

A Jolting of Reality: Taser International and the Selling of the “Less-than-Lethal” Taser

By Nathan G. Thompson

On a rainy night in early June 2004, a confrontation between a 42-year-old African-American man and officers of the St. Paul Police Department turned deadly. The victim, James Arthur Cobb, was initially found shirtless and walking down the middle of a street by five St. Paul Police officers. Less than five minutes later, two Taser guns were fired at Mr. Cobb. After this failed to subdue him, the officers closed in and sprayed with a chemical irritant, hit him with batons, and zapped him again with their Tasers. He soon collapsed and was taken to Regions Hospital in downtown St. Paul, where he was pronounced dead less than two hours later.¹

If this were an isolated incident, it could be deemed a tragedy, and left to the community involved to determine whether the officers involved had used excessive force. However, the death of James Arthur Cobb is disturbingly similar to the deaths of at least 71 others across the United States and Canada in recent years.² In many of these cases, the following conditions existed: the victims were unarmed, they displayed signs of mental illness, and they were shot with Taser guns. This was true in Mr. Cobb's case, and it was also true of two of the four men killed in the past year and a half by police in neighboring Minneapolis. What is also similar in these cases, and all the others, is the response from the company that makes Tasers: “our product does not cause death.” What else would a company that has a monopoly on the stun weapon say?

The debate over the use of “less-lethal” weapons, such as pepper spray and stun guns, has been going on nearly as long as the weapons have been in use. The Taser, invented in 1969 by Arizona inventor John Cover, is a “gun” that sends electrical pulses into the body, and “temporarily overwhelm[s] the normal electrical signals in the body' s nerve fibers, impairing

¹ Herón, Márquez Estrada and Paul Gustafson, “St. Paul man dies after struggling with police.” *Star Tribune* June 10, 2004

² Anglen, Robert, “71 cases of death following stun-gun use.” *The Arizona Republic* Sept. 15, 2004

the subject' s ability to perform coordinated actions”³ As a response to growing public concern over the number of deaths due to police shootings, the Taser was introduced as a “less-than-lethal” weapon, and first became popular in law enforcement circles in the early 1980s.⁴ Hailed as a life saving technology, the Taser’s first major user was the Los Angeles Police Department, beginning in 1980.⁵ As a department with a long track record of corruption and excessive use of force, the LADP’s use of Tasers raised plenty of questions, most infamously during the Rodney King beating in 1992. After reviewing the King case, the Los Angeles County Court even recommended that the Los Angeles Sheriff’ s Department replace its Taser guns with an alternative gun which fires plastic bullets, but the department refused.

The first major work questioning of the safety of Tasers was a Canadian study in 1989, which linked Tasers to the induction of heart attacks.⁶ A second pair of articles concerning Tasers appeared in *The Journal of Forensic Sciences* in 1991 and 1992. In the first article, examining the records of 16 deaths associated with Taser use in the Los Angeles area, Dr. Ronald Kornblum concluded: “the Taser in and of itself does not cause death.”⁷ This study, which Taser International cites as “a forensic benchmark throughout the industry,” suggests that in most of the cases, ingested street drugs were the primary, if not sole, cause of death. The following year, writing in response to this conclusion, Dr. Terence B. Allen asserts that “certain medical conditions, including drug use and heart disease, may increase the risk that the Taser will be lethal.”⁸ In other words, even if the Taser is not the sole cause of death, it may be a contributing cause of death. This argument, which is continually deflected by Taser International as “subjective and unsupported by clear evidence,” continues to be at the heart of debate about

³ Business summary. Taser International Stock Report. August 2, 2004. <http://www.taser.com>

⁴ Berenson, Alex, “As Police Use of Tasers Rises, Questions Over Safety Increase.” *New York Times* July 18, 2004

⁵ “Arming the Torturers Electro-shock Torture and the Spread of Stun Technology.” Amnesty International Report. 1997. <http://web.amnesty.org/library/Index/ENGACT400011997?open&of=ENG-2F3>

⁶ Berenson.

⁷ Silverstein, Mark. Letter to Denver Police Chief Gerry Whitman on the Colorado ACLU’s position concerning Tasers. February 26, 2004.

⁸ Silverstein.

the safety of Tasers.⁹ However, what is not at the center, and yet probably should be, are the issues of corporate power and influence over public debates like this one.

