

## Three Taser articles from the *Phoenix New Times*

Submitted to the Taser Collection by G. D. on September 18, 2010.

This file contains **three articles** from the *Phoenix New Times*. The third article, Death by Electrocutitioner, is about the death of Keith Graff after two Phoenix police officers tased him for 84-seconds. The officers were cleared of any wrongdoing by the Phoenix Police Department.

- 1) "The Taser: Almost Never a Lethal Weapon: Examples of stun-gun use by Phoenix police officers," Paul Rubin, Phoenix New Times, June 21, 2007.  
<http://www.phoenixnewtimes.com/2007-06-21/news/the-taser-almost-never-a-lethal-weapon/>
- 2) "Taser Aftershock! Turns out much-maligned stun guns are a good thing overall," Paul Rubin, Phoenix New Times, June 21 2007, First of two parts.  
<http://www.phoenixnewtimes.com/2007-06-21/news/taser-aftershock/>
- 3) "Death by Electrocutitioner: In a worst-case scenario for stun guns, a Phoenix cop kills a suspect with an 84-second tasing," Paul Rubin, Phoenix New Times, June 28, 2007, Second of two parts.  
<http://www.phoenixnewtimes.com/2007-06-28/news/death-by-electrocutitioner/>

# The Taser: Almost Never a Lethal Weapon

## Examples of stun-gun use by Phoenix police officers

By Paul Rubin

Phoenix New Times  
June 21, 2007

<http://www.phoenixnewtimes.com/2007-06-21/news/the-taser-almost-never-a-lethal-weapon/>

In response to a series of public records requests, the Phoenix Police Department provided *New Times* with 42 reports from April 2006 in which its officers deployed a Taser stun gun.

A majority of the incidents stemmed from domestic-violence situations involving mentally disturbed men. In fact, all those Tased that month were men, with the oldest being 44 and the youngest being 16. Here are summaries from a representative sample of the 42 cases:

**April 26:** Phoenix police arrived at the intersection of Deer Valley and Tatum shortly after 23-year-old Joseph Irwin intentionally rammed his van into the rear of a Ford Ranger. The impact seriously injured the driver of the Ranger. Passengers in Irwin's van said he'd been expressing a need to kill his "old" self and to make his van fly. Almost needless to say, alcohol and drugs were involved. At the scene, Irwin grabbed an officer in a bear hug. The officer "drive-stunned" (or cattle-prodded) Irwin with his Taser, but that didn't stop the suspect. One officer created a little distance from Irwin so that the stun gun's probes would properly deploy. As he did so, the Taser wires brushed across one of his hands, shocking the officer. A few of the officer's ribs also were broken in the clash. Irwin finally was subdued. Later, he said the devil had compelled him to try to commit suicide. In February, a judge sentenced Irwin to five years in prison with credit for time already served. The length of that sentence upset the officer who was injured at the scene. He wrote to the judge, "The defendant . . . is a drug addict and a drain on society. He needs to be in prison for the rest of his life."

**April 16:** Officer Darren Lund was issuing a traffic ticket to a woman on South 11th Avenue and Grand, when a passerby, 32-year-old Samuel Vega, charged at the officer for reasons unknown, a tire iron raised above his head. The driver of the car screamed. Lund drew his Taser instead of his service weapon and told Vega to stop where he was. Vega's attention shifted for a moment to the woman in the car as Lund called for backup. Vega again raised his arm and started toward the officer, who fired his Taser. Both probes stuck in Vega's upper body, and he fell to the ground just as four other cops arrived. Vega continued to struggle for several minutes, even as Lund continued to drive-stun him with the Taser. After finally placing Vega under arrest for aggravated assault, police took him to Phoenix Memorial Hospital, where blood tests revealed large amounts of cocaine and alcohol. He expressed confusion when asked why

he'd fought with the cops, saying the "shadows" had been following him and had attacked him. Vega, an illegal immigrant from Mexico who once was deported after serving an earlier, drug-related prison term, is now serving a six-and-a-half-year sentence for aggravated assault.

**April 30:** Officers Bradley Seyfried and Michael Meelhuysen were on patrol about 7 p.m. near 51st Avenue and Interstate 10 when they saw a man in shorts and a tank top standing in the middle of the street. They drove around to the man, Michael Flores, who was repeatedly yelling, "Fuck America! I love God!" When Flores saw the cop car, he added, "Fuck the police, too!" Flores walked over to the police car as the cops got out and told him he was under arrest for disorderly conduct. Flores then suddenly punched Officer Meelhuysen in the face with a closed fist. The cops tackled him to the ground, but Flores continued to hit Meelhuysen in the back with his fists. Suddenly, the officer yelled out, "He's got my gun!" Flores actually didn't have the revolver but had been trying to yank it out of Meelhuysen's holster. Seyfried pulled out his Taser, and drive-stunned Flores for five seconds, while Flores continued to hit the other officer. Seyfried zapped him for five more seconds, after which time Flores said he'd give up. But he didn't, and again tried to grab for Meelhuysen's gun. Finally, the officers rolled Flores over and handcuffed him. Last November, the seriously mentally ill Flores was sentenced to nearly two-and-a-half years in prison.

**April 12:** Officers James Holmes and Kenneth Perry responded at a residence after getting word about a suspect wielding a steak knife. The cops saw a man holding the arm of a sobbing woman with one hand and a knife in the other. The police knocked on the door, and the woman answered it, saying that her boyfriend, Robert, who suffers from serious mental illness, wanted to kill himself. Robert stood in the kitchen about 10 feet away, holding the knife and appearing angry. He told the cops that he wanted to die. Both officers pulled out their Tasers. Robert put the knife to his right forearm and cut himself, though not too deeply. Perry fired his Taser. One of the probes struck Robert on his shirt, but the other missed. Robert pulled the probe out of his shirt, and started to yell. Both of the officers suspected that he would charge at them, so Perry took out his service revolver. Robert dropped the knife and allowed the police to handcuff him. No charges were filed.

**April 1:** Two off-duty Phoenix officers at Metrocenter saw a group of youngsters trying to return to the mall at about 9 p.m. after earlier being escorted off the property. Officer Mike Annoual ordered them to leave, which displeased 16-year-old Tambren Ross. Ross removed a backpack from his shoulders, threw it to the ground, balled up his fists, and stepped toward Annoual. The officer grabbed his pepper-spray canister from his belt and sprayed the juvenile once in the face. Ross took two steps back, as upwards of 20 kids started to form a circle around the cops. Annoual told Ross to get to the ground, which the boy ignored. Officer Morrison then yelled out one word — "Taser!" — and fired his stun gun from about eight feet away. One five-second cycle was enough, as Ross fell to the ground on his stomach and surrendered. Later, the juvenile said he'd been upset with another officer who allegedly had been rude to a cousin of his. The case against Ross was handled in Juvenile Court.

**April 7:** Despite 51 points from Kobe Bryant, the Phoenix Suns had just beaten the Los Angeles Lakers at the U.S. Airways Center. Officer Thomas Garrett noticed a drunken man in his seat near the railing on the upper concourse. Raul Delgado, all 5 feet, 3 inches and 222 pounds of him, had a tray of nachos, chicken strips and a large beer in front of him, and he just didn't

want to leave. The cop said it was time to go, but the 29-year-old wouldn't budge. Garrett reached for him, but Delgado pulled away, threw his food and drink in the air and backed up against a metal railing, four stories above the court. Delgado wouldn't let himself be handcuffed, even after Garrett threatened to drive-stun him with the Taser. The officer then did just that, first in the left rib and then several other times. According to Garrett's report, Delgado emitted a "growl like the Incredible Hulk" every time he was stunned, and said it didn't hurt. He finally allowed himself to be cuffed. Afterward, Delgado told the police "he was going to call [Phoenix police] lab guys and tell them they needed to raise the volts on that thing."

# Taser Aftershock!

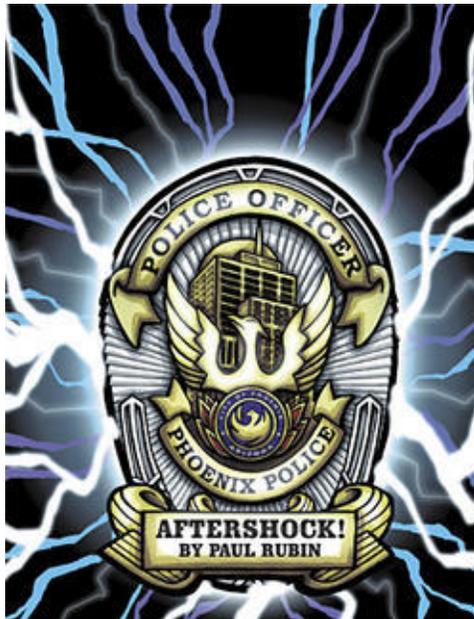
Turns out much-maligned stun  
guns are a good thing overall

By Paul Rubin

Phoenix New Times  
June 21 2007

<http://www.phoenixnewtimes.com/2007-06-21/news/taser-aftershock/>

*First of two parts*



*Nicholas Ivins*

For one young Phoenix police officer, the Taser X26 he was carrying on April 23, 2006, was a godsend — both for him and the man who said he wanted to die.

