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Taser safety claim questioned

Medical examiners connect stun gun to 5 deaths

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Thousands of police departments, including every major law enforcement agency in the Valley, buy Tasers on a claim that the electric stun guns will instantly take down suspects without inflicting harm.

That assertion of safety has generated record sales for Scottsdale's Taser International Inc., which markets its guns as alternatives to deadly force and says its goal is to arm every police officer in America.

But an *Arizona Republic* investigation has revealed that Taser's claims are based on autopsy reports the company never possessed.

For years, Taser officials cited these reports as proof that the stun guns never caused "injury or death to another human being." Now, officials acknowledge they never had those autopsy reports and didn't start collecting them until April.

Taser International's star has risen quickly the last few years. But the company hasn't always been seen as such a Wall Street success. How the company has evolved:

1993: Air Taser Inc. is formed by Rick and Tom Smith, working out of the Tucson garage of Jack Cover, developer of the original Taser in the 1970s.

1995: Taser introduces first Air Taser production model. Sales never take off, because of technology shortfalls.

1997: Taser introduces Auto Taser car security product.

1998: Company barely afloat; most employees laid off. The Smiths raise more money from their father and a family friend in a last-ditch effort to continue development of a more powerful Taser.

1999: First 30 Advanced Tasers (M26) shipped to the New York City Police Department for field-testing.

2001: Taser raises \$10.4 million in an initial public stock offering. Stock soars after 9/11 as two airlines say they will consider Tasers for cockpit security.

2002: Sales to law-enforcement agencies build. Annual sales jump 44 percent, to \$9.8 million.

2003: Taser introduces latest model, the more-compact X26, to a strong reception. Annual revenue more than doubles, to \$24.5 million. Stock gains nearly 2,000 percent on the year.

2004: Stock continues to soar, splitting twice. Taser announces increased marketing push in consumer market. Breaks ground on new north Scottsdale headquarters. Company faces increasing media scrutiny on product safety claims, with a key focus on more than three dozen cases in which suspects died after a Taser shot. Scrutiny and manufacturing problems hurt stock.

Source: Taser materials and interviews with company officials.

The Republic's review of autopsies and interviews with medical examiners found Tasers have been linked to at least five deaths.

Medical examiners in three cases involving suspects who died in police custody cited Tasers as a cause or a contributing factor in the deaths. In two other cases, Tasers could not be ruled out as a cause of death.

These deaths raise questions about a weapon police routinely use on drunks, shoplifters, mentally ill people and others who refuse to obey commands.

To promote the guns' safety, Taser officials created a special report detailing 42 cases of people who died after being shot by a Taser. They say the stun guns were cleared each and every time.

"It is not Taser International that says Taser is not to blame," Taser Chief Executive Officer Rick Smith said in an April news release. "It is the medical examiner's opinion in every single case across the country."

Taser says its special report is based on medical examiners' findings and includes "a summary of all the autopsy reports." The company actually relied on media accounts and anecdotal information from police for most of its analysis.

The company's report does not include details suggesting a Taser could have played a role in someone's death. The report also omits published findings of a medical examiner who concluded that electrical shocks from a Taser contributed directly to the death of a man in an Indiana jail.

When presented with cases linking Tasers to deaths, Smith says the medical examiners got it wrong and dismisses their reports.

Smith says medical examiners are generalists who don't have the expertise needed to analyze deaths involving the stun gun. And they often "throw everything" into autopsy reports as a way to cover themselves so they can't be accused of missing something later on.

"There is no penalty for a coroner to be overly broad," Smith says. "These guys deal with the whole broad spectrum of what can go wrong in the human body. Am I going to expect that they are going to be right 100 percent of the time? No."

Smith says his company's report presents the "big picture" of Taser-related deaths. He says it proves that Tasers are not to blame and that actual autopsies are not needed to summarize each case.

"I know in my heart what the truth is," Smith says. "Taser hasn't killed any of these people."

