

## Electrical Storm

by David Griffith June 2002

*Human rights groups and the media implicated Tasers in three recent in-custody deaths, but the autopsies told different stories.*



The week before Christmas tragedy befell 27-year-old Marvin Hendrix of Hamilton, Ohio. That morning he was at his girlfriend's residence when he started vomiting blood. She called 911 and paramedics arrived to find Hendrix combative and violent. They summoned the police. Hamilton PD officers arrived around 8 a.m., and they couldn't control Hendrix either. So they decided to stun him with an Advanced Taser M26. Hendrix was shocked twice with the device in touch stun mode, restrained, and placed in an ambulance for transport to the hospital. In the ambulance, he went into cardiac arrest and died later at the hospital. The Hendrix case would probably not be notable in national law enforcement circles, except for one thing: it wasn't an isolated incident.

Within 90 days, police in Hamilton, Ohio; Philadelphia; and Hollywood, Fla., had all experienced in-custody fatalities involving the Advanced Taser M26. And representatives from human rights groups and even some members of the law enforcement community were asking questions about the safety of the latest generation of less-lethal electrical weapons.

### Not Rodney's Taser

One of the many things that went bad for officers of the Los Angeles Police Department on the night of the Rodney King incident was their Tasers failed to subdue King, even after two bursts. The rest is history.

It's a history that dogged the Taser industry for some time. And it led to the widely spread police myth that the early Tasers didn't work. According to Capt. Sid Heal of the Los Angeles Sheriff's Department, the early Tasers were actually quite effective in some cases. "When we first got them, we were pretty impressed," says Heal, an internationally noted expert on less-lethal weapons. "But then drugs—especially mind-altering drugs like PCP that reduce the pain threshold, and cocaine and central nervous system stimulants—gave individuals the ability to overcome the things that would debilitate a normal human being."

Capt. Greg Meyer of the LAPD adds that the 11-watt Taser the LAPD used in the early '80s was much more effective than the later 7-watt model. "It was very successful at dropping violent PCP suspects on hundreds of occasions," says Meyer.

But the 7-watt Taser clearly wasn't as effective on hopped-up suspects, as revealed by the King incident. And Taser manufacturers also soon learned that you didn't even have to be drugged to withstand a 7-watt stun gun.

In 1998 when Taser International first began marketing its products to law enforcement, the company was embarrassed by several incidents during demonstrations of its 7-watt Air Taser 3400. The last straw came at a police training demo featuring Hans Marrero, a former Marine Corps gunnery sergeant and unarmed combat instructor. "I shot him with it, and he turned around and looked at me," says Stephen Tuttle, Taser International's director of government affairs. "He said, 'That's a pretty good weapon. If you'd shot me by surprise, you might have had a chance of taking me down.'"

The raucous laughter of police ringing in his ears, Tuttle went back to his office and met with the owners of the company. "We'd learned that someone really focused could fight through a 7-watt system. We had a field success of 86 percent [with the Air Taser], but we had just seen one of the top 14 percenters. We knew we had to find something to stop guys like that."

That something was the Advanced Taser M26. The 26 stands for the wattage output of the device. It's more than three times more powerful than the company's Air Taser, and Tuttle says no elite soldier or SWAT officer has ever been able to withstand its punch. He's backed up by Marrero who is quoted in Taser International's advertising as saying nothing, not even a hand grenade blast, has ever prevented him from completing his mission until the 26-watt Taser.

Since introducing its Advanced Taser M26 in late 1999, Taser International has sold the weapon to 1300 agencies. And even its chief competitor Taser Technologies, which long resisted increasing the wattage on its Tasertron brand units, now offers the TE95HP, a 22-watt unit, and is launching a newer, more powerful model. See "The Modular Taser," on page 36.

According to the manufacturers, these super Tasers offer police nearly 100-percent takedown power to a range of 21 feet. But are they too powerful? Barnett Resnick, CEO of Taser Technologies, doesn't think so. "Based on the medical studies that I've seen, I'm not concerned that [the 26-watt Taser] is too powerful. We had an [11-watt] Taser in use with the LAPD from 1986 to 1992, and there were no deaths attributed to it," he says.

So why then did Marvin Hendrix of Hamilton, Ohio, die after being hit with the Advanced Taser M26? The answer is complex and it involves a quick peek into Hendrix's activities the morning of Dec. 17, approximately seven hours before his death.

### **Behind the 8-Ball**

Coroner's reports from Butler County, Ohio, show that Marvin Hendrix had two encounters with the Hamilton PD on the day of his death. The first was a traffic stop at around 2 a.m..

