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ACLU Junk Science Puts Cops' Lives at Risk

Debunking the ACLU of Northern California Hit Piece on Police Use of TASERs

A Report by the Law Enforcement Alliance of America

With over 75,000 Members and Supporters nationwide, the Law Enforcement Alliance of America (LEAA) is the nation's largest coalition of law enforcement professionals, crime victims, and concerned citizens dedicated to making America safer.

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Introduction

Recently the ACLU of Northern California (ACLU-NC) produced a nearly 30-page-long ‘hit piece’ on law enforcement -- attacking police use of less-lethal devices¹ produced by TASER International (TASR), to deal with dangerous, combative or resisting subjects. The ACLU’s so-called ‘study’ offers outrageous claims, unsubstantiated charges and ill-considered policy recommendations.

The Law Enforcement Alliance of America (LEAA), a prominent advocate for law enforcement officer safety, has debunked the anti-police attacks of the ACLU as part of LEAA’s ongoing campaign to properly educate the public, media and government decision-makers about important law enforcement use-of-force issues.

The LEAA analysis shatters the anti-cop myths put forth by the ACLU-NC with three clear points:

1. ***Bringing Baseless Charges Against Law Enforcement***

The ACLU ‘hit-piece’ on police use of TASERs levels serious charges without credible supporting evidence. Specifically, the ACLU ‘study’ suggests that there is a recent and significant increase in the number of deaths in police custody.² The ‘study’ provides no evidence to back up this claim.

2. ***Accusing Cops of Murder Without Evidence***

The ACLU ‘hit-piece’ recklessly suggests that police officers are responsible for the deaths of individuals because officers chose to employ the TASER device, among other methods of force, to make an arrest. The ACLU ‘study’ cites a number of cases of in-custody deaths, offering inaccurate accounts and misleading descriptions designed to give the reader the false impression that the deaths were the result of the police officers’ decisions to use a TASER. In the very first case cited, the ACLU ‘study’ admits that credible evidence did not exist to support the claim that the police officer’s use of a TASER device was responsible for the death in question.³

3. ***Turning Junk Science into Dangerous Rules of Conduct for Cops***

The ACLU ‘hit-piece’ concludes by suggesting that mayors, city councils, county boards and state legislatures should all begin to adopt new, more restrictive policies regarding the use of TASERs by law enforcement officers. ACLU’s drive to urge anyone and everyone to invent a new, more restrictive or limited use-of-force policy is a clear detriment to officer safety. ACLU’s call for politicians to write police training manuals puts not just law enforcement officers in jeopardy, but it also endangers public safety.

Shattering the Myth of ACLU Junk Science—Part 1

Bringing Baseless Charges Against Law Enforcement

The ACLU ‘hit-piece’ on police use of TASERs levels serious charges without credible supporting evidence. Specifically, the ACLU ‘study’ suggests that there is a recent and significant increase in the number of deaths in police custody.⁴ The study provides no evidence to back up this claim

If the ACLU ‘study’ were a sixth-grade science project, it would get an “F” for lack of research. That’s because the ACLU uses few facts, bogus logic and wild presumptions about cause and effect to misleadingly suggest that police officers and their actions are responsible for the deaths of violent subjects who are most often under the influence of illegal drugs.

Creators of junk science are often required to invent a phony ‘crisis’ in order to promote their bogus ‘solution.’ The ACLU ‘study’ does this perfectly, suggesting that as more police agencies across the country have equipped their officers with TASER devices, “the number of deaths associated with their use has also skyrocketed.”

To create the hype and media sensation surrounding their anti-cop claims, the ACLU ‘study’ relies on the number 148, which they dubiously describe as “TASER-related deaths,”⁵ “post-TASER fatalities”⁶ or deaths “following the use of a TASER.”⁷ The ACLU presents the number 148 as a statistic meriting the sensational language of “skyrocketing” deaths. For any study to be taken seriously, such claims must be backed up by verifiable, scientifically credible evidence. In this case, the ACLU could have provided 148 autopsy reports that attribute those deaths to the police use of TASERs, or perhaps cited medical experts qualified to make such a determination who had reviewed the 148 cases in question and rendered a qualified medical or scientific analysis.