Taser zealously guards its non-lethal reputation. From the moment someone dies after being shot with a Taser, company officials respond with prepared statements, statistical research, medical reports and assurances that the stun gun is not to blame. They say Tasers have saved more than 4,000 lives since 1999.

Often, company officials point to a person's pre-existing conditions and insist the person would have died with or without being shocked by a Taser.

But relatives of those who have died in Taser-related incidents say the company rushes its defense, predicting the outcome of cases before investigations are finished.

Kelly Deitrich, whose brother, Raymond Siegler, died in February after being shot by police with a Taser in a Minneapolis group home for mentally ill people, said Taser's explanations are misleading.

"That is the polite way to say it," she says. "The other way to say it is they are full of you-know-what."

Gun drives success

Fatal police shootings in major cities from Miami to Cincinnati to Phoenix have sent many departments scrambling for alternatives to deadly force.

In Cincinnati the police shooting of an unarmed Black man sparked citywide race riots in 2001. Last year, the mayor pushed to arm every officer with Tasers after the death of a man in police custody.

In Phoenix, the officer-involved shooting rate in 2002 was 2½ times the rate in Los Angeles. Phoenix police shot 28 people; 13 died.

Enter Taser.

Stun guns had been around for decades but were distrusted or dismissed by police because they lacked stopping power.

But in 1999, Taser introduced the Advanced M26, promising instant incapacitation without injury; its 50,000-volt charge overrides the central nervous system, forces muscle contraction and is virtually impossible to shrug off.

Officers who volunteered to get zapped by the new guns became instant believers and instant

buyers. By 2002, annual sales jumped 44 percent.

The police departments in Phoenix, Mesa, Tempe, Scottsdale, Chandler, Gilbert and Avondale are among the more than 5,000 U.S. law enforcement agencies that have issued Tasers to officers.

Demand for Tasers has sent the company's stock price soaring. The shares, which traded for less than \$2 just two years ago, reached \$60 in April. The stock took a drubbing later in April after safety questions were raised by media reports, falling back into the mid-20s. It has climbed to \$40 since as the company has announced new contracts with law enforcement agencies and the U.S. military.

Among those raising questions about Taser is the human rights group Amnesty International.

Amnesty says there is a pattern of deaths in the United States and Canada involving Tasers. It is asking law enforcement agencies to suspend purchases until more independent studies are performed.

"We're saying there is enough evidence emerging to cause serious concern," says Ed Jackson, Amnesty's national media director in Washington, D.C.

Jackson says medical examiners almost always attribute deaths of people who were shot with Tasers to one of three causes: heart trouble, drug overdose or asphyxia during restraint.

"If a number of Taser-related deaths were attributed to 20 different things, that would be something else," he says. "But we see the same three causes."

Smith says Amnesty is engaged in a smear campaign that is nothing more than a "technophobic rant" against non-lethal weapons.

"With absolutely not one shred of evidence," Smith says, "they are going out and making statements that Tasers are killing people."

Smith says Amnesty can't accept that Taser shots were coincidental to deaths caused by heart disease and drug overdose.

He compares criticism of Tasers to objections raised over pepper spray when it became widely used by police in the mid-1990s. Smith points to a 1995 report by the American Civil Liberties Union linking 26 fatalities to pepper spray.

"As we have moved forward . . . the consensus by medical experts looking at these situations is that pepper spray didn't kill these people," Smith says.

"We can never guarantee that we are not going to find somebody with a bizarre physical susceptibility," he says. "We don't say never, under no circumstances. . . . We are saying we have never seen one (death) yet that has a causal relationship with the Taser."

Tasers linked to deaths

Medical examiners in different parts of the country have linked Tasers to at least five deaths.

The Republic, using computer searches, media accounts, police reports and Taser's own records, identified 44 cases in the United States and Canada of death following a police Taser strike from September 1999 to March 2004.

In its special report, Taser cited 42 deaths. *The Republic* began with those 42 cases and eliminated two because suspects were fatally shot by police with a regular gun after being shot with a Taser. *The Republic* then identified four additional cases not included in Taser's report.