Kevin Sakalas already was a fan of stun guns, of which Taser International is, by far, the world's largest manufacturer. About a year earlier, Sakalas had taken extra training on his own at the company's headquarters in Scottsdale "because I thought it would help me be a better police officer."

He had allowed himself to be Tased there so that he could experience what it felt like, something his department hasn't permitted during training sessions since 2003.

"No fun," the officer says of being shocked for a few seconds in the controlled setting. "But I got the picture."



Kevin Sakalas, fan of stun guns

Sakalas had stopped to use a restroom at a convenience store at West 44th Avenue and Indian School Road while on patrol around dawn that April morning. As he stepped into the store, the cop saw a man near the cold-drink section holding a razor blade he'd taken out of a box cutter.

Speaking Spanish, the 34-year-old man told a store employee he wanted Sakalas to shoot him. The officer called immediately for backup on his portable radio.

"He's flashing the razor blade, and he's slowly moving toward me," Sakalas says about the man, who wasn't large but was highly agitated. "I'm, 'Oh, great.' But I'm not going to shoot this guy. I tell him in Spanish to drop the blade and get to his knees. He's not listening. I tell the employees to exit the store for their own safety."

The man put the blade to his own throat, saying in broken English, "I don't want life."

Before Taser, Sakalas probably would have unholstered his gun and, if the man continued to edge toward him with the knife, he would have shot him.

But now that carrying a Taser has become standard for cops in about 11,000 agencies nationwide, police procedures have changed.

The stun gun was designed for hairy situations like this one.

So what happened was: Sakalas reached for his Taser instead of his service revolver, just as two other cops entered the store as backup.

"I didn't have my nightstick with me," the officer says, "and using pepper-spray in that closed environment wasn't appropriate. I didn't know the guy's intentions, but his shirt was untucked, and he was lunging toward me, six or seven feet away. We're taught at the academy that one of the worst things you can face is someone with a knife. Going 'hands on' was the last thing I wanted to do at that moment."

Sakalas pointed his Taser at the man's chest but decided he wouldn't pull the trigger until his target moved the blade away from his neck.

As soon as the officer saw his opening, he pulled the trigger once and released it.

Two electrified probes (they look like straightened fish hooks) shot out of the stun gun attached to stainless-steel wires that stay connected to the weapon. The probes are designed to nail their targets up to a distance of 21 feet.

Volumes of research show that though the electrical charge will continue as long as the trigger is depressed, one five-second cycle (a single trigger pull and release) from the battery-powered device is enough to cause temporary loss of muscle control.

The top probe is designed to shoot straight while the lower probe shoots downward at an eight-degree trajectory. If both darts hook into a target's skin or clothing, the shock and its aftermath are supposed to make the suspect unable to resist or fight for several seconds.

In this instance, the probes from Kevin Sakalas' Taser penetrated the man's clothes but failed to incapacitate the guy long enough for the cops to take him into custody.

One of the backup officers then fired his Taser at the man's chest.

The man crumpled to the floor as police rushed in and cuffed him.

Though the man seemed fine within a minute or so, the cops called in Phoenix Fire Department paramedics to examine him at the store. Then, instead of taking the man to jail, authorities took him to a county psychiatric facility for observation.

No charges would be filed in the case.

Officer Sakalas, by the way, finally got to use the restroom.

"The Taser gives us something we didn't have before," he says. "I'm not saying it's 100 percent effective or that it's magic. You do have human or mechanical failures on occasion. But it's a very good tool to have at your disposal."

Every day in Phoenix, police officers face situations that have the potential of escalating into violence.

There are domestic-dispute calls and confrontations with tweakers and drunks too messed up to consider the ramifications of mixing it up with uniformed cops.

The cops also contend with people who are suicidal, seriously mentally ill, or both.

They defuse most situations without having to draw their weapons, which include service revolvers, nightsticks, pepper spray and, of course, Taser stun guns.

Phoenix police in 2006 deployed their Tasers about once every three days on average — either by firing the probes or by pushing the device against a suspect's body like a cattle prod and shocking a suspect in an effort to gain compliance.

Though there continue to be notable exceptions, police officers these days prefer the least amount of physical contact possible with citizens. That's a change from earlier generations, when beat cops commonly used fists and nightsticks as tools of compliance.

Some of the reasons are obvious: Cops don't fancy getting sued for using excessive force, getting injured in a brawl with a bad guy, or facing an internal-affairs investigation for being too rough on a suspect.

What also has changed: Law enforcement has other less-lethal weapons at its command, most prominently the Taser.

Police generally love the thing. Cops consider it a big plus to have another option at their command — something between ordering a suspect to put down a knife or rock and . . . *kaboom*.

Something worthy of mention in an assessment of Taser use is that the Phoenix department, like most other big-city forces in America, requires its officers to shoot to kill. In other words, cops are trained to fire their guns only when killing a suspect is warranted. It's not like it is in the movies, where police shoot weapons out of suspects' hands or purposely wing them.

So, without Taser, it makes sense to say, an untold number of citizens here and elsewhere would have lost their lives in clashes with the police.

But the Taser remains a controversial topic in the news media, among human-rights organizations, and with plaintiffs in civil cases, as questions about its safety continue to nag the Scottsdale firm that manufactures it.

In an attempt to assess whether stun guns are the demon they've been made out to be or are a positive force both for police and the suspects they must collar, *New Times* conducted a months-long analysis of the use of Tasers by Phoenix cops. The investigation determined that the weapons have proved far more positive than negative, both to citizens and to law enforcement.

Bottom line: When used properly, the Taser generally does what it's supposed to do. And that is, according to Taser International's training manual: "Incapacitate dangerous, combative, or high-risk subjects who pose a risk to law enforcement officers, innocent citizens, or themselves in a manner that is generally recognized as a safer alternative to other uses of force."

Clearly, many people have avoided physical injury or death because Tasers stopped them before dicey situations became worse.

Precisely how many lives have been saved and how many injuries have been averted is impossible to say, but, as Phoenix police training Officer Kevin Johnson told a class during a Taser orientation session last month, "Let's put it this way. A lot of people are walking around out there who wouldn't be if not for Tasers."

Phoenix police Lieutenant Dave Kelly, who heads the department's advanced-training unit adds, "I've seen many, many cases where a subject would have gotten shot pre-Taser, and legitimately so."

The evidence also reveals that, despite a population growth in Phoenix of about 400,000 people since the start of 2003 (the year that the Phoenix department gave each of its patrol officers Tasers for the first time), the numbers of injuries sustained by officers and suspects have decreased markedly.

In 2002, according to department statistics, 42 Phoenix cops were injured in clashes with citizens, compared with just 35 in 2006.

Phoenix statistics also show that suspect injuries decreased 67 percent in 2004 from two years earlier, a huge decline.

"We honestly give the Taser a lot of credit for the reduction in injuries," Kelly says.

It's interesting to note that many more Phoenix officers were assaulted with firearms in 2006 than in 2002 — 61 last year compared with 40 in '02.

Phoenix doesn't track how many suicides may have been averted because of Tasers, but other agencies do. The Columbus Police Department in Ohio documented 12 incidents in 2005 during which people threatening to kill themselves were subdued after getting Tased. The population of Columbus is about 750,000, which makes it roughly half the size of Phoenix.

How many would-be Columbus suicide victims had weapons and how many were trying to force police to kill them (known to authorities as "suicide-by-cop") is uncertain.

For this story, *New Times* analyzed the 42 police reports generated in April 2006, after Phoenix officers had used Tasers on someone. (See "The Taser: Almost Never a Lethal Weapon.") Officer Sakalas' situation inside the west-side convenience store was one of those cases. Most of the incidents happened after complaints of domestic violence, reports of suspicious people, and while the police were on routine patrol.

No one died or was seriously injured that month, though one cop's ribs were broken as he tried to subdue a doped-up driver who had intentionally rear-ended another car in north Phoenix in a bizarre suicide attempt.

Officers fired their Tasers in 26 of the 42 sample cases and used the weapon as kind of an electrified cattle-prod (police call it "drive-stunning" a suspect) on 18 occasions. The reason for the funny arithmetic is that two people were Tased with probes *and* were prodded with the device.

Many of those Tased in April 2006 faced felony charges, and some were later sentenced to prison. Others were ordered into the county's mental-health system.

But what didn't turn up in the Phoenix stats for that or any other month was how often people comply with the cops just because of the threat of being shocked. That number is extraordinary, according to several cops interviewed for this article.

"Almost as soon as we went to Taser, we started to find that, *duh*, people just don't like the idea of being shocked," Lieutenant Kelly says, "and that many were giving up without a fight. It was fairly dramatic."

One instance occurred in March 2005, when Officer Bobby Madeira, a transplanted East Coast native on patrol in south Phoenix, came upon a young man who fit the description of a suspect in the brutal robbery-murder of a Tempe bartender ("The Case of the Fatal Femme," March 9, 2006).

