

GAO

Report to the Chairman, Subcommittee
on National Security, Emerging Threats
and International Relations, Committee
on Government Reform, House of
Representatives

May 2005

TASER WEAPONS

Use of Tasers by Selected Law Enforcement Agencies



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Highlights

Highlights of [GAO-05-464](#), a report to the Chairman, Subcommittee on National Security, Emerging Threats and International Relations, Committee on Government Reform, House of Representatives

Why GAO Did This Study

Emerging domestic and international threats have generated a growing interest in the use of less-than-lethal weapons by government and law enforcement agencies and other entities such as commercial airlines. One such weapon—the Taser—is a hand-held weapon that delivers an electric shock via two stainless steel barbs, effectively incapacitating an individual. According to the manufacturer—Taser International, Incorporated (Taser International)—Tasers are currently used by over 7,000 of the 18,000 law enforcement agencies in the United States, with more than 140,000 Tasers in use by police officers in the field and an additional 100,000 Tasers owned by civilians worldwide. Tasers have been used on over 100,000 volunteers, including individuals involved in training seminars and research experiments, and involved in over 70,000 actual field uses during police encounters.

In light of the expanding interest in the Taser, GAO was asked to provide information on (1) the policies and procedures related to the issues of “use-of-force,” training, operations, and safety for selected law enforcement agencies that have purchased and used Tasers and (2) federal, state, and local laws that specifically address Tasers, including the Transportation Security Administration’s (TSA) authority to regulate Tasers on aircraft.

www.gao.gov/cgi-bin/getrpt?GAO-05-464.

To view the full product, including the scope and methodology, click on the link above. For more information, contact Robert J. Cramer at (202) 512-7455 or cramerr@gao.gov.

TASER WEAPONS

Use of Tasers by Selected Law Enforcement Agencies

What GAO Found

The seven law enforcement agencies we contacted have established use-of-force policies, training requirements, operational protocols, and safety procedures to help ensure the proper use of Tasers. Although none of the agencies have separate use-of-force policies that specifically address Tasers, all seven agencies include the use of Tasers into their existing policies. Taser training is required for officers who use the weapons, and agency officials said that training for officers and other non-law enforcement persons who are allowed to use Tasers is critically important to help ensure their safe use. Operational protocols require that Tasers be visually inspected daily, appropriately safeguarded, and, in some cases, tested weekly or at the beginning of an officer’s shift. Safety procedures require that Tasers not be used on children, pregnant suspects, or near bystanders or flammable liquids and that individuals hit in specific body areas with Taser barbs, such as the neck or face, be examined by a physician.

Some federal, state, and local jurisdictions have laws that address Tasers but requirements differ. For example, at the federal level, the Army prohibits Tasers from being brought into selected military installations in Georgia. Also, TSA may approve the use of Tasers on aircraft but must prescribe training rules and guidance on appropriate circumstances for using Tasers. At the state and local levels, the state of Indiana and the city of Chicago, Illinois, regulate the sale or possession of Tasers by non-law enforcement persons by subjecting Tasers to the same restrictions that apply to firearms. Other states, such as California, prohibit Tasers from being carried into public facilities such as airports.

GAO observes that as the Taser becomes more widely used, especially by non-law enforcement persons, training is critical to help ensure its safe, effective, and appropriate use. TSA, Taser International, and the seven law enforcement agencies we contacted generally agreed with the information in this report.

Two Examples of Taser Models



Source: GAO; Prince George’s County, MD, Sheriff’s Office; Prince George’s County, MD, Police Department.

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Abbreviations

ATF	Bureau of Alcohol, Tobacco, Firearms, and Explosives
ATSA	Aviation and Transportation Security Act
DOJ	Department of Justice
EMT	Emergency medical technician
FLETC	Federal Law Enforcement Training Center
GAO	Government Accountability Office
NIJ	National Institute of Justice
TSA	Transportation Security Administration

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United States Government Accountability Office
Washington, D.C. 20548

May 26, 2005

The Honorable Christopher Shays
Chairman, Subcommittee on National Security,
Emerging Threats and International Relations
Committee on Government Reform
House of Representatives

Dear Mr. Chairman:

Emerging domestic and international threats have generated a growing interest in the use of less-than-lethal weapons¹ by government and law enforcement agencies and other entities such as commercial airlines. One such weapon—the Taser—is a hand-held weapon that delivers an electric shock via two stainless steel barbs, effectively incapacitating an individual.² According to the manufacturer—Taser International, Incorporated (Taser International)—Tasers are currently used by over 7,000 of the 18,000 law enforcement agencies in the United States, with more than 140,000 Tasers in use by police officers in the field and an additional 100,000 Tasers owned by civilians world-wide. Taser International officials told us that Tasers have been used on over 100,000 volunteers, including individuals involved in training seminars and research experiments. They also told us that Tasers have been involved in over 70,000 actual field uses during police encounters. In addition to law enforcement agencies, other entities have requested that they be permitted to use Tasers. For example, in October 2004, the Department of Homeland Security’s Transportation Security Administration (TSA) approved Korean Airlines’ request that specially trained cabin attendants be allowed to use

¹ According to the Department of Justice’s (DOJ) National Institute of Justice—the agency within DOJ responsible for researching issues related to crime and law enforcement—less-than-lethal weapons are designed to temporarily incapacitate or restrain an individual when lethal force is not appropriate. These weapons and devices include, among others, pepper spray, stun guns, batons, and night sticks.

² According to Taser International, Taser is a trademark and an acronym for the Thomas A. Swift Electrical Rifle, which was first developed in the 1970s. For the purposes of this report, the term Taser will refer to a weapon that shoots two stainless steel barbs up to a distance of 25 feet and results in an incapacitating 50,000 volt electric shock.