In just over five years, Taser International has gone from a company that was near bankruptcy to a multi-million dollar operation aiming to expand into markets overseas.¹⁰ Its main products, the M26 and X26 Tasers, are now used by over 4300 U.S. law enforcement agencies, as well as officers involved in pilot programs in Canada, the United Kingdom, and Australia.¹¹ With the expansion of Taser use there has come a shift in the makeup of those who debate about safety of Tasers. Law enforcement officers, who used to openly question the safety and effectiveness of Tasers, have nearly disappeared from the debate all together. Although there are many reasons for this, including the rise of “tough on crime” legislation and the expansion and privatization of the nation’s prisons, one of them stands out: the savvy company that has done everything in its power, including intentionally downplaying or refuting safety concerns, to protect the image of its product.

Taser International was founded in Scottsdale, Arizona by brothers Patrick and Thomas Smith in 1993, and originally sought to sell electric weapons not to law enforcement, but to civilians.¹² The official story of the company’s origins is unusual in that it has a very personal and emotional feel to it. Given its potential impact on the image of the company in the public eye, the story is worth quoting in full.

In 1991, two of Rick and Tom Smith’s friends were brutally murdered by an angry motorist. Concerned about the increasing violence in their neighborhood, the Smith brothers purchased a gun for their mother. She refused to use a deadly weapon for self-protection. As a result, the two brothers from Scottsdale, Arizona found a solution to the problem of violence in society. In 1993, they formed AIR TASER, Inc., and began production with Jack Cover, on a non-lethal self-defense device that has revolutionized personal protection and law enforcement.¹³

⁹ Smith, Rick, CEO and Tom Smith, President. Taser International response to New York Times Article of July 18, 2004. <http://www.taser.com>

¹⁰ Berenson.

¹¹ Business summary. Taser International Stock Report. August 2, 2004. <http://www.taser.com>

¹² Berenson.

¹³ Corporate history statement. Taser International Website. <http://www.taser.com>

Painted in this way, Taser International can easily be viewed as a company founded out of an altruistic desire to help better the world. Indeed, the company promotes the Taser as a “life-saving” device that “reduces officer and suspect injuries.”¹⁴ In addition, they filled their rebuttal to a recent *New York Times* article with stories of people whose lives were “saved” because of Taser use.¹⁵ The use of such stories is commonplace in Taser product materials and, together with the emotionally charged corporate history statement, make up the bulk of the image Taser International presents to the public. However, there is another side of the story.

In 1993, the year the company was founded, Patrick Smith graduated from the University of Chicago business school. In a later interview, Mr. Smith said of that time, “I just figured I’ m going to go to out to Arizona, and I’ m going to scratch and sniff and dig, and figure there’ s going to be gold in those hills.”¹⁶ Upon his return to Arizona, Mr. Smith teamed with his brother and began work on their first electric gun, which they would begin selling in 1995. Powered by compressed nitrogen, the weapon did not fall under the regulation of the Federal Bureau of Alcohol, Tobacco and Firearms, and thus could be sold to civilians without any major regulations.¹⁷ After four years, however, sales of the weapon proved to be weak. In fact, the company was nearly bankrupt, and had an accumulated debt of \$2.7 million. In a last ditch effort to save the company, a new product, the Advanced Taser M26, was introduced in December 1999. This new Taser, which closely resembled a handgun, was more than four times as powerful as the previous models.¹⁸ It was also, both in shape and strength, a direct response to the criticism by law enforcement officers of earlier models. Not only was the new Taser less bulky, but it also was “designed to cause complete, although temporary, physical incapacitation,

¹⁴ Taser International Website. <http://www.taser.com>

¹⁵ Smith, Rick and Tom Smith.

¹⁶ Berenson.

¹⁷ Berenson.

¹⁸ Berenson.

not just discomfort or distraction.”¹⁹ It did not take long for sales figures to increase and, by the end of fiscal year 2003, Taser International’s revenue exceeded \$24 million dollars.²⁰

This fuller portrait of Taser International suggests what should be rather obvious: that profits are the driving force behind the company. Yet, as concerns about the safety of Tasers arise, few are questioning directly how the weapon is marketed. This may be a grave error because not only is Taser International in control of the literature promoting Tasers, it also is in control of training for the weapon, and the certification process for its use. Taser trainings are held year round, and come at a cost of \$195 per officer.²¹ These “training events” are like traveling revivals, which go to door to door to law enforcement agencies, promote the good news of the Taser, and then train officers in its use. Thus, at every step of the way, Taser International is able to have one of its own staff members directly deflect concerns about the safety of its product.