Then 17, Richard Enos fled when Madeira ordered him to stop. Enos was about to scale a wall and escape into the neighborhood, when Madeira yelled, "Stop right now or you're gonna get Tased!"

Enos surrendered on the spot.

At the downtown police station a few hours later, Officer Madeira watched on closed-circuit television as Enos confessed to having a role in the grisly crime.

The cop marveled at what Enos had told him after surrendering. "He said, 'No way I'm gonna get Tased, man.' I told him he'd done the right thing."

Certainly, though, as Officer Sakalas has suggested, neither the stun gun nor its users are infallible. The Taser holds serious potential for abuse, and cops in Phoenix and elsewhere have made bad decisions about when, why, and how they've used the weapon.

(In part two of this series, "Death by Electrocuter," *New Times* examines one regrettable example, the death of 24-year-old Keith Graff, shocked nonstop by a Phoenix cop for 84 seconds in May 2005.)

Taser horror stories include a 71-year-old legally blind, mentally ill woman shocked five times by police in Portland, Oregon. Things had gone awry when she declined to clean her messy yard. (She later settled a lawsuit against the city for \$145,000).

There have been cases of elementary-age schoolchildren getting Tased for causing trouble in class. A woman eight months pregnant was Tased in Seattle after she refused to sign a traffic

ticket and walked away from a cop, supposedly to use a restroom. A 56-year-old wheelchair-bound woman died in Florida after a Tasing. A combative inmate in a South Carolina jail died in July 2005 after he was shocked for almost three minutes.

Defining the parameters of Taser use is still a work in progress inside most police agencies. In the early days of Tasers (all of about five years ago in Phoenix), it seemed as if anybody could look at a Phoenix cop sideways and get zapped.

Those days seem to be over as the department has tightened its policies on the use of the weapons.

For example, the previous Phoenix policy allowed officers to Tase just about anyone who wasn't "immediately" complying with an officer's commands. That included people engaging in what law enforcement calls "defensive resistance," which is when a suspect tries to prevent a cop from gaining control by pulling away or running away without trying to hurt the officer.

Now, according to the new policy, "The Taser can only be used in situations where the subject involved is aggressive toward the officer or a third party" to the point where the cop or the third party feels that he or she is about to get hurt — or if the subject is trying to hurt himself.

The amended Phoenix policy also reiterated something that had been common practice (and common sense) for Phoenix officers since Tasers fully came on board in 2003. Officers are not allowed to use the Taser on pregnant women, the elderly, and the very young, or on handcuffed prisoners, "unless [police] can articulate that other reasonable force options [were] tried and were unlikely to succeed."

But even before the new policy became effective a few weeks ago, Phoenix officers were using Tasers less, down from 449 uses in 2004 to 367 last year.

Lieutenant Kelly says the reasons for the reduction are many. He says cops, like anyone else, tend to fall in love with new gadgets, and the heavy early Taser use by Phoenix's officers may have been a reflection of that.

The Phoenix department has disciplined only a handful of officers for misusing the Taser, and none has gotten more than a written reprimand, a step below suspension.

One Phoenix officer pointed his Taser at a fellow cop in 2005 during a morning briefing at the Cactus Park precinct, which the second officer didn't appreciate. Another cop drive-stunned a suspect in the passenger seat of a stolen car, which was against regulations. Yet another officer was written up for Tasing a bicycle rider who wouldn't stop for questioning.

Those incidents seem benign when contrasted with the fatal, 84-second shocking of Keith Graff. But the Phoenix department determined that Officer Charles Anderson's Tasing of Graff was "in policy" — partly because the department did not (and still doesn't) specify how many times and for how long a subject may be shocked.

But Phoenix's new policy does say that officers are to deploy the Taser for one five-second cycle, then "evaluate the subject's response and, when feasible, allow the arrest team to control the subject. Subsequent application can be made if control over the subject is not achieved."

In other words, Phoenix officers apparently aren't allowed to Tase someone for 84 seconds straight anymore.

The basic concern of Taser naysayers always has been the product's safety.

"How many deaths related to these devices must occur before we have concrete, impartial information that accurately describes the potential dangers of use?" asked Larry Cox, executive director of Amnesty International USA, in a January statement. "In the hands of police officers, Tasers have been a questionable weapon, at best. More than 220 people in the United States have died after being shocked with Tasers."

But coroners around the nation have called Tasers a factor in a subject's death in about only a dozen of the 220 cases.

*New Times* also examined 14 cases in Maricopa County in which a person died after being Tased and found a much more complex scenario than the murderous one suggested by Larry Cox and others.

In each of those cases, the victim was under the influence of illegal drugs when he died, almost always methamphetamine. Several also had health problems, including damaged hearts, obesity, and serious mental illness. Almost all seemed out of control in the moments before they slipped into unconsciousness and later died.

Taser International estimates that more than 200,000 people have been shocked by its stun guns in the past decade. Some of them have been Tased voluntarily during training sessions, and thousands more have been stunned in real-life situations.

A Phoenix man interviewed for this story says he's thankful that Tasers existed three years ago when he was suicidal. He says he knows Phoenix police could have — and maybe should have — shot him on a summer night in 2004.

"I was an idiot," says the 27-year-old father of two young girls who requested anonymity now that he says he has turned his life around. "My girlfriend wouldn't let me see my kids, and I went off. Didn't hit nobody, but I broke some stuff at her place, and someone called the police."

He says he was tweaking when cops showed up at a west Phoenix apartment complex and ordered him to come outside. He says he stepped into a foyer and stuck his hand beneath his shirt, as if he was reaching for a weapon.

"Didn't care no more," he says.

Records show he was unarmed.

Then he saw the first of two officers pull out Tasers.

"I think I said I was going to kill them, which was bullshit. Then I was, 'Shit, they're not going to kill me, they're gonna fry my ass,'" he says. "Next thing I knew, I was down on the ground, and they were cuffing me. My elbow hurt for a long time afterward. But I wasn't dead, and I could have been."

The charges against the man were reduced to misdemeanors after he successfully completed probation.

It's a beautiful spring day and about 25 Phoenix police officers are sitting in a classroom ready to undergo a daylong training session on the use of Taser stun guns.

Many of the officers are recent recruits, while others are veterans getting re-certified in how to deploy the device.

The first instructor, Officer Michael Bosworth, stands in the classroom in a Red Sox cap and starts with a verbal bang.

"We have an obligation and duty to stop someone who's going to hurt himself or someone else," the native Bostonian says. "How are we gonna stop them? Are we going to shoot everyone? Obviously not. This is where Taser can come in handy."

Bosworth shows a series of wild videos of cops deploying Tasers.

"A Taser is not a magic bullet," he says, "though it has saved thousands of lives around the country. It's an electrical device, and it doesn't work 100 percent of the time. Sometimes, a subject will hop back up after the five seconds, like a little puppy dog ready for more. You need contingency plans. And remember, it's *not* a substitute for lethal force! You want to totally avoid using a Taser on a subject with a gun."

Bosworth shows a tape of a suspect in a Chandler jail cell who quickly re-energizes and fights like crazy a few seconds after getting hit with a five-second Taser cycle. It takes eight officers to finally subdue the man.

"For some people, it's the worst pain they've ever felt, a life-changing experience," Bosworth tells the class. "Not for that guy. Here's something else to remember: Don't apply extra cycles because you're pissed off at someone or you're having fun. Giving unnecessary additional cycles is not in policy, so don't do it."

Bosworth gives the floor to Officer Kevin Johnson.

"Ride for five," Johnson tells the class, meaning that "everyone gets a full five-second [Taser] cycle unless circumstances dictate otherwise."

Johnson reminds the class that 20 to 40 bits of brightly colored confetti will emit from a Taser during each use, with the weapon's serial number printed on each tiny piece. The time, date and duration of the previous 1,500 firings also remain on a computer inside the stun gun.

"Every time you shot the dog with it or played around with it with your friends, your supervisor is going to know about it," Johnson says. "Remember that."

The officer spends time on the department's recent use-of-Taser policy changes, concluding that "you definitely can Tase if you believe you are going to be harmed, but you had better be able to articulate that at a later date."

The class takes an easy multiple-choice test (everyone passes), after which it goes outdoors, where another instructor dons a protective outfit and plays the role of a bad guy.

Toting their Tasers, a few rookie officers get to role-play by loudly threatening to Tase the faux suspect who's holding a baseball bat in a menacing way. When the guy doesn't comply, the officers pretend to zap him.

Their target immediately drops the bat and falls backward, as the rookies swoop in and place him under arrest.

"Cool," another rookie taking the class says.

"Dude, it's not going to be *that* easy out there," his young colleague replies.

The Phoenix Police Department was the first big-city agency to fully embrace the Taser, whose origin can be traced to former NASA scientist Jack Cover, who worked on Apollo moon-landing mission.