Using public-records laws, *The Republic* requested autopsy reports for those 44 cases and so far has received 22.

Autopsies are supposed to answer the question of why somebody died. Autopsy reports are cited in court cases and used by police, insurance companies and medical officials.

Autopsies are usually written by county and state medical examiners, whose job is to determine if someone's death was natural, accidental or a homicide. Medical examiners dissect bodies, conduct exams of internal organs and screen bodily fluids to determine the official cause of death.

Reports are generally broken down into categories such as anatomic findings, toxicology, cause and manner of death, and they almost always include the medical examiner's opinion on the case.

The autopsy of James Borden, who died Nov. 6 after being shot with a Taser for initially refusing to pull up his pants in an Indiana county jail, listed electrical shock as one of three causes of death.

Forensic pathologist Roland Kohr said the 47-year-old Borden died of a heart attack due to an enlarged heart, pharmacologic intoxication and electrical shocks.

Kohr noted that jailers at the Monroe County jail used a Taser multiple times on Borden.

"They juiced my brother to death," Borden's brother, Steve, says. "They used it and used it and used it."

The jailer who shocked Borden has been charged with two counts of felony battery, including battery while armed with a deadly weapon, and faces up to 16 years in prison.

Taser included Borden's case in its special report on the 42 deaths, but the company left out the part about electrical shock.

Under the heading, "medical examiners report," Taser said the coroner ruled Borden's death accidental, "the result of his enlarged heart, drug intoxication and a heart attack."

Rather than the actual Nov. 7 autopsy report, Taser took its description of Borden's death from a

February article in the Indiana University student newspaper, the *Indiana Daily Student*.

Smith says it was a mistake not to include the electrical-shock finding in Taser's report. He promised to immediately correct the company's Web site to reflect all of the medical examiner's findings. But weeks later, the reference remains unchanged.

Smith still challenges the autopsy's validity.

"(The medical examiner) threw in the kitchen sink. He threw it all in there. We think, frankly, that was irresponsible," Smith says. "I don't believe the autopsy is legitimate."

Autopsy questions

Someone shot with a Taser involuntarily contracts into a semi-fetal position; hands bunch into fists, knees buckle and the person drops to the ground, frozen in the same position until the current is cut. Within seconds, the person is normally able to get up and walk away unharmed.

In some cases, that hasn't happened. In two cases, medical examiners said a Taser contributed to someone's death, and in two other cases, examiners could not rule out the stun gun as a cause of death.

William Lomax: A jury at a coroner's inquest in Las Vegas in June ruled that a Taser contributed to the death of the 26-year-old Lomax, who was repeatedly shocked during a struggle in February.

Clark County Coroner Michael Murphy says the death raises questions about the way Tasers are used.

"There needs to be more studies about whether multiple deployments of Taser are appropriate in all situations," he said. "I don't believe we have enough information at this time."

The Lomax case is not included in Taser's report on the 42 deaths, although it occurred before other cases the company did summarize.

Lomax was high on PCP, a stimulant known for its ability to spark aggression, when he struggled with private security officers at a Las Vegas apartment complex. A police officer called to the scene shocked Lomax seven times, including some shots after he was placed in handcuffs.

Murphy says his doctors determined the multiple Taser bursts prevented Lomax from being able to breathe and ultimately contributed to a cardiac arrest.

Doctors could not say if Lomax would have died if the Taser had not been used. But during the inquest, it was revealed that Lomax had been involved in an almost identical struggle with police just two weeks before his death.

The only difference in the two cases: a Taser. The officer who responded to the first incident was not armed with a stun gun, and Lomax was cuffed and taken to jail.

Eddie Alvarado: Alvarado died after being shot five times with a Taser by Los Angeles police officers in 2002.

In its special report, Taser officials say Alvarado died because of a mixture of methamphetamine and cocaine while being restrained. They note that a Taser played a role in the restraint.

But Yulai Wong, Los Angeles County deputy medical examiner, said the Taser could not be ruled out as a cause of death and indicated a relationship between the Taser and Alvarado's heart attack.