Yet the ACLU’s so-called ‘study’ only offers a collection of newspaper articles as their ‘expert’ source. A close examination of the newspapers cited indicates that the ACLU study relies on the reporting of one newspaper for 144 of the 148 cases cited. Yet the ACLU fails to mention that the very same newspaper admits that only four coroner reports have listed the police use of TASER technology as “a cause of death,” 10 as a “contributing factor” and four where the TASER’s role “could not be ruled out.”⁸

The ACLU’s sensationalist anti-cop attack on the TASER would not get much attention if they admitted that they could cite only four coroner reports over five years that list police use of TASER as “a cause of death.” So they settle instead for the intellectually challenged logic that suggests if a TASER device is used and the (often) drug-deranged and/or violent suspect later dies, it must be the police officer’s use of a TASER that caused the death, as opposed to the suspect’s use of lethal amounts of illegal drugs, a preexisting medical condition or physiological stress resulting from violent resistance. The anti-cop agenda of the ACLU is clearly on display in their so-called TASER ‘study.’

With the absence of any independent medical review or other credible evidence to validate the ACLU's underlying claim, the entire premise of the ACLU study should be rejected by any reasonable and educated observer.

Shattering the Myth of ACLU Junk Science—Part 2

Accusing Cops of Murder Without Evidence

The ACLU 'hit-piece' recklessly suggests that police officers are responsible for the deaths of individuals because officers chose to employ the TASER device, among other methods of force, to make an arrest. The ACLU 'study' cites a number of cases of in-custody deaths, offering inaccurate accounts and misleading descriptions designed to give the reader the false impression that the deaths were the result of the police officers' decisions to use a TASER. In the very first case cited, the ACLU 'study' admits that credible evidence did not exist to support the claim that the police officer's use of a TASER device was responsible for the death in question.⁹

The ACLU's 'study' suggests, in no uncertain terms, that police officers are murderers. The ACLU study offers three anecdotal descriptions of drug-induced suspects who died following a struggle with police that included the police use of a TASER. The ACLU 'study' makes dramatic note of the police officers' use of the technology, saying the officers "repeatedly shocked" the suspect, "fired their TASERS 11 times" and "fired six TASER shots" at the suspect.

It is a fact that a very small percentage of the tens of thousands of people arrested, cuffed and transported by police die. Most of those who die while in police custody have one or more common themes: drug use/abuse, pre-existing medical conditions and/or stress caused on the human body following a violent physical encounter. That was a reality before TASER was invented and has not changed since the introduction of the technology; the ACLU 'hit-piece' virtually ignores these facts.

TASER's have been rapidly adopted by law enforcement agencies because of their well-documented benefits in officer safety as well as a reduction in suspect injuries in situations where officers must use force to make an arrest. The ACLU attack on TASERs, much like previous ACLU attacks on currently accepted and proven less-lethal tools like pepper spray,¹⁰ are nothing more than thinly veiled and dishonest attacks on police.

More than a decade ago, the ACLU was frantically trying to convince the world that police were at fault when drug-induced, violent suspects sometimes died in police custody after a struggle that involved the use of pepper spray. Since then, pepper spray has been proven an effective less-lethal tool and it remains commonly used and almost universally accepted. Today, the ACLU's anti-cop target *de jour* is the TASER device.

Ironically, if the ACLU were to succeed in removing pepper spray and TASERs from police officers' inventory of less-lethal options, the logical result is either more police officers injured or killed in struggles with violent suspects, or more suspects being shot by police officers.

A decade ago it was pepper spray, now its TASER. In each case, the ACLU blames police when dangerous, likely violent and usually drug-deranged suspects die following fights with law

enforcement. The ACLU calls for restrictions on police use of force and medical studies about less-lethal police tools like pepper spray and TASER technology, but they never seem inclined to call for studies about the results of drug overdoses on violent suspects. Likewise, the ACLU doesn't place any accountability for the foreseeable consequences of the actions of suspects who resist police—another clear sign of the anti-cop bias at the ACLU.