In the early 1970s, Cover started working on a stun gun in his Tucson garage. He named his device after Tom Swift, the fictional young inventor who was a hero of early-20th-century adventure novels (Taser stands for Thomas A. Swift Electric Rifle).

Like many inventions, this one needed years of refinement before it was ready for mass production.

Cover's original Taser looked like a large flashlight and used gunpowder to shoot the two wires. The product foundered for years, even after two entrepreneurial young brothers, Tom and Rick Smith, and their father, Phil, bought the rights to the product in the early 1990s.

The brothers started what became known as Taser International, inspired (according to company lore) by the road-rage murders in Scottsdale of two of Rick Smith's former high school buddies.

One huge technical hurdle was altering the firing mechanism so that the stun gun could use a compressed air cartridge instead of gunpowder, which would take the device out of the lethal-weapon category.

Once they figured that out, the firm needed to ensure that the electrified probes would fire accurately, up to a distance of 21 feet. The weapon needed to work from a good distance from suspects for the company to lure law enforcement into their potentially lucrative fold.

Other flaws remained. In one reported account, Taser International CEO Rick Smith fired his stun gun at a volunteer during a 1995 sales demonstration at a police academy. Far from stopping him, the weapon didn't even slow down the volunteer much. He continued to move forward after being shocked and was said to have placed Smith in a chokehold.

Taser International continued to work the kinks out of its promising product. In the late 1990s, the company finally felt poised to go forward with its product in a big way. It began to heavily market the weapon to law enforcement agencies, after having focused on private citizens for years.

Tasers don't require licenses in the 43 states that allow them, which is a continued source of frustration for the human-rights groups that insist the stun guns ought to be closely regulated.

"While the Taser stun gun has the potential to save lives," a 2005 report by the northern California chapter of the American Civil Liberties Union concluded, "it poses a serious health risk as long as it remains largely unregulated."

In the past decade, the company claims it has sold about 225,000 stun guns to 11,000 police agencies, and another 125,000 units to civilians. (The firm's newest model, the C2, debuted in January at a trade show in Las Vegas. Less powerful and smaller than the police version, the C2's electric probes still can reach up to 15 feet from a target and are built to shock someone for 30 seconds straight. They come in several colors, including "shocking" pink, and retail for about \$350.)

For Phoenix police, Taser use started in 1999 when the department purchased a few for use on a trial basis. At first, the department allowed only its tactical units, including its SWAT team, to carry stun guns. Preliminary results seemed positive, and in early 2002, the agency issued one Taser to each patrol squad.

That year, the Phoenix department experienced its first "Taser-related" death.

When police responded to a domestic-violence call at a residence near 80th Avenue and Thomas Road, a 39-year-old man already had cut himself with glass from a shattered vase and was out of control.

In an effort to corral the man, the cops doused him with pepper spray, hit him three times with a flashlight, and punched him seven times in the head. Finally, they zapped him with Taser probes for two five-second cycles, and took him into custody.

The man stopped breathing as paramedics were treating him, and he later died. The Maricopa County Medical Examiner's Office listed the cause of death as methamphetamine intoxication, with heart disease as a contributing factor. It didn't mention the Taser.

In early 2003, the Phoenix department decided to issue Tasers to every patrol officer on the force. The agency bought 1,175 Tasers for \$659,000, which definitely widened smiles inside Taser International. Phoenix officers that year deployed their new stun guns 440 times, according to department statistics, compared with just 176 uses in 2002.

"Before we went to Taser, we'd shot a lot of people who threatened us with rocks and other makeshift weapons," Lieutenant Kelly says. "That's one of the reasons we went to Taser."

By 2004, Taser International's sales and the price of its stock were mushrooming.

But trouble was brewing, partly because of the company's insistence in its early training manuals and in publicity material that its product was safe under all circumstances.

These days, it's hard to imagine how anyone (except, perhaps, a Taser International stockholder) could believe that getting nailed by 50,000-volt bursts would not occasionally spell trouble. In hindsight, says Kelly, police should have taken Taser International's early training protocol with a grain of salt.

"They run a business, not a police agency," says Kelly, who remains favorably disposed toward stun guns.

Taser International still refers in publicity materials to a 54 percent decrease in the number of suspects shot by Phoenix cops in 2003 (when the agency armed all its street officers with the device) from the previous year. That was true, and it sounded like a cause-and-effect — more Taser use, fewer deaths.

But the company never mentions that officer-related shootings in Phoenix actually increased to 20 in 2004, with 14 fatalities, and have hovered around that number since, no matter how many people have been Tased in a given year.

Lieutenant Kelly explains the apparent anomaly: "People with guns who are ready to commit violence have become much more prevalent, which probably explains the spike in police shootings despite the presence of Tasers. Our philosophy is that it's not wise to try to face down an armed suspect with a Taser. The gun is likely to win."

But Taser International long has tried to position its product as a true alternative to deadly force, not just as a way to stop suspects who just won't obey the cops and are posing a potential danger.

"Think of it," Taser's Rick Smith said a few years ago. "With 35,000 deaths a year from bullet wounds in the U.S., the goal in many instances is not to kill, but to avoid danger and death. By incapacitating a hostile or uncontrollable person, the goal can be achieved by using Tasers, and it can be done more effectively and efficiently than other methods, certainly at lower risk than with guns."

Despite glowing early field reviews about the Taser, supervisors inside the Phoenix department expressed qualms over the injuries that a handful of its officers suffered while getting shocked

during training. All but a few of the injuries were slight, such as sprained fingers and bruised shoulders sustained during falls.

But one officer needed back surgery after injuring his spinal discs in a fall during training, and another was out of work for weeks after getting Tased.

In spring 2003, Chief Jack Harris ended the practice of allowing officers to be voluntarily Tased while learning how to use the stun gun.

(Cops injured during Taser training nationwide have filed more than 25 lawsuits against the company since 2000. Most of the suits involve officers who claim that the firm's manuals contained substandard warnings about what the weapon can do to people.)

In 2004, a spate of investigative reports of Tasers appeared in the news media, including a lengthy series in the *Arizona Republic*. The reports were largely responsible for a temporary end to Taser International's financial joy ride.

Some accounts revealed how police officers in Phoenix and around the country were making money from the proliferation of stun-gun sales to law enforcement. Come to find out, Taser International had lured some cops with stock options and other incentives, in return for their serving as pitchmen to prospective customers, including city councils and police departments.

Reports also focused on Taser International's claims of unilateral safety and on the firm's hardball approach to sales tactics and public relations.

Amid all this, Amnesty International pronounced that police were using the Taser as an instrument of torture, and urged that it be considered a lethal weapon. Then, in January 2005, the federal Securities and Exchange Commission announced it was informally investigating whether Taser International had been grossly exaggerating the safety of its product.

After a sevenfold rise in the price of Taser International shares in 2004, the stock lost almost 90 percent of its value in 2005. The SEC investigation later became formal and expanded to include alleged manipulation of Taser stock by outsiders.

Many concerned police departments put their Taser orders on hold, and others reconsidered their officers' use of the device.

In an SEC filing in March 2005, Taser International for the first time issued a warning about its product: "Our products are often used in aggressive confrontations that may result in serious, permanent bodily injury or death to those involved. Our products may cause or be associated with these injuries."

The company posted losses in fiscal 2005.

By then, the news media were snooping around the tumbling firm like onlookers at a crime scene, waiting for the ultimate shoe to drop. But it didn't.

In December 2005, a Maricopa County jury returned a pro-Taser verdict after a pivotal four-week trial in a personal-injury case filed by former sheriff's Deputy Samuel Powers. The lawsuit had alleged that Taser International was responsible for Powers' broken back during a 2002 training exercise.

Powers told jurors that he never would've agreed to be shocked if Taser International had issued warnings about potential dangers. The company claimed that the ex-deputy had osteoporosis and had experienced back problems.

It marked the first such lawsuit against Taser International that made it to trial, and the outcome was the start of a comeback for the beleaguered company.

In May 2006, the SEC said it wouldn't be taking any action against Taser International.

The company has continued to get good news inside the nation's courtrooms.

It hasn't lost outright any of the 45 completed product-liability, excessive-use-of-force, and wrongful-death suits filed against it since 2000 (many more cases are pending).

"It's important to point out that plaintiffs have not been able to prove [in court] that the Taser device was defective or was the cause of *any* suspect injury or death," company vice president and general counsel Doug Klint told shareholders at an April 25 meeting.

Taser International *has* quietly settled a few cases in recent years. But the firm has paid much more in legal fees — about \$8 million since 2004, according to its own accounts — than the relatively insignificant sum of about \$200,000 it has paid to plaintiffs.

It also should be noted that cities and their police departments have doled out healthy sums to plaintiffs in a few Taser-involved cases.

In 2005, Mesa agreed to pay Glendale resident Bruce Bellemore \$2.2 million, after a city police officer shocked him out of a citrus tree in February 2004. Bellemore became a quadriplegic after the 10-foot fall. Legally speaking, it didn't matter that he was fleeing four guard dogs after allegedly committing a house burglary with another man when the police caught up to him in the tree.