Tasers onboard passenger flights. TSA is the federal agency that is responsible for establishing guidelines that govern the circumstances in which Tasers may be used on aircraft.³

In light of this expanding interest in the Taser, you asked us to obtain information on (1) the policies and procedures related to the issues of “use of force,”⁴ training, operations, and safety for selected law enforcement agencies that have purchased and used Tasers; and (2) federal, state, and local laws that specifically address Tasers, including TSA’s authority to regulate Tasers onboard aircraft.

To accomplish the first objective, we reviewed Taser-related policies and procedures established by the seven state and local law enforcement agencies that have purchased and used the largest number of Tasers for the longest period of time. We also interviewed law enforcement officials in the seven agencies. The agencies were the Austin, Texas, Police Department; the Ohio Highway Patrol; the Orange County, Florida, Sheriff’s Department; the Phoenix, Arizona, Police Department; the Sacramento, California, Police Department; the Sacramento, California, Sheriff’s Department; and the San Jose, California, Police Department. To accomplish the second objective, we examined various federal, state, and local laws, including statutes, regulations, and ordinances, to determine whether they specifically address Tasers. We also reviewed the Aviation and Transportation Security Act (ATSA)⁵ to obtain information on TSA’s authority concerning Tasers, including its authority to regulate Tasers onboard aircraft. A more detailed discussion of our objectives, scope, and methodology is included in appendix I. We conducted our work from May 2004 through February 2005 in accordance with quality standards for investigations as set forth by the President’s Council on Integrity and Efficiency.

³ GAO will report separately on TSA’s efforts to approve and oversee the use of Tasers onboard commercial aircraft. Among other things, we will report on the type of analysis the federal government conducted to assess the safety and effectiveness of Tasers, what criteria TSA used to determine whether to approve Tasers on aircraft, and whether TSA has established a training program for flight crews.

⁴ For purposes of this report, use of force refers primarily to a policy established by a law enforcement agency that provides police officers with a clearly defined set of rules or guidance to follow when encountering a subject based on the subject’s actions, the officer’s perception of the situation, and the available types of officer responses.

⁵ Pub. L. No. 107-71, 115 Stat. 597 (codified as amended in scattered sections of 49 U.S.C.).

Results in Brief

The seven law enforcement agencies we contacted have established use-of-force policies, training requirements, operational protocols, and safety procedures to help ensure the proper use of Tasers. All of the seven agencies had included the use of Tasers into their existing use-of-force policies so that police officers would have guidance on the circumstances in which the use of Tasers may be appropriate. Officials in all seven law enforcement agencies told us that Taser training is required for officers who use the weapons and that training—especially for non-law enforcement individuals who may be authorized to use Tasers—is of critical importance to help ensure the safe use of these weapons. For the seven agencies, operational protocols, which provide guidance on police officers' daily law enforcement activities, require that Tasers be visually inspected on a daily basis, be appropriately safeguarded, and, in some cases, be tested on a weekly basis or at the beginning of an officer's shift. Safety procedures established by all seven agencies require that the Taser not be used on children, pregnant suspects, or near bystanders or flammable liquids and that individuals hit in specific body areas with Taser barbs, such as the neck or face, be examined by an emergency room physician.

Some federal, state, and local jurisdictions have laws that address Tasers but requirements concerning such weapons differ. In some instances, the extent to which the Taser is regulated may depend on whether it is classified as a firearm. For example, at the federal level, the Department of Justice's Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) has not classified the Taser as a firearm, which exempts the weapon from federal firearms requirements. However, the Department of the Army (Army) has established Taser-related regulations governing the possession, use, and sale of Tasers on specific military installations. In addition, TSA has identified the Taser as a prohibited weapon that cannot be brought past airport security checkpoints by unauthorized personnel. TSA also has authority to approve the use of Tasers by flight crews onboard commercial aircraft and must prescribe rules for training flight crews in the proper use of Tasers and provide guidance on the circumstances under which such weapons may be used. In addition, some state and local jurisdictions, such as the state of Indiana and the city of Chicago, Illinois, regulate the sale or possession of Tasers by non-law enforcement persons within their state or municipal boundaries by subjecting Tasers to their firearms restrictions. Other states, such as California, prohibit Tasers from being carried into public facilities such as schools and airports.

Based on our work, we observe that as the Taser becomes more widely available for use, especially by non-law enforcement persons, training is critical to help ensure its safe, effective, and appropriate use.

In commenting on a draft of this report, TSA, Taser International, and the seven law enforcement agencies generally agreed with the information in the report. Also, TSA as well as the Department of Homeland Security's Federal Law Enforcement Training Center (FLETC),⁶ Taser International, and three of the seven law enforcement agencies provided technical comments that were incorporated into the report where appropriate.

Background

Although a number of companies manufacture various non-lethal weapons, such as stun guns, the only company that manufactures Tasers is Taser International in Scottsdale, Arizona. First developed in the 1970s for use by police departments, Tasers differ from stun guns in that they can be fired from a distance and do not require contact with skin in order to work.⁷

Taser International has produced various models of Taser weapons including Air Tasers⁸ and the M-18, M-18L, M-26, X-26, and X-26C models. The M-18 and X-26C models are available to the civilian market. The M-26 and X-26 models are sold only to law enforcement agencies, the military, and more recently have been made available for use in maintaining aviation security. Both models, while varying in size, operate in the same manner and deliver approximately the same electrical charge. For the purposes of this report, Tasers refer to the M-26 and X-26 models. Figure 1 shows a picture of an M-26 model Taser, and figure 2 shows a picture of an X-26 model Taser.

⁶ FLETC, with headquarters in Glynco, Georgia, is an interagency law enforcement training organization for federal law enforcement personnel. It also provides training services to state, local, and international law enforcement agencies. FLETC's mission is to prepare law enforcement professionals to fulfill their responsibilities safely and proficiently, while ensuring that training is accomplished in the most cost-effective manner.

⁷ Tasers can be also used in "touch stun" mode by pressing the electrical barbs directly onto a person's skin.