Shattering the Myth of ACLU Junk Science—Part 3

Turning Junk Science into Dangerous Rules of Conduct for Cops

The ACLU 'hit-piece' concludes by suggesting that mayors, city councils, county boards and state legislatures should all begin to adopt new, more restrictive policies regarding the use of TASERs by law enforcement officers. ACLU's drive to urge anyone and everyone to invent a new, more restrictive or limited use-of-force policy is a clear detriment to officer safety. ACLU's call for politicians to write police training manuals puts not just law enforcement officers in jeopardy, but it also endangers public safety.

The ACLU uses the junk science suggestion of “TASER-related deaths” as the reasoning behind their call for massive new regulation of law enforcement use of the device. The ACLU study suggests that mayors, city councils, county boards of supervisors and state legislatures, immediately and concurrently begin developing regulations to direct how police officers may use a TASER device in a violent or dangerous encounter.¹¹ Officers forced to make life or death decisions don't have time to review four separate sets of use of force policy from four different levels of government. Specific tactics and policies are best left to relevant police experts, not elected politicians who have no experience nor expertise with law enforcement tactics. The politicization of law enforcement tactics, policy, and procedures would undoubtedly result in ill-conceived policies that place officers' lives at risk.

If the ACLU's recommendations are followed, there will be more government regulations and restrictions governing the use of TASER devices by law enforcement than there are for firearms and deadly force policy. Such baseless regulation will handcuff police officers on the street by giving them fewer options for survival in potentially deadly confrontations—a dangerous result for police officers, the public they serve and the suspects they encounter.

By limiting the availability and use of less-lethal tools for law enforcement, the ACLU's suggestions clearly jeopardize officer safety. Officers unable to rely on less-lethal tools such as TASER or pepper spray will be forced into dangerous and violent physical struggles to subdue suspects who may present a danger to officer safety, but fall into the large 'grey area' for use of lethal force.

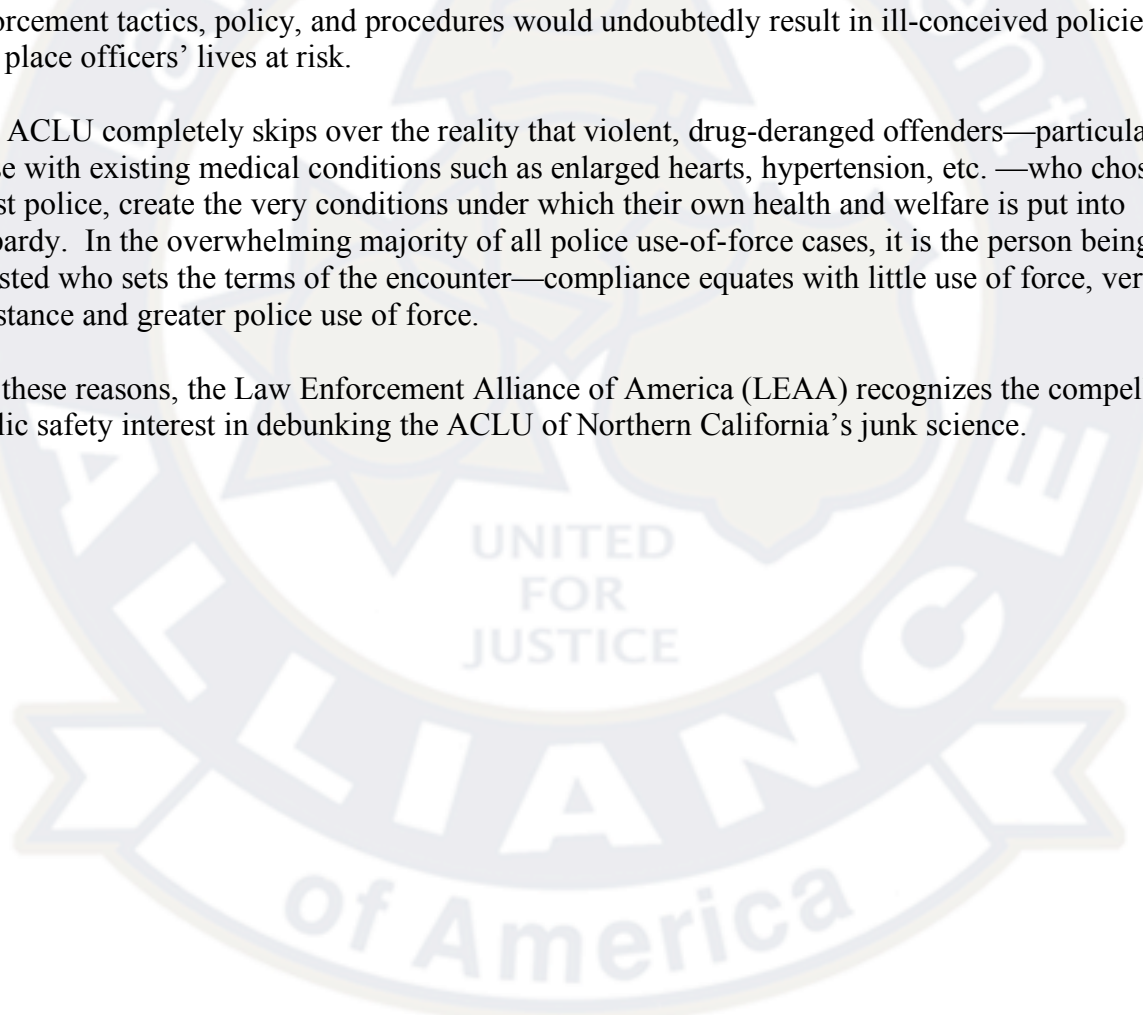
The ACLU's proposed restrictions on law enforcement will also have a dangerous impact on police encounters with suspects who are under severe emotional or mental distress. If officers are denied effective less-lethal tools such as TASER, suicidal or emotionally disturbed / distressed subjects will be more likely to be harmed either by themselves or because officers have to use more force to disarm them or gain physical control of them.