Taser International seems to have weathered these storms. First-quarter revenues this year were a record \$15.3 million, a 10 percent increase over the same period last year.

This month, shares in Taser International rose more than 9 percent after a Wall Street analyst said it may receive up to \$300 million in orders from France after the recent election of President Nicolas Sarkozy, a strong proponent of the stun guns.

But, as seems inevitable in the saga of this mercurial company, a new dark cloud is on the horizon.

On June 4, the civil rights division of the U.S. Department of Justice announced it is "reviewing" the use of Tasers by the Orange County Sheriff's Office in Florida. The investigation is a first

nationwide and is expected to take months. Deputies in that jurisdiction have shocked more than 2,000 people since 2000, according to accounts published in the *Orlando Sentinel*.

Four people on Amnesty International's oft-cited but debatable list are said to have died after Tasings in that central Florida county.

If Jesse Colter III had survived his altercation with Phoenix police, the shock from the Taser that stopped him may have been applauded as his savior.

But the 31-year-old Phoenix man died, and his demise has been added to the unofficial list of "Taser-related" fatalities that are the subject of continuing nationwide debate.

The scenario in which he was killed began when a woman called 911 at 4:34 a.m. on April 24, 2005, about a ruckus that possibly involved a gun at an apartment building near 25th Avenue and Ocotillo Road. Officers Wilson Manning and Scott Pavese arrived at the scene three minutes after the call.

In the police report he filed, Pavese said he'd seen a nude man hanging out of a broken third-floor window screaming that someone was shooting at him. At that point Jesse Colter III fell or jumped, landing on the hood of a Chevrolet Blazer below.

The officers approached Colter, who jumped up and sprinted west on Ocotillo toward 27th Avenue. The cops followed him, as they called in another unit.

Colter ran into a parking lot near 27th Avenue and found himself cornered next to an eight-foot wall. Muscular at 6-foot-3, shrieking and bleeding badly, Colter would have been a handful for a squad of cops.

This was a perfect situation for deployment of a Taser, as everyone around Colter, not to mention Colter himself, was in harm's way.

Pavese said he and his partner pulled out their stun guns as Colter assumed a fighting stance. Pavese fired but missed his moving target. Manning also fired his Taser, but only one of the two prongs stuck in Colter's back and had no apparent effect.

Then, Officer Jerome Paprocki arrived.

"Officers were trying to get near [Colter]," he told a detective later that morning. "He was making lunging moves toward them. He was obviously out of his wits [based on] his nature of actions and movements. They were just telling him to be still. Just stop moving around. I was waiting as long as I possibly could to see if he was going to comply. He was making erratic movements toward the officers."

Paprocki shot his Taser into Colter's chest from 12 to 15 feet away. Both probes hooked into Colter's body as the officer kept the electrical charge alive for five seconds.

Colter coiled up and dropped forward onto the ground.

The cops rushed in, but Colter kept his left arm locked under his chest in an apparent effort to keep from being handcuffed. It took cops more than a minute to subdue him.

Phoenix firefighters arrived about two minutes after police arrested Colter. But a routine examination of the bloody, naked man by paramedics took on a sudden urgency when Colter slipped into unconsciousness.

They rushed him to the hospital, where he was pronounced dead at 5:21 a.m., 47 minutes after the 911 call from the apartment complex.

Investigators back at the apartment complex learned that Colter, a chronic drug user who'd served time in prison on a drug conviction, had been smoking a "sherm" just before crashing through the third-story window. A sherm is a cigarette laced with PCP, which can induce delusions of invulnerability and superhuman strength.

Colter's autopsy revealed that, in addition to ingesting a large amount of PCP and Ecstasy, he had a badly damaged and enlarged heart. An assistant medical examiner ruled that the death was caused by "excited delirium, PCP toxicity" and a diseased heart.

(Excited delirium is a controversial diagnosis yet to be officially recognized by professional medical associations. Civil-liberties groups and plaintiffs' attorneys are among those who insist that medical examiners and law enforcement use the term to cover up police abuses. But it's very real to doctors and police who've seen its effects firsthand. To the cops who Tased Jesse Colter, he'd been a textbook example of the phenomenon.)

Homicide Detective Alex Femenia headed the investigation into the circumstances of Colter's death. He learned that the former high school football player had undergone open-heart surgery about six months before his demise.

Femenia says, "Blaming the Taser for this [would be] like blaming a car manufacturer for a pedestrian's death when he crosses the street in the dark on a green light.

What happened in the Colter case, the detective says, was: "We had a guy on drugs with a bad ticker who freaked out and put himself in a bad spot. I wonder what would have happened out there if that Taser hadn't stopped him."

# Death by Electrocutoner

**In a worst-case scenario for stun guns, a Phoenix cop kills a suspect with an 84-second tasing**

**By Paul Rubin**

**Phoenix New Times  
June 28, 2007**

*Second of two parts*

<http://www.phoenixnewtimes.com/2007-06-28/news/death-by-electrocutoner/>

Just before midnight on May 3, 2005, the life of 24-year-old Keith Graff was about to come to a violent end on the third-floor landing of his north Phoenix apartment.



During his Army days a few years earlier, the spirited Graff had been known to pals as "The Terminator."

Now, Graff was about to be terminated — by Phoenix police officer Charles Anderson III.

For reasons that go to the heart of this story, Anderson fired his Taser stun gun into Graff's bare chest from close range and held the trigger for 84 uninterrupted seconds as it discharged 50,000 volts of electricity into the man.

That's about 79 seconds longer than it normally takes police to subdue someone shocked by the device (see last week's "Aftershock!", part one of this series).

For all intents and purposes, Graff was dead when Anderson finally released the trigger. Doctors at Paradise Valley Hospital made the official pronouncement at 12:57 a.m. on May 4, 2005.

Investigators soon learned that Graff was trying to flee from Anderson and Officer Carla Williams after they'd surprised him at the apartment. He'd been unarmed when Anderson used his Taser on him.

Graff had at least two good reasons for splitting:

Though the Phoenix officers didn't yet know it, Graff had a warrant pending for his arrest for violating probation on a methamphetamine-related conviction. On top of that, he knew the cops were looking for him after an incident a few weeks earlier when he'd pushed Officer Williams aside and fled on foot after she'd asked to see his identification.

The law calls that assault of a police officer.

Losing Graff and another suspect during the earlier incident had been troublesome for Officer Williams, especially in light of a similar negative mark already in her personnel file. A 40-year-old with just a few years on the force, Williams had been reprimanded a year earlier for allowing a handcuffed shoplifting suspect to escape from custody.

Graff was well-aware that the police were after him, even though they didn't yet know his real name. Reports indicate that Officer Anderson was trying hard to find the punk who had jostled Williams in the April 17 incident. Armed only with a nickname, "K.G." or "Cage," he worked sources for any information on the guy's whereabouts.

Chuck Anderson's concern about Carla Williams was more than professional: County property records show that the squad mates had bought a home in Surprise in the summer of 2004, shortly after Williams filed for divorce from her husband of 14 years.

Anderson finally struck pay dirt on the evening of May 3, when a source told him that Cage was staying at the Bellridge Apartments at 844 East Bell Road. Anderson contacted his girlfriend, Officer Williams, who soon met him and two other cops at the large complex.

Within minutes, Keith Graff would be stretched out and not breathing on the third-floor landing.

His death made news for a day or so, but it soon was overshadowed by the May 10 meth-fueled murder of veteran Phoenix cop David Uribe on Cactus Road ("The Case of The Grim Tweaker," February 2, 2006).

The county's Office of the Medical Examiner said Graff's death was an accident caused by "excited delirium due to methamphetamine intoxication." The autopsy report listed Graff's "history of a fight with police officers [and] history of Taser deployment" as contributing factors.

The amount of meth in Keith Graff's blood was minimal, and his behavior before being Tased didn't fit the classic criteria of someone about to succumb to "excited delirium."

But to most people who heard about the case — including cops — those details were secondary to the startling, 84-second Tasing.

It takes an awfully long time to count to 84, a Phoenix police officer said shortly after Keith Graff died. Then the officer did just that: "One-thousand-one, one-thousand-two . . ." until he got to 10.

What's most chilling about this under-the-radar case is *why* it happened: The evidence strongly suggests that the fatal shocking was more about vengeance than police work.

That evidence includes police interviews with officers Anderson and Williams, whose varying accounts are consistent on one crucial point: Keith Graff didn't resist for the entire 84 seconds, or anything close to it.

But Anderson never released the trigger, which would've cut off the electricity pouring into Graff, to see if the suspect would comply, until the two other officers — who had been in another part of the complex — came up the stairs.

Under Phoenix police policy, officers are supposed to use their stun guns to subdue suspects, not to force compliance through the infliction of pain. Certainly, an officer isn't supposed to hurt someone who had the audacity to "assault" a fellow cop (the inflicting officer's paramour in this instance).