⁸ According to Taser International, production of the Air Taser has been discontinued.

Figure 1: Taser (M-26 Model)



Source: GAO; Prince George's County, Maryland, Police Department.

Figure 2: Taser (X-26 Model)



Source: GAO; Prince George's County, Maryland, Sheriff's Office.

The Taser fires two metal barbs that are attached to wires, which can cover a distance of up to 25 feet.⁹ Once the barbs are embedded in an individual or on the individual's clothing, the weapon delivers an electrical charge of 50,000 volts through the wires to the barbs. This charge causes the muscles of the individual to involuntarily contract, which immediately incapacitates the individual for the duration of the shock, usually lasting about 5 seconds.

The barbs need not be embedded in an individual's body in order to function. Because of the high voltage, an individual will be shocked even if the barbs are attached to an outer layer of clothing, such as a coat. If the barbs penetrate the skin, it is impossible to predict how deeply they will embed because of various factors, including wind speed and a subject's weight and muscle mass. The manufacturer estimated that the barbs will

⁹ In commenting on a draft of this report, an official from Taser International told us that his company is developing a new cartridge that will fire up to 35 feet and will be sold only to law enforcement agencies.

generally penetrate bare skin no more than half an inch. Once the Taser weapon's shock subsides, the individual can recover completely in about 10 seconds. If the weapon is fired correctly and the barbs hit the individual, no collateral damage occurs to the surrounding environment.

The Taser can be reactivated numerous times as long as the barbs remain in the individual or the individual's clothing. Secondary electric shocks also last for about 5 seconds. The operator has the ability to shut the weapon off, thus ending the charge. A data port contained in the latest models of Tasers provides information suitable for downloading onto a computer detailing the date, time, and duration of each instance that the Taser was fired. A visual battery level indicator is located on the back of the hand guard. The Taser also utilizes a laser sight system. This system enables the operator, even with limited experience, to direct the barbs to the desired location on the individual.

Selected Law Enforcement Agencies Have Established Policies and Procedures to Help Ensure Proper Taser Use

The seven law enforcement agencies we contacted have attempted to ensure proper deployment of the Taser weapon by establishing and employing use-of-force policies, training requirements, operational protocols, and safety procedures.

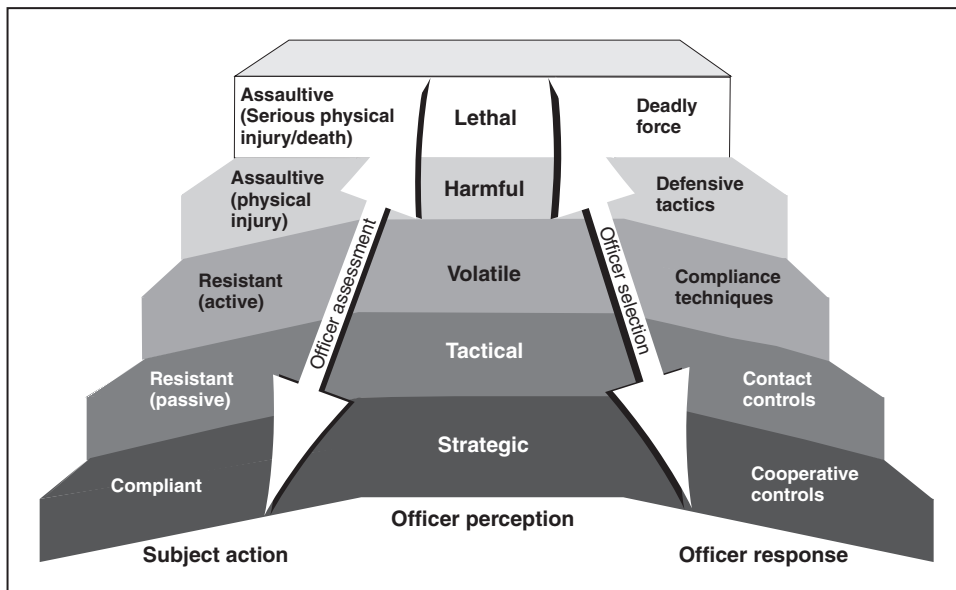
Use-of-Force Policies

Although none of the seven agencies had separate use-of-force policies that specifically addressed Tasers, all of the agencies included the use of such weapons into their existing policies so that police officers would have guidance on the circumstances in which the use of Tasers may be appropriate. A use-of-force policy provides police officers with a clearly defined set of rules or guidance to follow when encountering a subject, based on the subject's actions, the officer's perception of the situation, and the available types of officer responses. The use-of-force model—frequently referred to by law enforcement officials as the use-of-force continuum—was developed using federal law enforcement training guidelines established by FLETC. According to FLETC, the continuum serves as a visual tool to help explain about the application of the use-of-force policy. Specifically, the continuum establishes for a police officer

various options to use in responding to a subject's actions, while employing the minimum amount of force necessary under the circumstances. Generally, an officer should employ more forceful means to control a subject only if the officer determines that a lower level of force is inadequate. Officials in the seven law enforcement agencies we contacted told us that they rely on the continuum to help provide officers with guidance in carrying out their law enforcement responsibilities.

As shown in figure 3, the use-of-force continuum includes five levels of potential subject actions and corresponding officer responses. For example, if a subject is compliant, an officer should use only "cooperative controls," such as verbal commands, to control the subject. On the other hand, the guidelines provide that if a subject is assaultive and an officer perceives a threat of serious physical injury or death—a lethal situation on the use-of-force continuum—the officer may use deadly force to control the subject.

Figure 3: FLETC Use-of-Force Continuum



Source: Federal Law Enforcement Training Center, Department of Homeland Security.

Officials in the seven law enforcement agencies we contacted stated that each agency has a use-of-force policy in which all officers are trained. Each of the seven agencies has incorporated the Taser into its existing use-of-force policy.

