	Sacramento County Sheriff's Dept	24	Female	Other - wrong suspect in shoplifting; would not look at receipt
Derrick Newman	Beaumont Police Officer	N/A	Male	Verbal & Physical Noncompliance
Jose Alfred Martinez	Waukegan Police	N/A	Male	Verbal & Physical Noncompliance
Steven and Jean Kotlinski	Mundelein Police	over 45	Female and male	Verbal & Physical Noncompliance
Kenneth Oliver	Miami-Dade Police Officer	45	Male	Verbal & Physical Noncompliance
Robert McAllister	Pinellas County Detention Deputy	54	Male	Fooling around & Abuse of Dept Weapon
Rev. Al Poisson	St. Vincent Mercy Medical Center security	66	Male	Verbal & Physical Noncompliance
Unknown	Bay City Police (Michigan)	15	Male	Active Aggression
Christy M. Canady	Cahokia Police		Female	Passive Resistance
Jeremy Rucker	Greenville County Sheriff's Dept	18	Male	Fleeing
Baron "Scooter" Pikes	Louisiana State Police	21	Male	Verbal & Physical Noncompliance

<b>TABLE 3 (CONTINUED)</b>				
<b>CASES OBTAINED FROM DATA</b>				
<b>Suspect Name</b>	<b>Police Department</b>	<b>Age</b>	<b>Sex</b>	<b>Typology</b>
San Bernadino 19 yr Male	N/A	19	Male	Active Resistance
Antonio Galeano	Queensland	38	Male	Active Resistance
Kelly Brinson	University of Cincinnati Police	N/A	Male	Emotionally Disturbed & Suicidal
Domingo Leyro	Chowchilla Police	N/A	Male	Verbal & Physical Noncompliance
Unknown	Fort Worth Police	N/A	N/A	Fleeing
Josue Tapia	Chicago Police	N/A	Male	Other - wrong suspect
Ian Van Ornum	Eugene Police Dept	19	Male	Passive Resistance
Unknown	Queensland Police	16	Female	Verbal & Physical Noncompliance
Robert Dziekanski	RCMP Officers	39	Male	Emotionally Disturbed & Suicidal
Larry Noles	Louisville Police	52	Male	Verbal & Physical Noncompliance
Michael Patrick Jacobs	Fort Worth Police	24	Male	Emotionally Disturbed & Suicidal
Carl Root	Richmond Police	32	Male	Verbal & Physical Noncompliance
Unknown	Pueblo Sheriff's Dept	10	Male	Active Aggression
Bud Grose	Glenrock Police Dept	76	Male	Verbal & Physical Noncompliance
Erica Price	Sutherlin Police	37	Female	Emotionally Disturbed & Suicidal
Clifford Grevemberg	Tybee Police	18	Male	Verbal & Physical Noncompliance
Gerald Amidon	Boise Police	N/A	Male	Emotionally Disturbed & Suicidal
Anthony Rose	Cheektowaga Police	20	Male	Verbal & Physical Noncompliance
Marvin Booker	Denver Police	56	Male	Verbal & Physical Noncompliance
Unknown	Salinas Police Department	40	Male	Verbal & Physical Noncompliance
David Palmer	Pennsylvania State Trooper	N/A	Male	Other
Jarrel Gray	Maryland	20	Male	Active Aggression