"In my opinion," retired Los Angeles Police Department SWAT commander Ron McCarthy wrote earlier this year, "the 84-second, nonstop application of the Taser by Officer Anderson was a criminal act, beyond the category of excessive force, and appears to have been done to punish Graff."

That alleged criminal act could be as serious as second-degree murder, which is defined in Arizona as an act, while not premeditated, that is committed "knowing that the person's conduct will cause death or serious physical injury."

The definition also says that "under circumstances manifesting extreme indifference to human life, the person recklessly engages in conduct that creates a grave risk or death and thereby causes the death of another person."

McCarthy was hired as an expert witness by Keith Graff's father, Terry, in a lawsuit filed in 2006 against the Phoenix Police Department, Taser International (which manufactured the stun gun that killed Keith Graff) and the two officers. A former tough-guy cop who has trained thousands of police officers in tactics and weapons use, McCarthy hardly could be called a bleeding heart.



Phoenix officer Carla Williams had a short but unpleasant history with Keith Graff.



Officer Chuck Anderson was cleared of any wrongdoing by the Phoenix Police Department.

He works almost exclusively on behalf of agencies, not plaintiffs in police shooting and in-custody death lawsuits around the nation. But not this time.

McCarthy has great contempt both for the officers involved in Keith Graff's death-by-Taser and for the Phoenix Police Department's after-the-fact investigation by its internal affairs unit.

"The fact that someone in investigative or management oversight failed to recognize this act of abuse is shocking," he wrote in his report about Graff's death and subsequent internal affairs investigation.

The Phoenix department's six-person Use of Force Review Board concluded in March 2006 that Anderson or Williams had acted "in accordance with policy" during the clash with Keith Graff, and imposed no discipline.

Phoenix Lieutenant Dave Kelly explains that "none of us were out there that night, and each situation is different. Our use-of-force people concluded that the officers were within the policies we had in place, and that's just the way it is."

Privately, however, one officer after another has expressed incredulity at what happened on East Bell. It's not that Keith Graff was a sympathetic character. His drug abuse and trouble with the law were well-documented. But Tasing someone for 84 seconds straight, they say, defies common sense.

"Anderson was punishing Graff with the Taser," Ron McCarthy wrote in his report. "The fact that he held down the trigger for 84 seconds and at no time lifted the pressure of his finger to allow Graff to comply, when he obviously could have done so, is brutality."

Both Charles Anderson III and Carla Williams declined to comment for this story.

A *New Times* investigation of Taser deaths and injuries published last week concluded that officers in Phoenix usually deploy their stun guns with discretion. But it also goes almost without saying that cops at one time or another misuse every weapon in their arsenal, including fists, guns, and Tasers.

For someone of McCarthy's law enforcement pedigree to come to his conclusions may have led lawyers for the city of Phoenix to recently settle their part of the lawsuit with Terry Graff for \$2 million. But the civil case against Taser International still is pending. It claims, in part, that the company "has failed to warn police agencies of the likely lethal dangers of its products."

As a result, the lawsuit says, police officers have been lulled into "a false sense of security" about the safety of the company's product.

That could prove a tough sell in court. As last week's story on stun guns noted, Taser International has been overwhelmingly successful in defending itself against similar product-liability torts.

And, in this case, the extended Tasing of Keith Graff appears to have had little to do with a cop's "false sense of security" or a firm's allegedly inadequate training manual.

This one appears to have been personal.

Glendale resident Terry Graff remembers his firstborn as the fun-loving boy with whom he fished just about every lake in Arizona. He still speaks proudly of how 10-year-old Keith saved the day after a car accident on a busy Phoenix street had left dad Terry unconscious behind the wheel.

"He didn't panic, just steered us to safety," Graff says. The boy later was honored by the Phoenix Fire Department for his "heroic acts and fast thinking."

But Graff, a Wisconsin native and former rock 'n' roll singer who now runs his own small business, is painfully aware that Keith had a load of personal problems at the time of his death.

"Keith did a lot of stupid 24-year-old things," his father says. "Like when he told me that he only did meth on a social basis, and I told him that was a crock. He made a lot of mistakes, but he didn't do anything that night to deserve what those cops did to him. He wasn't a violent guy."

Keith Graff attended Greenway High School but was expelled and later enrolled in Arizona Project Challenge, a boot-camp-style program sponsored by the Arizona National Guard and the state.

The program seemed to help for a while, and when Graff was 18, he enlisted in the Army, volunteering as a paratrooper with the 82nd Airborne. His father was thrilled that Keith was following in the military footsteps of his maternal grandfather, who served 30 years in the Air Force.

"He wanted to be a success in life, but he didn't know what direction to take," Terry Graff says. "We truly thought the military would be the best thing for him."

Keith won a pair of commendations during his two-year stint but received a general discharge in 2001 after driving a vehicle into a restricted area. It wasn't his first brush with military police.

Back in Arizona, Graff found work here and there, including a gig at a computer store.

But his attraction to methamphetamine had become the dominating force in his life.

In September 2002, Graff spent time in jail after Glendale police found meth-making materials in his apartment. Court records show that, after his release, he neither reported to the probation office as ordered nor completed any of his mandated community-service work.

Terry Graff says he told his son that a sad fate awaited him if he didn't pull it together.

"He was not this bad kid who went around sticking people up so he could get his drugs," his dad says. "But he did have problems with that stuff, and it really affected his life."

Keith was in and out of jail for the rest of his life, including a months-long stretch in late 2004 and early 2005 on charges of carrying a concealed knife, possessing meth, and violating his probation.

Shortly before his release in February 2005, Keith wrote to his father from the Maricopa County Jail. The letter said, in part, "I am at a fork in my life right now, and I know whatever I decide, I'll be good at it. I don't like jail . . . Now I know how I want to live and how I want to be."

Those sentiments turned out to be so much talk.

Keith again failed all his legal obligations, and a judge issued a bench warrant for his arrest in early March. He split from his grandmother's house, where he'd been staying, and for the last two months of his life, he stayed wherever he could find a place to crash.

On April 17, 2005, Graff was hanging out at an apartment on 11th Avenue and Bell Road when he had his first interaction — it turned out to be a momentous one — with Officer Carla Williams.

Officer Williams wouldn't speak with *New Times* for this story, so it's uncertain why she decided to become a cop in 2002 at age 38. Court records indicate that the mother of two was married at the time to an Air Force officer.

During Williams' first year-and-a-half on the Phoenix force, she earned good ratings from superiors and seemed to be adapting well to the rigors of her new job.

Then a problem arose. Late one night in February 2004, she arrested a shoplifting suspect at a Circle K on West Hatcher Road. She handcuffed the man and put him in the back seat of her patrol car.

The suspect complained of having sore ribs, and Williams let him get out of the car to stretch. Still cuffed, he split on foot, evading capture for several hours until a K-9 unit tracked him down.

Williams received a written reprimand.

"This escape is clearly the result of poor tactics on her part rather than a training issue," a police sergeant wrote. "Prisoner control is a critical aspect of a police officer's responsibility, and Officer Williams could have done a better job even without the assistance of a backup."

The similarities between that incident and Williams' first run-in with Keith Graff are obvious. After the 84-second Tasing, she told a sergeant from the agency's Professional Standards Bureau (a fancy title for internal affairs) about that first clash.

Williams said a neighbor called in about possible trespassers inside one of the apartments, and she'd gone there by herself to see what was up. Three people were in that apartment, but the man who opened the door insisted they had permission to be there. Williams said she returned to her police car to check out his identification and to wait for backup.

She soon learned that the man who had answered the door was wanted on a felony arrest warrant. She didn't know Graff's name then, so she couldn't run him on her police computer.

Though no other officers were immediately available to assist her, Williams returned to the apartment anyway. But the man with the warrant already had sneaked out.

Standing in a doorway, Officer Williams asked the two people remaining in the apartment for their IDs. The man, whose nickname was "K.G." or "Cage," bolted for the door.

"Pushes me into the door and out and takes off," she later told an investigator. "By the time I get down the stairs, he's gone."

Williams gave chase, but Keith Graff would be on the loose until he died just three weeks later.

This time, Williams had lost two more potential prisoners.

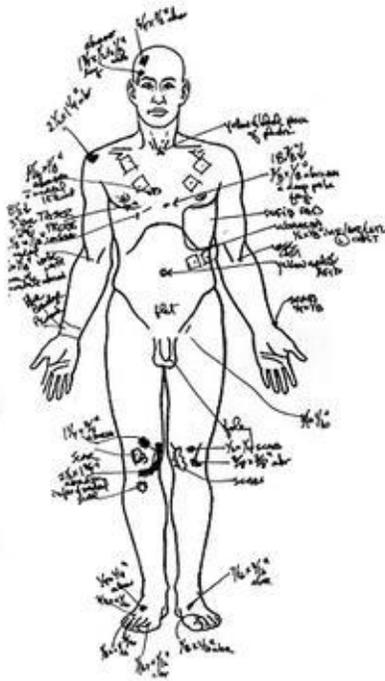
During the next few weeks, Officers Anderson and another squad mate, Matt Makinster, scoured their beat in north Phoenix for the men.