The placement of the Taser on the use-of-force continuums of the agencies varied.¹⁰ Specifically, we found that the seven agencies placed the Taser at three different levels on their use-of-force continuums. As shown in table 1, two agencies—the Sacramento Police Department and the Sacramento Sheriff’s Department—permit the use of Tasers when a police officer perceives the situation as potentially harmful, as when a subject engages in assaultive behavior that creates a risk of physical injury to another. Impact weapons, such as night sticks and batons, can also be used in these situations. They include, for example, instances in which a subject attacks or threatens to attack an officer by fighting and kicking.

Four other police departments—the Austin Police Department, the Ohio Highway Patrol, the Phoenix Police Department, and the San Jose Police Department—allow the use of Tasers at a lower level in the use-of-force continuum in situations that the officer perceives as volatile.¹¹ This occurs, for example, when a subject is actively resisting arrest but not attacking the officer. The use of chemical sprays¹² to subdue the subject is another option in such a situation. Finally, one agency—the Orange County Sheriff’s Department—allows the use of Tasers in situations that an officer perceives as tactical, such as when a subject is “passively resisting” by not responding to the lawful, verbal commands of the officer.

¹⁰ In their comments on a draft of this report, FLETC officials stated that they believe that to avoid the inconsistency among law enforcement agencies as to where Taser use is placed in the use-of-force continuum, a standardized training program on the use of Tasers is needed. Also, they stated that greater research into safety and deployment guidelines should be conducted by entities not associated with the manufacturer.

¹¹ In commenting on a draft of this report, an official from the Austin Police Department explained that according to departmental policy, the Taser may be used to control a dangerous or violent subject when (1) deadly force does not appear to be justified or necessary, (2) attempts to subdue the subject by other conventional tactics have been or are likely to be ineffective in the situation at hand, or (3) there is a reasonable expectation that it will be unsafe for officers to approach within contact range of the subject.

¹² Typically, chemical sprays are divided into two groups: chlorobrnzylidene malononitrile (tear gas) and oleoresin capsicum (pepper spray).

Table 1: Information Related to Tasers in Use-of-Force Policies for Seven Law Enforcement Agencies

Agency	Separate policy on Taser use?	Taser use incorporated into existing policy?	Other options
Austin Police	No	Yes	Chemical spray/pepper spray and impact weapons
Ohio Highway Patrol	No	Yes	Chemical spray/mace
Orange County Sheriff	No	Yes	Verbal commands
Phoenix Police	No	Yes	Chemical spray/mace
Sacramento Police	No	Yes	Impact weapons
Sacramento Sheriff	No	Yes	Impact weapons
San Jose Police	No	Yes	Chemical spray/mace

Source: GAO analysis of information obtained from seven law enforcement agencies.

Training Requirements

Officials in all seven law enforcement agencies told us that adequate Taser training is critically important in helping to ensure the safe, effective, and appropriate use of Tasers not only by law enforcement officials but also by other non-law enforcement individuals who may be permitted to use Tasers. The officials in these agencies agreed that it is essential to provide such training prior to issuing Tasers to police officers and to other users. They also told us that training only works when weapons are standardized; that is, when weapons are constructed and manufactured in the same way. For example, an official in the Orange County Sheriff’s Department said that

“...it is of paramount importance that officers expect and receive the same results from one Taser to another. Their confidence in the weapon is based on the knowledge that all Tasers will operate the same each and every time and will achieve the same desired results each and every time.”

In all seven agencies, the training cycle begins by disseminating the previously discussed use-of-force policy. Police officers also receive mandatory firearms training. As shown in table 2, three of the agencies we contacted—the Sacramento Police Department, the Sacramento Sheriff’s Department, and the San Jose Police Department—require a minimum of 100 hours of such training; three agencies—the Ohio Highway Patrol, the Orange County Sheriff’s Department, and the Phoenix Police Department—require a minimum of 80 hours; and one agency—the Austin Police Department—requires a minimum of 60 hours. In addition, all seven agencies require Taser-specific training. This training stresses such matters

as how to (1) properly handle the weapon, (2) locate the shot, (3) safeguard the Taser, (4) conduct proper function tests, (5) overcome system malfunctions in a timely fashion, and (6) perform post-Taser deployment actions. Three agencies require 8 hours of Taser training, while three require 5 hours and one requires 4 hours. All seven agencies require officers to demonstrate physical competency with the weapon, and three agencies also require written tests generally consisting of approximately 10 true or false questions related to the application of the use-of-force policy, proper use of the weapon, and appropriate safety measures.

Furthermore, six of the seven agencies required yearly recertification in the use of Tasers. One agency—the San Jose Police Department—does not require yearly recertification for Tasers and is not currently considering the establishment of such recertification. However, an official from the San Jose Police Department told us that the department includes Tasers in its annual use-of-force simulations training in which officers are trained in the use of Tasers that would be considered appropriate in various law enforcement scenarios.

Table 2: Training Requirements in Seven Law Enforcement Agencies

Agency	Firearms minimum training hours	Taser-training provider	Taser training hours	Evaluation criteria	Recertification
Austin Police	60	Taser International and agency	8	Physical and written test	Yearly
Ohio Highway Patrol	80	Agency	5	Physical and written test	Yearly
Orange County Sheriff	80	Taser International and agency	5	Physical test	Yearly
Phoenix Police	80	Taser International and agency	5	Physical and written test	Yearly
Sacramento Police	100	Taser International and agency	8	Physical test	Yearly
Sacramento Sheriff	100	Taser International and agency	8	Physical test	Yearly

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Agency	Firearms minimum training hours	Taser-training provider	Taser training hours	Evaluation criteria	Recertification
San Jose Police	100	Taser International and agency	4	Physical test	No yearly recertification required. (Taser training is included in annual use-of-force simulations training.)

Source: GAO analysis of information obtained from seven law enforcement agencies.