<b>TABLE 3 (CONTINUED)</b>				
<b>CASES OBTAINED FROM DATA</b>				
<b>Suspect Name</b>	<b>Police Department</b>	<b>Age</b>	<b>Sex</b>	<b>Typology</b>
Edgar Knowling	Santa Rosa Police Dept	N/A	Male	Active Aggression
Javier Aguilar	Rosswell	N/A	Male	Emotionally Disturbed & Suic.
Jaime Aguilar	Alamosa Police Dept	N/A	Male	Active Resistance
Joshua Radwan	Orange County Sheriff's	N/A	Male	Verbal & Physical Noncompliance
Ulbrich family	Lee County Corrections Deputy	Varied	Female and male	Fooling around & Abuse of Dept Weapon
Michael DeTar	Lee County Corrections Deputy	N/A	Male	Fooling around & Abuse of Dept Weapon
Carl Bryan	Coronado Police Dept	21	Male	Verbal & Physical Noncompliance
Matthew Hook	Perry Township Police	23	Male	Fleeing
Billy Ray Cook	Balden County Sheriff's Dept	N/A	Male	Emotionally Disturbed & Suicidal
Darryl Bain	N/A	43	Male	Active Aggression
Florida Sheriff's Dept Female	Collier County Sheriff's Dept	N/A	Female	Fooling around & Abuse of Dept Weapon
Daniel "Danny" Wilson	Winnett County Police Dept	22-23	Male	Fooling around & Abuse of Dept Weapon
Anthony Patrick & juvenile	Lawrence County Deputy	37 and juvenile	Male	Verbal & Physical Noncompliance
Daniel A. Hackett III	Pittsburgh Police	53	Male	Verbal & Physical Noncompliance
Jason Cook	Sulligent City Police	N/A	Male	Verbal & Physical Noncompliance
Jason Johnson	BART Police Dept	35	Male	Fleeing
Sandra Brown	Golden Valley Police Dept	N/A	Female	Verbal & Physical Noncompliance
Goblirsch	City of Lakeville	N/A	Male	Verbal & Physical Noncompliance
Unknown		N/A	Female	Passive Resistance

<b>TABLE 3 (CONTINUED)</b>				
<b>CASES OBTAINED FROM DATA</b>				
<b>Suspect Name</b>	<b>Police Department</b>	<b>Age</b>	<b>Sex</b>	<b>Typology</b>
Unknown	Brainderd	N/A	Male	Fleeing
Stanley Harlan	city of Moberly	23	Male	Passive Resistance
UCLA student	UCLA PD	N/A	Male	Passive Resistance
Robert Heston	Salinas Police Department	40	Male	Emotionally Disturbed & Suicidal
Unknown - 10 Year Old Boy	Martinsville Police	10	Male	Active Resistance
Unknown - 10 Year Old Girl	Ozark Police	10	Female	Active Resistance
Unknown - Man threatening stripper	Multnomah County Jail guard (Oregon Sheriff's Deputy)	N/A	Male	Fooling around & Abuse of Dept Weapon
Bonnie Clark's son	Philadelphia Police	17	Male	Fleeing
Warburton Man in Flames	Warburton Police	36	Male	Active Aggression
Kathryn Winkfein	Travis County Constable	72	Female	Verbal & Physical Noncompliance
Unknown - 2 children	Franklin Correctional Institution	Juv.	N/A	Fooling around & Abuse of Dept Weapon
deloyd Scott	Coeur d'Alene Police	N/A	Male	Verbal & Physical Noncompliance
Ed Kozar	San Diego Sheriff's Dept		Male	Emotionally Disturbed & Suicidal
Offduty Massachusetts officer	Massachusetts' Patrol	N/A	Male	Fooling around & Abuse of Dept Weapon
Stephen Edison	University of Kentucky Police	23	Male	Emotionally Disturbed & Suicidal
De'Anna Caligiuri and Carole Weidmann	Pittsburgh City	N/A	Females	Passive resistance
Justin Barnes	Harrisburg Police	25	Male	Verbal & Physical Noncompliance
Cooper Stroman	Tampa Police		Male	Verbal & Physical Noncompliance
Jordan Jefferson	New Haven SWAT team		Male	Verbal & Physical Noncompliance

**TABLE 3 (CONTINUED)**

**CASES OBTAINED FROM DATA**

<b>Suspect Name</b>	<b>Police Department</b>	<b>Age</b>	<b>Sex</b>	<b>Typology</b>
Dionnedra Reid's son	E. Lansing RSO	17	Male	Verbal & Physical Noncompliance
Jeffrey Portis	Hamilton Sheriff's Dept	20	Male	Active Resistance
Russell Cox	Alton Police (Illinois)	N/A	Male	Verbal & Physical Noncompliance