Police tactical expert Ron McCarthy later concluded that Graff's run-in with Williams "had taken on a level of significance with Officers Anderson and Williams that is inconsistent with the incident itself. Suspects routinely run from the police. The shoving of Officer Williams that caused no injury was obviously an effort to flee, not an attack on the officer."

McCarthy wrote that months before *New Times* learned through public records that Chuck Anderson and Carla Williams were a couple. This may go far in explaining the "level of significance" of the shove that McCarthy referred to.

In August 2004, Anderson and Williams bought a house together, just before Williams' divorce from her husband became final. The couple later changed the paperwork to reflect her new single status.

Under department policy, there's nothing wrong with patrol officers becoming romantically involved, though superiors are barred from engaging in intimate relationships with subordinates.



Autopsy notes on Keith Graff: Circles show where Taser probes struck Graff's chest about three inches apart.



*Courtesy of Terry Graff*

Terry Graff was proud of his son, Keith, during Keith's stint as a U.S. Army paratrooper. But troubles with methamphetamine later dominated Keith Graff's short life.

But supervisors at the Phoenix department usually frown upon romantically involved cops working on the same squads. It isn't known if any superiors knew of the close relationship between Anderson and Williams at the time of Graff's death.

When Chuck Anderson learned on the night of May 3, 2005, that "Cage" was in an apartment at 844 East Bell Road, the first person he contacted was Carla Williams.

Not long after, officers Anderson, Williams, Matt Makinster and, a bit later, Charlie Lambert, arrived at the apartment. At first, the four people inside said they didn't know anyone named K.G. or Cage, but then one of them stepped outside and told Anderson that the cops could find him in another apartment in the complex.

Makinster and Lambert stayed behind to keep an eye on the occupants there, as Anderson and Williams went to Apartment 3034, less than a minute's walk away.

Keith Graff's roommate later told police what happened inside the apartment moments before Anderson fired his Taser, and what she *heard* after the struggle between Graff and the two cops moved out onto the narrow third-floor landing.

Stephanie Slaven, 22, informed detectives that Graff had been living with her for a few weeks after the two had bumped into each other at the complex's hot tub. She said she hadn't seen Graff since junior high, but she'd needed help with her rent and he was seeking someplace to stay.

Graff had moved in with some clothes and his laptop computer.

Slaven said, earlier on the evening of May 3, she and Graff each consumed a can of Bud Light. She claimed not to have seen him using drugs that night.

She said she was watching television shortly before midnight. Graff was playing a game on his laptop. Without announcing himself, a male cop — Chuck Anderson — stuck his head in through an open door inside a small patio that leads into the living room, where the roommates were sitting.

Slaven said a female officer — Carla Williams — stood a few feet behind Anderson inside the patio area.

Anderson asked Keith Graff if he went by the nickname of Cage. Graff said no, that his name was Keith, and that Cage was in a different part of the complex.

The officer then allowed Graff to go by himself to his bedroom to get identification. Slaven said the cop unholstered his service weapon as Graff left the room, and he told her to stay put in her chair.

Graff soon returned, and sat back down in his own chair.

He handed Anderson a driver's license, but it immediately became obvious to the officer that it depicted a different person and had a different first name than Keith printed on it.

Anderson ordered Graff, a wiry 5-feet-11 and 171 pounds, to stand up.

It was probably at this point, Slaven recalled, that Anderson took a closed, folding knife from the right front pocket of Graff's shorts and tossed it into a corner.

Graff asked the cop, "What are you doing with my knife?" It was the last thing anyone recalls him saying.

Anderson grabbed for Graff, according to Slaven, but the suspect slipped from his grasp and started to "fast walk" out of the apartment through the patio door past the two cops.

She said she didn't see either of the officers deploy a Taser but did hear the electric buzz of the device for "about a minute."

Slaven said she'd stayed seated as Anderson had ordered and couldn't see much as the scuffle quickly moved from the patio out onto the landing. She said she did see that the officers had gotten Graff down to the ground.

Slaven later told a patrol officer and then a detective that she heard Williams tell Anderson to keep "it" on Keith Graff. The young woman had taken that to mean the Taser.

Slaven also said she heard Graff making "weird noises" as he was being Tased and heard Williams tell Anderson afterward that their suspect wasn't breathing.

Officer Chuck Anderson would give three official accounts of what happened at 844 East Bell. The first was to a Phoenix homicide detective about four hours after the incident. The second was a few hours after that to an internal affairs sergeant. Two weeks later, on May 17, he spoke on tape to a second internal affairs investigator.

Anderson first told Detective Carl Caruso that he saw Graff's nickname of Cage scrolling across the laptop when the suspect had gone to the bedroom to fetch his phony ID. He said Williams "at some point" had nodded affirmatively to him from the patio that Graff was the person who had shoved her two weeks earlier.

Anderson said he tried to grab the shirtless Graff inside the apartment, but the guy darted for the patio door where Williams was waiting with her Taser in hand. He said Williams fired her Taser at Graff, but missed.

Somehow, all three — the two cops and Graff — fell to the patio floor. Williams was bleeding from her lip, as Graff flailed and tried to get away from them.

Anderson said he "stepped away from the fight" and fired his Taser at Graff from very close range. Both fish-hook-like probes from the stun gun hit Graff in his bare chest and stuck.

Anderson said he called for backup on his portable radio as he continued to zap the suspect.

According to Caruso's police report, Anderson told him "the Taser did not have an immediate effect, but after five to 10 seconds, the suspect stopped resisting."

That statement was critical. If "the suspect stopped resisting" after that short a stretch, then one of the officers should have put handcuffs on Graff and ended things.

But the 26-year-old Anderson said he held down the trigger on the Taser for what he first estimated was 30 seconds because he was spent after the short tussle. He said he stopped only after he saw Officers Mankinster and Lambert rushing up the steps as backup.

Someone handcuffed the suspect, but Anderson noticed that Graff "did not appear to be breathing." He and Williams then performed CPR on Graff until fire paramedics arrived a few minutes later.

Anderson's interview with an internal affairs investigator a few hours after his interview with Detective Caruso added more details. He repeated that the fight started after he tossed Graff's knife aside inside the apartment and tried to grab him.

"Was he actively trying to throw blows, or was he trying to pull away from you?" the sergeant asked.

"He was looking like he was trying to get out of there," Anderson replied.

Anderson said he and Williams brawled with Graff on the concrete landing.

"And I was telling him, 'Stop fighting, stop fighting, stop fighting.' And he wasn't listening."

Anderson said he rose during the melee and fired his Taser into Graff's chest from two to three feet away. In this account, Anderson described Graff as having his fists clenched and fighting for "between 30 and 40 seconds," despite being Tased.

That was a huge difference from what Anderson said in his first interview, when he'd told the detective that Graff stopped resisting after "five or 10 seconds."

Anderson's third and final interview provided new information, though it also would prove to be a frustrating exercise.

The officer told Sergeant Clint Zeiner that Graff's arms "were just kind of in a ready fighting position" as he was being Tased.

Zeiner, the lead investigator on the internal affairs probe of the case, asked Anderson if Keith Graff was "actively fighting" him during the clash.

"He wasn't with his arms fighting me," Anderson replied. "What he was doing with Carla, I don't know."

Anderson said he couldn't recall standing up and taking his Taser out, though he did remember firing it.

"You got an 84-second deployment here, so what happens in that time?" Zeiner asked.

Anderson never answered, and the internal affairs investigator didn't press him. Instead, Zeiner seemed eager to help out the young officer.

"Was it your belief," the sergeant asked, "that if you turned off your Taser at any time during those 84 seconds, the fight was gonna be back on? Or did you look at him after a while and say, 'Okay. This guy's spent, but I'm gonna keep [the Taser] on until the cavalry gets here?'"

Anderson replied that "it was more toward [the latter]. You know, I heard the Taser thing was on for 84 seconds. To me, it felt like 30. I didn't think it was that long."

Then, the officer said Graff kept resisted for "half to two-thirds of the way [through the Tasing]."

"He looked like he was spent," Anderson offered, "but I still was, too."

Anderson said he decided to keep shocking Graff until the other two officers arrived. Under that theory, Graff was continuing to resist as he was getting shocked for between 42 and 56 seconds, a highly unlikely possibility, according to literature about stun guns.

Sergeant Zeiner continued to lob softballs.

"Could it be characterized as more of a struggle between the two of you than a fight?" he asked Anderson. "When you say fight, I'm looking for an act of aggression."

"It wasn't a fistfight," the officer replied, not going where the interrogator seemed to be trying to lead him. "He was actively trying to get away."

"But he wasn't actively trying to assault you guys to get away? He was just doing whatever he could to get away?"

"Right."

Officer Carla Williams also spoke with investigators three times after Keith Graff's death.

In her first interview, also with homicide detective Caruso a few hours after the incident, she described how Chuck Anderson had taken Graff to the ground just outside the apartment. She said she became entangled in and shocked by the wires that shot out of her Taser when she fired it at Graff but missed.