We also discussed with officials from the seven agencies how training other Taser users may differ from training law enforcement personnel in Taser use. All the officials agreed that the length and intensity of training must be increased for users who have no law enforcement experience or firearms training. The officials also stressed that any civilian training curriculum should have a very explicit use-of-force policy. Unlike police officers, civilians are not generally experienced in deciding whether the use of force is justified and, if so, to what extent. Therefore, the officials told us that it should be the goal of any civilian training curriculum to remove the need for independent decision-making as much as possible. Officials from all seven agencies agreed that training for non-traditional law enforcement individuals should involve as many “real life” scenarios as possible so that the trainee understands what level of force is appropriate.

Operational Protocols

The seven law enforcement agencies we contacted have operational protocols, which are written policies and procedures that address and provide guidance on the daily activities of a law enforcement agency’s officers. These protocols address a wide range of issues such as deployment of law enforcement personnel and weapons, inspection techniques, proper use of weapons, and post-incident procedures. Regarding Tasers, the protocols in the seven agencies require, among other things, that Tasers be visually inspected on a daily basis, be appropriately safeguarded, and, in some cases, be tested on a weekly basis or at the beginning of an officer’s shift.

With regard to Taser deployment, three of the seven agencies we contacted issued the Taser to all of their officers. Three of the agencies deployed Tasers only to patrol officers because they were considered to be the most likely personnel to have use for the device during the course of their work. The remaining agency issued Tasers to its patrol officers and members of some specialized police units such as narcotics.

Regarding inspections, all seven agencies we contacted required a daily function test for Tasers. Officials in the seven agencies told us that this test generally consists of visually inspecting the weapon for any signs of damage or unusual wear and tear, inspecting the firing cartridge to ensure that there is no damage or obvious tampering, and checking the battery strength indicator located on the rear of the weapon. Furthermore, one of the seven agencies required that on a weekly basis, officers conduct a test fire of Tasers in which the officer initiates an arcing of the electric probes by pulling the trigger of a Taser that does not contain a firing cartridge. In addition, two of the seven agencies require that each officer conduct such a test at the beginning of the officer's shift. All of the agencies mandated that the Taser be safeguarded in the same fashion as a firearm issued by the agency.

Once the law enforcement agency's internal policies and procedures were satisfied, including compliance with the use-of-force policy, the method and manner prescribed for Taser use did not significantly differ among the agencies we contacted. Officials in the seven agencies stated that the Taser is to be aimed at the center of an individual's largest amount of body mass, which is oftentimes the chest or, in some circumstances, the back. Shots to the neck or face are not advisable unless a significant danger exists to the officer or others, and this area is the only target area presented. All seven agencies we contacted required the officer involved in a use-of-force incident to complete an official form detailing the type of force used. As shown in table 3, three of the agencies required the officer to complete a specific form whenever a Taser was used. These forms included a description of barb placement, the effects achieved, and the subject's behavior before and after the Taser deployment. Following the use of the Taser, all seven agencies required that the subject be restrained, with handcuffs or an emergency restraint belt, to ensure that there would be no further threat of physical aggression.

Table 3: Operational Protocols in Seven Law Enforcement Agencies

Agency	Deployment	Daily inspection	Special inspection	Special incident report for Tasers?	Post-Taser restraint?
Austin Police	Patrol officers and members of some specialized units (e.g., narcotics)	Visual and battery tests	Test fire at the beginning of officer's shift	No	Yes
Ohio Highway Patrol	Full (all officers)	Visual and battery tests	Weekly test fire	Yes	Yes
Orange County Sheriff	Patrol officers (56% of the department)	Visual and battery tests	None	No	Yes
Phoenix Police	Patrol officers (50% of the department)	Visual and battery tests	Test fire at the beginning of officer's shift	No	Yes
Sacramento Police	Patrol officers (57% of the department)	Visual and battery tests	None	Yes	Yes
Sacramento Sheriff	Full (all officers)	Visual and battery tests	None	No	Yes
San Jose Police	Full (all officers)	Visual and battery tests	None	Yes	Yes

Source: GAO analysis of information obtained from seven law enforcement agencies.

Safety Procedures

Officials we interviewed in all seven law enforcement agencies stated that they developed procedures and guidelines to help ensure the safe use of Tasers. The officials told us that they make every effort to use the Taser as safely as possible but cautioned that it can still be dangerous.¹³ As an official from the Ohio Highway Patrol stated, any time a Taser is used,

“...the officer runs the risk of injuring the intended target. A Taser is by nature a weapon and carries with it inherent dangers.”

¹³ For example, of the seven agencies we contacted, two—the Orange County Sheriff's Department and the Sacramento County Sheriff's Department—reported post-Taser use deaths. From 2001 to 2004, Orange County reported that, of the 1,655 individuals on which Tasers were used, four later died. However, toxicology tests conducted by the county coroner revealed that all four subjects had lethal levels of drugs in their systems. Similarly, although Sacramento reported a post-Taser use death, the deceased was later found to have died of a cocaine overdose.

As shown in table 4, the seven agencies' safety guidelines provide that the Taser should not be used on children, pregnant suspects, or near bystanders or flammable liquids. All the agencies we contacted require an emergency room physician to examine the subject in the event of Taser barb placement in the face or neck. The Orange County Sheriff's Department also requires any female subject shot in the breast or groin area to be seen by an emergency room doctor. Six of the seven agencies provide officers with the discretion to remove the barbs themselves or to request that emergency medical technicians (EMT) respond to the scene. Once removed, the barbs should be placed in a "Sharps" container to ensure safe and hygienic disposal.¹⁴ For these agencies, if the officer observes an adverse reaction to the electrical shock, he or she can request that the subject be transported to a local hospital emergency room. No other medical follow-up is required. The remaining agency—the San Jose Police Department—does not provide its officers with the discretion to remove Taser barbs. The San Jose Police Department calls for officers to transport subjects hit with Taser barbs to a hospital so that medical personnel can remove the barbs. Also, San Jose officers do not routinely call EMTs to the scene of Taser use. They do so only if other life threatening needs or medical treatment is needed. If such treatment is not needed, the officer transports the suspect to a hospital for medical clearance prior to being booked in the county jail.