When Hendrix was pulled over, he had in his possession an "eight-ball" (one-eighth of an ounce) of cocaine in a plastic bag. Not wanting to be arrested for the coke, Hendrix disposed of it in the only way he knew he could without it being discovered by the police. He swallowed it.

Unfortunately for Hendrix, the bag that contained the cocaine was composed of a semi-permeable plastic that allowed the drug to leach into his system even though it was still sealed when a medical examiner retrieved it from his small intestine at autopsy. The result, according to Butler County Coroner Dr. Richard Burkhardt, was that Hendrix died from the effects of a cocaine overdose.

Cocaine overdose has long made coroners scratch their heads. Because cocaine metabolizes so quickly in the human body, there's no known overdose measurement. It's also unclear how other factors magnify the effects of the cocaine. Cocaine is toxic to the heart and the brain; it has a tendency to raise the user's blood pressure, and it can cause dangerously irregular heartbeats called cardiac arrhythmias. All of these factors make being arrested a very dangerous thing for a cocaine user.

"When you get excited, like you would when you're being arrested, it will send up your own native adrenaline," Burkhardt explains, adding that adrenaline and cocaine are a very bad mix. "When the adrenaline reacts with the cocaine, you can get cardiac arrhythmia. That's why cocaine toxicity is not necessarily dose related."

The potential effect of excitement and other factors on cocaine users is also why Burkhardt stops just short of giving the Taser a clean bill of health with regard to the death of Marvin Hendrix. "Because of his behavior and the presence of cocaine and cocaine metabolites in his blood and urine, we ruled that cocaine was the primary contributor to the man's death," says Burkhardt. "But I don't know if the Taser contributed to the effects of the cocaine on his heart."

### **The Stratbucker Studies**

The man who does claim to know the effects of Taser shocks on the human heart and whether or not they magnify the effects of cocaine and other drugs is Dr. Robert Stratbucker, a pioneering researcher in the field who is now medical director for Taser International. Stratbucker is a cardio electrophysiologist who has conducted several Taser experiments on animals, including most recently a 1999 study using the Advanced Taser M26.

In that study conducted at the University of Missouri's cardiothoracic surgery research section, Stratbucker and assistant professor Wayne McDaniel attempted to trigger ventricular fibrillation (a potentially fatal cardiac rhythm disturbance) in anesthetized dogs. The dogs, at about 50 pounds each, were much smaller than adult humans. Yet, even simultaneous bursts from two 26-watt Advanced Tasers did not cause ventricular fibrillation.

The Stratbucker and McDaniel studies also addressed the issue of whether Taser attacks magnify the effects of drugs on the heart. Ketamine (an animal tranquilizer very similar to PCP) was administered to the test dogs. Although ketamine has been known to cause sudden cardiac death and the dogs were given toxic amounts of the drugs, the Taser bursts did not trigger cardiac events. The same results were also reported in experiments involving drugs that elevate heart rate and markedly raise or lower blood pressure.

Finally Stratbucker and McDaniel were curious about the effects of Taser energy applied directly to the heart. So they inserted hypodermic needles into the dogs far enough to make contact with their beating hearts, wired the needles to Taser probes, and pulled the trigger. They did this multiple times and did not cause ventricular fibrillation.

Stratbucker and McDaniel concluded: "With the application of a Taser weapon, the principal risk had been thought to be the induction of ventricular fibrillation in the subject. Here we purposely attempted to create the highest risk scenarios we could envision in real-life field settings, and still failed to induce ventricular fibrillation with external application of the Taser emissions in experimental animals much smaller than adult humans. Therefore, it may be inferred that the risk of inducing ventricular fibrillation by the surface application of an Advanced Taser to a human is very small."

Case closed.

Not so fast, say some human rights groups who have called for independent research into the effects of the Taser on humans. Amnesty International, in particular, has asked for a moratorium on the use of Tasers as a less-lethal police weapon until their effects can be further studied. And recently the Pennsylvania chapter of the American Civil Liberties Union (ACLU) took up the cause following a February in-custody death in Philadelphia.

Neither organization consented to an interview for this article. Nor has the Pennsylvania ACLU gone on record regarding the case since the police and the Taser were determined not to be at fault.

Further, despite arguments from police experts who say the claims of Amnesty and the ACLU regarding Tasers and other less-lethal weapons hold no scientific water, the media turns to these sources immediately following such incidents. Then they sing the same old tune, and the Taser gets blamed in the front-page headlines. Such was the case in Philadelphia.

Until the autopsy.

### **Philadelphia Story**

On Feb. 2, Philadelphia police responded to the home of Anthony Spencer, 35, and a hefty 6 feet, 280 pounds. Spencer was standing outside his home naked in the 22-degree weather, and he was armed with an open 7-inch folding knife. The officers tried to subdue the ranting Spencer with pepper spray. When that failed, they used an M26, which worked. Spencer was cuffed and placed in a patrol wagon. He was conscious at the time of his arrest but died on the way to the hospital.