Williams said she and Graff tumbled to the ground and that she tried to corral the suspect by using her Taser as a kind of cattle prod. Called the "drive stun" technique or a "touch Tase," officers can use the Taser to shock subjects by sticking it against their bodies and pulling the trigger.

The technique is supposed to be used to gain control through the infliction of pain, not by temporary incapacitation (the latter is what the electrified wire probes are designed to do).

In that first interview, Williams gave the impression that Graff somehow got off the ground and was upright when Anderson first deployed his Taser probes. That wasn't at all how Anderson recalled it.



*Courtesy of Terry Graff*

Keith Graff died on May 5, 2005.

Williams said Graff fought on for a time — she couldn't say for how long — but then "locked up" by pulling his arms into his chest, and quit flailing. She said she was ready to handcuff him, but that Anderson told her to wait until the other officers got there. Instead, Anderson kept deploying his Taser on the suspect.

Officer Matt Makinster told investigators that when he got up to the third floor, Graff was on his back staring upward and was unresponsive.

"It is significant to me," says former LAPD cop Ron McCarthy, "that . . . if Williams thought the subject could be handcuffed, that would indicate he had exhibited no resistance and could be handcuffed, but Anderson wanted to continue the Tase."

In her second interview, also conducted within the hours after the incident, Williams told an internal affairs sergeant — contrary to her first account — that she didn't know she'd even fired her Taser until the probes from the stun gun stuck in a door.

She repeated that she'd wanted to cuff Graff, but that Anderson had told her, "Just wait 'til somebody else gets here."

In her final interview about the case, with internal affairs Sergeant Zeiner two weeks after the incident, Williams said Keith Graff only had been "trying to get away. I can't say that he hauled off and punched me."

Sergeant Zeiner again tried to get Williams to put a more positive spin on the still-murky events.

"So let me see if I can get you to articulate it then," the internal affairs investigator said, formulating a narrative for the officer. "You were fearful that if [Anderson] had shut down the Taser, [Graff] was gonna fight again. By looking at him and coming out with the handcuffs, you didn't think, 'Okay, he's had enough. He's whipped. Shut off the Taser, and I can handcuff him.'"

Finally, Zeiner posed a question that demanded a response.

"Did you actually think that if you shut off the Taser that the fight would be back on?"

Officer Williams hadn't said or even implied anything of the sort. But she finally seemed to get that Zeiner wasn't her enemy just because he was in internal affairs.

"Nothing we had done up to that point had stopped him," Williams said. "And I don't think [Anderson] could fight or hold on anymore, and neither could I."

Williams was talking about what had happened *before* Anderson had been shocking Graff with his Taser, not after.

But that's where the interview ended.

Zeiner never asked Williams if she had told Chuck Anderson to keep on shocking Graff, as Stephanie Slaven suggested.

And the sergeant never asked either cop what they were thinking when they realized the guy who had escaped from Williams a few weeks earlier was trying to pull the same routine on them.

For several hours, no one knew the identity of the man whose body had been taken from Paradise Valley Hospital to the county morgue.

Finally, police identified him as Keith Edward Graff and notified his father, Terry.

"Doesn't get any worse than that," Terry Graff says.

Dr. Arch Mosley of the Maricopa County Medical Examiner's Office performed Graff's autopsy on the morning of May 5, 2005.

Mosley noted that the two probes from a Taser stun gun were still attached to Graff's chest, about three inches apart and about parallel to each other. Their side-by-side placement meant that Anderson had fired his gun sideways, most likely while standing over the prone Graff.

Firing that way is not how Anderson had been taught at the police academy or at Taser International, where he'd taken a class to become an instructor in the device just a few months earlier.

Mosley observed that "a yellow cardboard dot was in his navel."

That dot was one of dozens of pieces of confetti ejected from the Taser as it was being deployed. Printed on the confetti was the serial number of the deployed Taser, and its eerie presence in Graff's navel suggested he was on his back when Anderson zapped him.

Dr. Mosley later concluded that Graff died of "excited delirium due to methamphetamine abuse." As noted in last week's story, excited delirium is a controversial diagnosis often cited by coroners around the nation after suspects die in police custody.

The condition most simply has been described as an overdose of adrenaline. Doctors say it usually is spurred on by drugs (most often methamphetamine these days) that make a stressed heart work harder.

But the American Medical Association has yet to give its official sanction to excited delirium. Civil liberties groups consider it junk science and say it's used as a cover-up for police abuses.

Basic symptoms include bizarre and aggressive behavior, shouting, paranoia, panic, violence toward others, or unexpected physical strength. It's fair to say that many people arrested on a given day exhibit many such symptoms, yet aren't in immediate danger of dying. County medical examiners such as Mosley base their conclusions about excited delirium on what they learn about the circumstances of someone's death. That information almost always comes exclusively from cops.

Listing the cause of Keith Graff's death as excited delirium from meth intoxication seemed like a stretch to Phoenix attorneys Dave Derickson and John Foreman. Both are retired Maricopa County Superior Court judges who are representing Terry Graff in his lawsuit against the Phoenix Police Department and Taser International.

They note that Officer Anderson described Graff's behavior as "nonchalant" just before the suspect was making a calculated attempt to avoid being jailed by high-tailing it out the patio door. Even under the highly charged circumstances, Graff showed no particularly bizarre and aggressive behavior, paranoia, violence toward others, or unexpected physical strength.

Graff's roommate, Stephanie Slaven, told investigators she heard Graff moaning as he was getting shocked by the Taser, which couldn't count as "shouting" under the definition of excited delirium.

The "methamphetamine intoxication" part of Mosley's conclusion also raises questions. Although any amount of the drug is potentially hazardous to health, Graff had very little meth in his blood when he died, especially for someone who apparently tweaked on a regular basis.

Overnight, the fatal, 84-second shocking of Keith Graff became the main topic of head-scratching conversation inside the Phoenix Police Department.

Lieutenant Dave Kelly recalls that a tactical training sergeant came to speak with him as soon as he heard the number 84 in reference to the length of the Tasing.

At that point, Phoenix police policy didn't address how long officers could Tase a subject.

"The first thing I did, I mean really promptly, was to bring this issue up to command staff," Kelly says. "Then I called Taser and asked, 'Is there any way you can make our units shut off after five seconds before we re-deploy? They said there wasn't."

Before Keith Graff's death, the notion of long and repeated shocks as a potential danger hadn't been mentioned in Taser International's training manuals. But the urgency with which Phoenix police were addressing the issue resonated with the Scottsdale-based firm.

On May 9, 2005, less than week after Keith Graff's death, Phoenix Chief of Police Jack Harris sent a message to each of the city's precincts titled "X26 Extended Duration Employment."

Harris said the department had spoken to Taser International and stated: "All officers carrying Tasers should be aware that Taser applications directly across the chest may cause sufficient muscle contractions to impair normal breathing patterns."

The chief said that wasn't a big concern for a typical five-second Taser cycle, but "prolonged applications should be avoided, where practical."

Harris reminded patrol officers that the primary body target areas for the Taser are the back and side, though "the department acknowledges that this is not always the viable target. For this reason, when deploying the Taser, officers should use a maximum of a five-second burst."

The message was in direct response to the fatal, 84-second Tasing of Keith Graff.

Then, in a June 28, 2005, training bulletin, Taser International noted for the first time that "repeated, prolonged and/or continuous exposures to the Taser may impair breathing and respiration, particularly when the probes are placed across the chest or diaphragm."

That's precisely what had happened to Graff.

On July 20, 2005, Chief Harris reiterated his department's new position on the use of the Taser: "Effective immediately, when deploying the X26 Taser, officers will administer a five-second cycle, then assess the effectiveness of the deployment. Cycles may be repeated, if necessary, assessing between cycles."

Just two weeks after Keith Graff's death, Carla Williams' sergeant wrote in her annual job evaluation, "You are able to bear the injustices a patrol officer is subjected to on the street without wanting to get even."

That was unintentionally ironic, as the evidence suggests getting even with a guy who had shoved his girlfriend was exactly what Chuck Anderson was doing for much of the 84 fatal seconds.

Later, the Phoenix Police Department cleared officers Anderson and Williams of any wrongdoing in the Graff killing. But even before then, the pair had been reassigned to new duties as school resource officers — Williams at an elementary school and Anderson at a high school.

Though the transfers were not demotions, they did have the effect of taking the officers off the streets of Phoenix. Their personnel evaluations since their transfers have been positive.

Terry Graff remains embittered after his son's death but says he resolved soon afterward to try not to hate *all* cops. Not long after Dave Uribe was murdered a week after Keith died, Graff says he donated a few bucks to a fund established in the late officer's name.

"I'm not a hateful person, and neither was my son," Terry Graff says. "I know in my heart that those officers murdered my son, but it wasn't the entire police department. I still think they should have prosecuted Officer Anderson on criminal charges. For the Phoenix Police Department not to have even given [Anderson and Williams] a slap on the wrist, well, that's hard to take."