¹⁴ Sharps containers are used for the disposal of needles, syringes, or other sharp objects to guard against exposure to bloodborne pathogens, such as HIV and hepatitis.

Table 4: Safety Procedures in Seven Law Enforcement Agencies

Agency	Avoid using Tasers on or near:^a	Barb removal by officer, EMT, or hospital medical personnel?	Emergency room visit required?
Austin Police	<ul style="list-style-type: none"> • Children, • pregnant suspects, bystanders, and • flammable substances 	Officer's discretion	Impact on face and neck
Ohio Highway Patrol	<ul style="list-style-type: none"> • Children, • pregnant suspects, bystanders, and • flammable substances 	Officer's discretion	Impact on face and neck
Orange County Sheriff	<ul style="list-style-type: none"> • Children, • pregnant suspects, bystanders, and • flammable substances 	Officer's discretion	Impact on face and neck; also breast and groin (female only)
Phoenix Police	<ul style="list-style-type: none"> • Children, • pregnant suspects, bystanders, and • flammable substances 	Officer's discretion	Impact on face and neck
Sacramento Police	<ul style="list-style-type: none"> • Children, • pregnant suspects, bystanders, and • flammable substances 	Officer's discretion	Impact on face and neck
Sacramento Sheriff	<ul style="list-style-type: none"> • Children, • pregnant suspects, bystanders, and • flammable substances 	Officer's discretion	Impact on face and neck
San Jose Police	<ul style="list-style-type: none"> • Children, • pregnant suspects, bystanders, and • flammable substances 	Hospital medical personnel	Impact on face and neck

Source: GAO analysis of information obtained from seven law enforcement agencies.

^aUse of the Taser in these situations is strongly discouraged but in certain exigent circumstances, an officer may use a Taser to prevent loss of life or serious bodily injury.

Some Federal, State, and Local Laws Address Tasers But Requirements Differ

In reviewing various laws, including statutes, regulations, and ordinances, we found that Tasers were addressed in some federal, state, and local jurisdictions. We also found that these jurisdictions had different requirements for regulating Tasers. In some instances, the extent to which Tasers are regulated in these jurisdictions may depend on whether the Taser is classified as a firearm. For example, at the federal level, ATF has not classified Taser as a firearm, which exempts Taser from federal firearms requirements. However, we identified other federal agencies, such as the Army, that have established Taser-related regulations for the possession, use, and sale of Tasers. In addition, TSA has identified the Taser as a prohibited weapon that cannot be brought past airport security checkpoints by unauthorized personnel.¹⁵ TSA also has authority to approve the use of Tasers by flight crews on commercial aircraft. We also found that the state of Indiana and the city of Chicago, Illinois regulate the sale or possession of Tasers by non-law enforcement persons by requiring that the same restrictions that apply to firearms must also apply to Tasers. Other states, such as California, prohibit Tasers from being carried into public facilities such as schools and airports.

¹⁵ In our review of federal, state, and local laws, we found that typically, law enforcement personnel are exempt from requirements that prohibit or restrict the use of Tasers. Thus, under these laws, requirements related to Tasers generally apply to non-law enforcement persons who seek to possess, use, purchase, or sell these devices.

At the federal level, we found that ATF—the federal agency responsible for determining whether a weapon should be classified as a firearm, which would make the weapon subject to federal firearms regulations—does not classify the Taser as a firearm.¹⁶ Thus, the Taser is not subject to any federal regulations regarding the distribution, sale, and possession of firearms. As a result, Tasers can be manufactured and distributed domestically without federal restriction.¹⁷ However, we identified some federal agencies that have established regulations that specifically prohibit the sale, possession, and transfer of Tasers. For example, Army regulations prohibit the sale, possession, carrying, or transportation of Tasers on or within specific installations in Georgia, including Fort Gordon and Fort Stewart, which also includes the Hunter Army Airfield.¹⁸ In addition, TSA has a regulation that prohibits unauthorized individuals from carrying weapons, explosives, and incendiaries beyond airport security checkpoints.¹⁹ To help provide guidance in implementing its regulation, TSA has developed a chart outlining specific items that are prohibited in carry-on baggage and has identified Tasers as a prohibited weapon. TSA also has broad authority under the Aviation and Transportation Security Act, as amended by Section 1405 of the Homeland Security Act of 2002, to approve the use of less-than-lethal weapons by flight deck crew members, as long as the TSA Secretary prescribes “...rules requiring that any such crew member be trained in the proper use of the weapon...” and “...guidelines setting forth the

¹⁶ In general, a device is classified as a firearm when it “expel[s] a projectile by the action of an explosive.” 18 U.S.C. § 921 (a)(3)(A). Because the original Taser used gunpowder to fire electrical barbs, the ATF in 1976 ruled that Taser was a firearm, “ [s]ince the projectiles are expelled by the action of an explosive...” ATF Rul. 76-6. However, in 1994, ATF examined a different model Taser—Taser Model 34000—and determined it not to be a firearm “...based on the fact that the device...does not expel a projectile by the action of an explosive...” Also, neither the M-26 nor the X-26 Model Taser is classified as a firearm because they do not expel projectiles by means of an explosive. Instead of gunpowder, they use a combination of a battery and nitrogen cartridges to fire the barbs.

¹⁷ The United States regulates Taser export sales. Licenses must be obtained for all export shipments (excluding those to Canada) from the United States Department of Commerce. 15 C.F.R. pt. 774, Supp. 1 (2004).

¹⁸ 32 C.F.R. §§ 552.127 and 552.101 (2003).