Conclusion

The ACLU ‘hit-piece’ uses sensationalism and exaggeration to invent a new round of police criticism and to support lawsuits against police agencies. It appears more than merely coincidental that the ACLU ‘study’ was released the very same day another ACLU chapter filed a lawsuit in Nevada seeking nearly 20 million dollars in damages against local law enforcement for their use of a TASER in the arrest and subsequent death of a 47 year old man reportedly under the influence of cocaine and prescription drugs. In addition to suspicious motives, and baseless charges, the ACLU recommendations, if followed, would likely place police officers, the general public and violent and/or resisting criminal offenders at greatly increased danger. Specific tactics and policies are best left to relevant police experts, not elected politicians who have no experience nor expertise with law enforcement tactics. The politicization of law enforcement tactics, policy, and procedures would undoubtedly result in ill-conceived policies that place officers’ lives at risk.

The ACLU completely skips over the reality that violent, drug-deranged offenders—particularly those with existing medical conditions such as enlarged hearts, hypertension, etc. —who chose to resist police, create the very conditions under which their own health and welfare is put into jeopardy. In the overwhelming majority of all police use-of-force cases, it is the person being arrested who sets the terms of the encounter—compliance equates with little use of force, versus resistance and greater police use of force.

For these reasons, the Law Enforcement Alliance of America (LEAA) recognizes the compelling public safety interest in debunking the ACLU of Northern California’s junk science.



References

¹ The terms “less-lethal” and “non-lethal” are often synonymous for the same concept – *devices that are designed not to cause serious injury or death*. The term “less-lethal” is used more frequently in the law enforcement community; the term “non-lethal” is defined by United States Department of Defense Policy and is commonly used in the federal government, in the general public and by the media. Given the law enforcement focus of this report, the term “less-lethal” is used throughout. It should be noted, however, that neither “less-lethal” nor “non-lethal” means “risk-free.”

² ACLU of Northern California. “TASER Study.” September 2005, 2.

³ Ibid., 3.

⁴ Ibid., 2.

⁵ Ibid., 3, 5 and 15.

⁶ Ibid., 1.

⁷ Ibid., 3.

⁸ Anglen, Robert. “Taser’s Role in Two Deaths Examined.” *Arizona Republic*, 9 August 2005.

<http://www.azcentral.com/specials/special43/articles/0809taser09.html>.

⁹ Ibid., 3.

¹⁰ ACLU of Southern California. “Pepper Spray: A Magic Bullet Under Scrutiny.” Fall 1993.

¹¹ Ibid., 15.