"It should be noted that after Taser, the decedent was noted to have a weak pulse and agonal EKG change," Wong said. "Hence the manner of death is undetermined."

Marvin Hendrix: The Hamilton, Ohio, man died in 2001 after being shot twice with a Taser.

Taser officials report that the level of cocaine in Marvin Hendrix's system was "off the charts" and said the coroner ruled the cause of death as cocaine toxicity.

An autopsy revealed Hendrix swallowed a bag of crack cocaine about seven hours before he died. But Butler County pathologist James Swinehart also reported "the exact role of Taser in this individual's demise is unknown."

Gordon Jones: A deputy chief medical examiner in Orange County, Fla., reported that Taser shocks and cocaine contributed to Jones' death in 2002.

"We were looking at positional asphyxia," said pathologist William Anderson, who now works as a private forensic consultant in Orlando. "Taser probably got him in that situation."

Positional asphyxia refers to suffocation after being restrained. Anderson said Taser strikes likely made it hard for Jones to breathe.

Nine months after Anderson filed his report, county officials requested a second opinion from Dr. Cyril Wecht, a nationally recognized pathologist and lawyer.

Wecht concluded that Jones died primarily from a cocaine overdose.

Although Jones was shot with a Taser 11 times, Wecht said it did not contribute to his death.

Two years later, Anderson says he still thinks the Taser played a part in Jones' death. And he thinks the stun guns have contributed to other deaths.

"I can't for the life of me figure out why the company is resisting that (admission)," he says, adding that Taser officials go too far by insisting the gun has never killed.

Anderson says the guns can interrupt normal heart activity, especially in people prone to cardiac arrhythmia or who are hypoxic and struggling to breathe.

Anderson acknowledges that Tasers are a valuable tool.

"It is safer than shooting someone with a gun," he says. "But you have 40 to 50 cases where

people were shot with Taser and died. That's a little too much just to be coincidental."

Smith dismisses each of these cases as inconclusive. He says his company did not have a responsibility to include the entire medical examiners' findings in its special report. He says the deaths have nothing to do with Taser.

He says the only apparent pattern involves drugged suspects exerting all of their strength to fight police. At the end of the fight, the suspect's pulse goes weak and he dies.

"This is very, very similar to other cases," Smith says. "That's unfortunately the pattern of death, and we just don't see any correlation with Taser."

If anything, Smith says, Taser extends the life of those fighting with police because it instantly ends the struggle.

"It is safer to the person than allowing them to fight for another five minutes," he says. "Taser (prevents) people from exerting themselves to that point where they otherwise would have died."

Taser's defense

Smith is adamant about the lifesaving benefits of Tasers. He also is intent on maintaining his company's profitability, and he won't let critics pressure him into saying the gun kills. Smith says that even if Tasers contributed to the five deaths examiners have linked the stun guns to, he believes nothing would have changed the outcome.

"I don't think it makes sense for us to come out as a company and say, 'You know what? You're right,' " he says. "There's this really far-fetched speculative tie-in with no really supportable biological mechanism where people are trying to tie (Tasers and deaths) together, like the Borden case."

Smith defends with statistics. He says 70,000 people have been voluntarily zapped with Tasers and 45,000 suspects have been shot by police. All without incident.

He contrasts Taser-related incidents with other annual death tolls in the United States: 50,000 in vehicle accidents; 35,000 in firearm incidents; 700 from falling out of bed and out of chairs; 300 drowned in bathtubs; 40 from bee stings.

But as use of the stun guns spreads, the number of people dying in incidents involving Tasers keeps growing.

In June, a Minnesota man died after police shot him with Tasers, sprayed him with a chemical and hit him with batons when he refused to stop shouting in the middle of the street.

In April, a Georgia man died after receiving three Taser jolts while being held in a Houston County jail for failing to pay a \$700 fine.

Also in April, a Rockville, Md., man died after being shocked twice by police who were trying to arrest him on assault charges.