¹⁹ 49 C.F.R. § 1540.111 (2004). Some individuals, such as police officers, U.S. marshals, and federal agents may be authorized to carry weapons, explosives, and incendiaries beyond airport security checkpoints when they are performing law enforcement duties. For example, a U.S. marshal may carry a weapon when transporting a prisoner by air.

circumstances under which such weapons may be used.”²⁰ Based on this authority, in October 2004, TSA approved a request from Korean Airlines that specially trained cabin attendants be permitted to use Tasers on commercial flights in U.S. airspace. TSA officials told us they anticipate that in the future, other airlines will also submit requests to deploy less-than-lethal weapons.

In reviewing various state and local laws, we identified some state statutes and municipal ordinances that specifically regulate the sale or possession of Tasers by non-law enforcement persons within their state or municipal boundaries. For example, in the state of Indiana, Tasers are subject to the same licensing requirements as other handguns.²¹ Therefore, in order to lawfully possess a Taser in Indiana, prospective purchasers are required to meet certain license requirements and consent to a criminal history background check.²² In addition, dealers in Indiana cannot sell a Taser until after requesting and receiving criminal history information on prospective purchasers.²³ Similarly, in Chicago, Illinois, prospective purchasers are required to obtain a permit to lawfully purchase Tasers.²⁴ Also, in the state of Pennsylvania and the city of Wilmington, Delaware, it is unlawful for non-law enforcement persons to manufacture, make, sell, or possess a Taser.²⁵ In addition, individuals in various states, including California, Illinois, and Virginia, are prohibited from carrying Tasers in such areas as airports, courthouses, schools, prisons, or public buildings.²⁶

²⁰ See 49 U.S.C. § 44903(i) (2001). In 2001, the Aviation and Transportation Security Act directed the National Institute of Justice (NIJ) within the Department of Justice to assess the range of less-than-lethal weaponry available for use by flight deck crew members to incapacitate an individual who represents a clear and present danger to the safety of the aircraft, its passengers, or individuals on the ground and to make this report available to TSA for review. NIJ conducted its review and determined that stun devices, specifically Tasers, were the most viable less-than-lethal option for aviation security. As part of its review, NIJ stated that any weapon chosen should be in current use by law enforcement agencies to ensure that it has been tested and proven.

²¹ Ind. Code Ann. § 35-47-8-4 (Michie 2004).

²² Ind. Code Ann. §§ 35-7-2-1 and 35-7-2.5-3 (Michie 2004).

²³ Ind. Code Ann. § 35-47-2.5-4 (Michie 2004).

²⁴ Chicago, Il. Municipal Code, § 4-144-010 (2005).

²⁵ 18 Pa. Cons. Stat. Ann. § 908(a) (2004); Wilmington, De. City Code, § 36-161 (2004).

²⁶ Cal. Penal Code §§ 171.5 and 171b; 720 Ill. Comp. Stat. Ann. 5/31A-1.2 (2004); and Va. Code Ann. §§ 18.2-287.01 and 18.2.308-1 (2004).

Concluding Observations

The seven law enforcement agencies we contacted have established policies and procedures to attempt to ensure proper use of Tasers. Specifically, the agencies employ use-of-force policies, training requirements, operational protocols, and safety procedures, although specific practices vary from agency to agency. For example, the seven agencies place the threshold at which Taser use may be deemed appropriate at three different levels on their use-of-force continuums. However, even when these policies are strictly enforced, each situation in which a Taser may be used is unique. An officer must rely on prior experience and training and exercise good judgment to determine whether using the Taser constitutes an appropriate level of force. Consequently, officials in the seven law enforcement agencies we contacted stressed that proper training is essential for successful deployment. If Taser use becomes more widespread, particularly among non-law enforcement personnel who have little or no firearms experience, we believe that this training will become even more critical for safe, effective, and appropriate use of the weapon.

Agency Comments and Our Evaluation

We received written comments on a draft of this report from TSA, which are included in appendix II. In its comments, TSA stated that it generally concurred with the information in the report. Also, TSA stated that it agreed that training and oversight are essential for the use of Tasers. In addition, TSA discussed its authority to approve the use of less-than-lethal weapons by air carriers. Among other things, TSA explained that under the Aviation and Transportation Security Act, as amended by Sec. 1405 of the Homeland Security Act of 2002, air carriers are to contact TSA to request permission to carry less-than-lethal weapons aboard their aircraft. TSA would review the air carrier's request as well as the training program that the air carrier would provide for the proposed use of the weapon. After TSA approves the air carrier's request, an amendment to the air carrier's security program must be made to allow for the weapon's use while the aircraft is in flight. Requirements could also be mandated for storage of the weapon while the aircraft is standing at an airport. Furthermore, TSA stated that it has received a number of requests from air carriers as they attempt to enhance aircraft security and will continue to evaluate such requests and review training programs provided by air carriers. In addition, TSA and FLETC provided technical comments that we incorporated into this report where appropriate.

We also received comments from Taser International and the seven law enforcement agencies we contacted. They generally agreed with the information in the report. In addition, Taser International and three of the seven law enforcement agencies—the Austin, Texas, Police Department; the Phoenix, Arizona, Police Department; and the San Jose, California, Police Department—provided some technical comments that we incorporated into this report where appropriate.

As agreed with your office, unless you announce the contents of this report earlier, we will not distribute it until 30 days after its issuance date. At that time, we will send it to the Chairmen and Ranking Members of the Senate Committee on Homeland Security and Governmental Affairs and the House Committee on Government Reform. We will also send it to the Chairman and Ranking Member of the House Committee on Homeland Security and the Ranking Member of the Subcommittee on National Security, Emerging Threats and International Relations, Committee on Government Reform. We will also provide copies to the Secretary of the Transportation Security Administration and will make copies available to others upon request. In addition, the report will be available at no charge on the GAO Web site at <http://www.gao.gov>. Key contributors to this report are listed in appendix III. If you or your staff have any questions concerning this report, please contact me at (202) 512-7455 or at cramerr@gao.gov.