Descriptions of Spencer's behavior would lead most people who know the effects of cocaine overdose to believe that he was suffering from cocaine psychosis and hyperthermia (overheating). And indeed, such were the findings of the Philadelphia medical examiner's office.

Taser International's Tuttle says he was never worried about the Pennsylvania ACLU's call for removing Tasers from the arsenal of the Philly PD. "When you have an in-custody death involving Tasers, the word electricity is attached to it and it's high-tech stuff. So it always comes up [in the press] that the Taser killed the suspect," he says. "I don't panic in these situations. I go to the police department involved and ask for the specifics."

What Tuttle most wants to know is the time that elapsed between the subject's cardiac arrest and the Taser burst. "Some are 30 minutes later, some five, and some 10 minutes later. Right there that gives me an indication that we are going to get preliminary clearance. Electricity generally kills only when it's on. You don't die 15 or 30 minutes later," he says. Stratbucker agrees, adding that if the Taser were at fault in an in-custody death, the prisoner would go into cardiac arrest seconds after being shot with a Taser, not minutes.

As further evidence to Taser safety, Tuttle points to the fact that police training programs require officers who carry Tasers to be zapped with the weapon. To date, thousands of officers have been tasered and no lasting effects or cardiac incidents have been reported.

### **The Entrada Motel**

Of course it can be argued that most people who are shot with Tasers tend to be considerably less healthy than the police officers who are zapped in training. Such was the condition of 31-year-old Vincent Del Ostia, who died recently in the custody of the Hollywood (Fla.) Police Department. By all accounts Del Ostia was not a healthy man. He had a long history of drug abuse, and he had a tracheotomy, so it was difficult for him to communicate.

On the afternoon of Jan. 27, Hollywood PD officers were dispatched to the Entrada Motel. The manager had called 911 because a man was out of control in the motel lobby. Police arrived to find Del Ostia raging, violent, and moaning. The officers ordered Del Ostia to stand still, get on his knees, and put his hands behind his back, so that they could cuff him and take him into custody. He failed to comply with any of their commands.

Instead of going hand-to-hand with Del Ostia, the officers brought out the M26. What exactly happened after that is not entirely clear. It's not even 100-percent certain that Del Ostia ever received a burst from the Taser. It's believed that the first shot from the weapon was ineffective because Del Ostia was only struck with one of the probes. (In most cases, a subject must be struck with both probes to complete the circuit and achieve the desired effects.) Del Ostia was eventually subdued either by a second Taser shot or by a swarm of police officers.

Del Ostia was handcuffed and he started gasping for air and lost consciousness. The police then called the Rescue Squad who attempted at no avail to revive him. He died at the hospital.

In April, the Hollywood Medical Examiner's office ruled that Del Ostia died due to cocaine overdose. Hollywood PD spokesperson Lt. Anthony Rode wasn't surprised by the findings. "From the get-go we believed that [Del Ostia's death] was not a result of the M26 Taser," he says. "Hollywood PD has 60 to 70 of these Tasers in use. We've used them multiple times, and we've never had so much as a minor laceration."

### **Injury Prevention**

Tasers have been effectively cleared in all of the recent in-custody deaths involving use of the stun gun. Further, less-lethal weapon experts such as the L.A. Sheriff's Department's Heal say there are no documented cases of a Taser being identified as the primary cause of death in a police or civilian incident. But they add that even if there

were a few documented cases of “death by Taser,” that shouldn’t preclude the use of the device because no less-lethal weapon is perfect and the Taser has a history of preventing injuries to police and suspects.

Consider the following: in April, the Glendale (Ariz.) Police Department executed a high-risk traffic stop of a suspected carjacker in the parking lot of a Circle K convenience store. Officers ordered the subject to the ground three times. He remained standing and spewing obscenities at the police who wondered if he had a weapon.

“He had become what we call an ‘active aggressor,’” says Sgt. Stephen Hadley of the Glendale PD. “We knew that if we went up and went hands on with him in a polyester pileup that the fight was going to be on.”

A decision was made to deploy an Advanced Taser M26. Accompanied by an officer carrying lethal cover and unseen by the suspect, who was effectively blinded by the takedown lights and the spotlights of the police vehicles, an officer went forward with the Taser and took the shot. The suspect fell to the broken pavement of the convenience store parking lot cutting his chin, and he was taken into custody. His wound required two stitches.

Hadley says the outcome could have been much different and much worse for the suspect and the police. “We had a K9 unit with us, and if we had deployed the K9, he definitely would have been hurt. He would have had bite marks on him in several places,” Hadley explains.