Some police departments put Taser purchases on hold because of reports that the gun might be linked to deaths.

"We delayed until we can see what surfaces from some investigations," Fort Valley (Ga.) Police Chief Jan Cary said. "I want to get the smoke cleared and get a clean bill of health for Taser."

Cary said he was looking for a weapon more effective than pepper spray and less physical than a baton.

"Taser would meet the bill. But as we started to firm it up, then we started to get these unexplained deaths," he said.

Many more police departments still stand behind the guns. And Taser's sales figures back that up, going from \$2.2 million in 1999 to \$24.5 million in 2003. Taser officials expect to double overall sales of Tasers this year.

Police officials in cities across America say there is little evidence that Tasers cause deaths.

They say the stun guns reduce injuries to suspects and officers, save cities millions in worker's compensation claims and liability lawsuits, and drastically reduce the number of officer-involved shootings.

In Phoenix, police report that a year after issuing Tasers to all patrol officers, police shootings dropped 54 percent, from 28 in 2002 to 13 last year, the lowest total since 1990.

Phoenix police Sgt. Randy Force says Tasers have saved the lives of officers and suspects. He calls it one of the best additions to the police arsenal in decades.

"It has been a very effective tool for us," he says. "When you look at options officers have, every one of them has a likelihood of causing serious injury or death. . . . Taser is a tool that allows reliable incapacitation without physical injury or death."

To emphasize a Taser's safety, Smith compares the stun guns with defibrillators. A Taser puts out 1.76 joules per pulse, which is next to nothing compared with a defibrillator's 400 joules per pulse.

At the company's annual tactical conference in April in Las Vegas, Taser officials and supporters extolled the stun guns and repeatedly blamed the media for sensationalizing Taser-related deaths.

Gathered at the MGM Grand conference center, police officers, doctors and other fervent supporters of the stun guns proffered ways to reduce negative coverage.

A recurring theme at the conference was how to get across Taser's message that the guns don't kill.

Deaths might be temporarily associated with Tasers but are not caused by the stun guns, said Mark Johnson, Taser's government affairs manager. "That's a really important piece we have to sell to the media."

Michael Brave, president of LAWW International, a consulting firm specializing in law enforcement risk and liability, said Taser and police departments must join in combating nuisance lawsuits and criticism from the ACLU and Amnesty International.

"We have to work together to stop this," he said.

Families outraged

For Taser, stopping critics almost always comes back to blaming the dead.

"Nobody wants to say that the reason so-and-so died is that he had a coke habit and he OD'd on it and he was attacking officers and basically he was responsible for his own death," Smith says. "I almost feel bad, like we're sitting here disrespecting the dead. But I guess you kind of have to take a step back and focus on the factual evidence. I don't mean to be coldhearted."

Taser's report on the 42 deaths indicates that illegal drugs were a factor in 22 cases. Only five suspects brandished weapons at police.

The company's response often outrages families of the deceased.

"What really pisses me off is when Rick Smith says they would have died anyway. How does he know?" said David Siegler, father of the man shot with a Taser in the Minneapolis group home. "Rick Smith's belief that they would have died anyway is about the most insensitive and dangerous thing I've ever heard uttered in the service of hyping a product."

Siegler, who lives in Mesa, complains that the company fails to tell the whole story.

For example, in its report on Raymond Siegler's death, Taser writes in bold type that he died "about a week after he was hit by a Taser."

Siegler says his son actually "lay in a coma for a week until we turned off the life-support system."

Siegler says tests a day after the 40-year-old was shocked showed low brain-stem activity.

"He went into cardiac arrest after being shocked," he says.

Siegler doesn't want to ban Tasers. They are clearly safer than guns. He just wants the company to take responsibility when things go wrong and to quit marketing Tasers as non-lethal.

"Blasting away until the victim submits or can't respond because no real, permanent harm can be done is getting people killed," he says. "As long as the company looks with a blind eye and listens with a deaf ear, people like my son are going to continue being helped on their way to the hereafter instead of the hospital."

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