Sincerely yours,



Robert J. Cramer
Managing Director, Office of
Special Investigations

Objectives, Scope, and Methodology

For this report, our first objective was to obtain information on the policies and procedures related to the issues of use of force, training, operations, and safety for selected law enforcement agencies that have purchased and used Tasers. We conducted this work for the purpose of providing information about the policies, procedures, and practices these agencies use to help ensure safe and successful deployment of the Taser. We did not attempt to draw conclusions about whether Tasers are in fact safe. Our second objective was to obtain information on federal, state, and local laws that specifically address Tasers, including the Transportation Security Administration's (TSA) authority to regulate Tasers on aircraft.

To address the first objective, we used Taser International Incorporated's (Taser International) customer database to identify all U.S. law enforcement agencies that had purchased Tasers. As the sole manufacturer of Tasers, Taser International maintained the only centralized database from which we could obtain this information. Around the time we began our work in May 2004, Taser International reported that a total of over 7,000 law enforcement agencies had purchased Tasers. Time constraints would not permit us to contact all these agencies. Thus, we determined that the most reasonable approach for selecting law enforcement agencies to contact would be to focus on those agencies that had the largest number of Tasers for the longest period of time. To do this, we identified two key data elements for each agency—the date that the agency made its first Taser purchase and the total number of Tasers that the agency purchased. In identifying the initial Taser purchase date, we were able to determine how long ago various agencies had begun buying Tasers. We focused on this date because we determined that by the time we began our work, the agencies that had made the earliest Taser purchases would have been more likely to have established policies and procedures to help ensure the safe and appropriate use of Tasers.

In addition to the initial purchase date, we identified for each agency the total number of Tasers that they had purchased. We determined that those agencies that purchased a significant number of Tasers would have been more likely to deploy them widely, which increased the chances that more law enforcement personnel would have used Tasers in training and field situations. As such, we reasoned that to help ensure that Tasers would be safely and appropriately used, law enforcement agencies would take steps as quickly as possible to establish Taser-related policies and procedures.

Using these two data elements, we identified seven law enforcement agencies that had deployed the largest number of Tasers for the longest

period of time. These agencies were the Austin, Texas, Police Department; the Ohio Highway Patrol; the Orange County, Florida, Sheriff's Department; the Phoenix, Arizona, Police Department; the Sacramento, California, Police Department; the Sacramento, California, Sheriff's Department; and the San Jose, California, Police Department. Our efforts in selecting the seven agencies constituted a case-study approach. Because we conducted case studies rather than a statistical survey, the results of our work can be applied only to the seven agencies we contacted; our work results cannot be applied to all law enforcement agencies that, according to Taser International's data, have purchased Tasers.

With the assistance of GAO methodologists, we drafted a series of questions related to use-of-force policies, training requirements, operational protocols, and safety procedures. We asked officials in all seven agencies the same questions to ensure that we could compare their responses.

To address the second objective, we researched various federal and state laws, including statutes and regulations, to determine whether Tasers are regulated at the federal and state levels. In addition, we reviewed information obtained from the Department of Justice's Bureau of Alcohol, Tobacco, Firearms, and Explosives on local ordinances that regulate Tasers. Also, we researched various published local ordinances to determine whether Tasers are regulated at the local level. In addition, we reviewed the Aviation and Transportation Security Act to ascertain federal requirements for approving the use of Tasers onboard aircraft.

We conducted our work from May 2004 through February 2005 in accordance with quality standards for investigations as set forth by the President's Council on Integrity and Efficiency.

Comments from the Secretary, Transportation Security Administration

U.S. Department of Homeland Security
Washington, DC 20528



**Homeland
Security**

April 22, 2005

Mr. Robert J. Cramer
Managing Director
Office of Special Investigations
U.S. Government Accountability Office
Washington, D.C. 20548

Dear Mr. Cramer,

The Department of Homeland Security's Transportation Security Administration (TSA) would like to thank the Government Accountability Office (GAO) for the study entitled, "*TASER WEAPONS: Use of Tasers by Selected Law Enforcement Agencies*," GAO-05-464 (Job Code 601268). TSA generally concurs with the study and agrees that training and oversight are essential for this program.

Under the authority of the Aviation Transportation Security Act (ATSA), as amended by Sec. 1405 of the Homeland Security Act of 2002, TSA requires that an air carrier contact the TSA for permission to carry Less Than Lethal Weapons (LTLW) aboard their aircraft, after which TSA would review the request by an air carrier for the deployment of a LTLW on the aircraft. TSA would also review the training program provided by that air carrier for the use of the proposed LTLW. After TSA approves an air carrier's application for the deployment of LTLW, an amendment to that air carrier's security program must be made that allows for use of the LTLW while the aircraft is in flight. Particular requirements could also be mandated for storage of the LTLW while the aircraft is standing at an airport.

TSA has received a number of applications from air carriers as they attempt to enhance the security of their commercial aircraft through means in addition to a reinforced flight deck access door or governmental agents who may be armed with lethal weapons. TSA will continue to evaluate requests and review training programs provided by commercial air carriers as they attempt to enhance the security of their passengers and aircraft.

Thank you again for your work in this area. For further information from TSA on this report, please contact TSA public affairs at (571) 227-2829.

Sincerely,

A handwritten signature in black ink that reads "Steven J. Pecinovsky".

Steven J. Pecinovsky
Acting Director
Departmental GAO/OIG Liaison Office

www.dhs.gov

GAO Contact and Staff Acknowledgments

GAO Contact

Robert J. Cramer, (202) 512-7455

Acknowledgments

In addition to the individual named above, Jennifer Costello, Richard Egan, Joseph Funk, Barbara Lewis, Latesha Love, John Ryan, and Barry Shillito made key contributions to this report.

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