The effect on United States law enforcement officers has been nothing short of stunning. When faced with public questioning about Tasers, many of them sound like South St. Paul, MN Police Chief Michael Messerich, whose department is in the process of adding more Tasers to their arsenal. “It gives us a less-than-lethal tool when you have a noncompliant suspect ... the literature we reviewed has never made a direct causal link. In most cases, there is an illegal chemical link.”²² This is exactly what Taser International has been saying, over and over again. Yet, no one knows for certain if the Taser is really “less-than lethal” because none of the research has been able to fully exonerate it. When further questioned, law enforcement often points to the fact that every officer who uses the Taser has been shocked with it himself or herself. This is also a strong selling point made by Taser International, whose trainings include a “personal demonstration” requirement, and whose entire senior management team, including a

¹⁹ Business summary. Taser International Stock Report. August 2, 2004. <http://www.taser.com>

²⁰ Business summary.

²¹ Taser instructional course summary. Taser International Website. <http://www.taser.com>

²² Prather, Shannon. “Police Will Carry Stun Guns.” *St. Paul Pioneer Press*. September 18, 2004

74 year old shareholder, have been “hit” with a five-second jolt.²³ While these personal demonstrations may be of some value, they are too controlled, and do not account for what happens during the high-pressure conflicts officers face in the streets. Just how many seconds pass, or how close the officer’s Taser gets to the subject’s body is really anybody’s guess. However, these types of uncertainties rarely surface in the public discussion of Tasers by U.S. law enforcement officials. Taser International claims they are safe, and the research has proven no direct link, so they must be safe. This is the standard U.S. response, but in other nations, where the power of Taser International’s propaganda is weaker, the views are much different.

While questions of lethality have been mostly dodged in the United States, in other nations, these same questions are in the forefront. In the United Kingdom, where Tasers are currently under a trial period, a recent report concludes that further “research should be undertaken to clarify the cardiac hazards associated with the use of the Taser on individuals who could be considered to have a greater risk of adverse effects.” The report goes on to specify three areas the research should review: how the magnitude of electricity affects the heart, whether Taser currents affect persons with histories of drug abuse or pre-existing disease, and whether Taser use negatively impacts those with pacemakers or other implanted devices.²⁴ Answers to any of these questions could have prevented the deaths of James Arthur Cobb and dozens of others. Like the United Kingdom, law enforcement in Canada has generally proceeded with caution when it comes to using Tasers. After the death of a man in Vancouver in July, the British Columbia Police Complaints Commissioner ordered an investigation into Taser use in the province. A week later, on the basis of that case and another in the same month in Ontario, the Canadian Association of Police Chiefs commissioned a complete review of data

²³ Smith, Rick and Tom Smith.

²⁴ “Patten Report Recommendations 69 and 70 Relating to Public Order Equipment: A Research Programme Into Alternative Policing Approaches Toward the Management of Conflict.” United Kingdom Steering Group. January 2004. <http://www.nio.gov.uk/pdf/p3rep1202.pdf>

and research on Tasers.²⁵ It is this kind of questioning, and response to suspicious cases of death, this is too often lacking here in the United States. The heavy involvement nationally of Taser International in all pre-use phases is clearly part of the reason for this.

There are signs that law enforcement officials in the United States are beginning to wake up to the possibility that Tasers are not the fool-proof weapon they have been made out to be. In May, Portland Police Chief Derrick Foxworth ordered a review and more training for his officers. In addition, he imposed a ban on the use of Tasers on the elderly, pregnant women and children, and said that better documentation will be required for future uses.²⁶ In St. Paul, following the death of James Arthur Cobb, newly appointed Police Chief John Harrington acknowledged that, "the Taser, if anything, might not be as effective as we thought it was going to be."²⁷ Comments like these are hopeful signs, but unfortunately are all too rare. When it comes to Tasers in the United States, too many officers sound like Tom Burns, a bicycle patrol officer in Seattle. "This is 100 percent more humane," said Burns, "without this technology you might have to break it down to very brutal methods."²⁸ Tell that to Mr. Cobb's family, and the families of all the others who have died after being zapped.

²⁵ "Police chiefs to review use of Tasers." CBC News. August 11, 2004.
<http://www.cbc.ca/stories/2004/08/10/canada/taser040810>

²⁶ Bernstein, Maxine. "Chief plans tighter limits on Taser use, added police training." May 12, 2004
www.oregonlive.com

²⁷ Herón, Márquez Estrada and Paul Gustafson.

²⁸ "Tasers Credited With Cutting Shootings." *Arizona Daily Star*. March 7, 2004.