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## **MYTHS, REALITY, TASER WEAPON USE AND PUBLIC POLICY**

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### **INTRODUCTION**

This paper explores public policy issues related to Taser weapon use by police officers. It asks questions about the justification for issuing police with Taser weapons in the light of their actual use in Western Australia between 2007 and 2009. The answers to these questions have important public policy implications for police Taser weapon use policy.

### **Taser weapons as an alternative to lethal force**

Justification for issuing police with Taser weapons is typically based on the notion that Taser weapons are a better alternative to firearms. For example, in an article in the *WAPOL News* of August 2009, WA Police Commissioner, Karl O'Callaghan commented that:

*...The feedback from police on Tasers as a tool has been enormously positive. They save lives. If you make a mistake with a Taser it's much better than making a mistake with a (firearm)...*

The logic of Commissioner O'Callaghan's observation would be compelling if Taser weapons were actually used as an alternative to firearms. But they are not. In fact, whatever the public discourse, police services do not primarily issue police with Taser weapons as an alternative to firearms.

Examination of the threshold for firearms use and Taser weapons use highlights this fact. Australian police are only empowered to use firearms in response to bona fide threats to life. But they can use Taser weapons when much less than life is at risk. This is demonstrated in table 1.

<b>Jurisdiction</b>	<b>Used by</b>	<b>Threshold</b>
Western Australia	General duties	Real and imminent risk of serious harm
New South Wales	General duties	To protect people when violent confrontation or resistance is occurring or imminent
Queensland	General duties	To prevent serious injury to a person
Victoria	Only by Special Operations Group	Situations of violent and serious physical confrontation or when such confrontation is imminent
Northern Territory	General duties	Situations in which there is a real and imminent risk of serious harm
South Australia	About to be rolled out to General duties	For the protection of members of SAPOL, offenders and the community while disarming or apprehending a person armed with a weapon
Tasmania	Only by Special Operations Group	Other less lethal options must be considered first
Australian Capital Territory	Only by Advanced Warrant Team	To prevent physical injury and a less forceful option is unreasonable

**Table 1: Comparison of Taser weapon thresholds**

The real questions, therefore, have little to do with whether it is better for police to make a mistake with a Taser weapon than a firearm. They have much more to do with whether it is better for police to make a mistake with a Taser weapon than, say, pepper spray or handcuffs.

These questions are not so easily addressed. Nor are they very often publicly debated. They are important public policy questions that ought not to be glossed over by relying on the Taser weapons are better than firearms mantra.

### **What happens to other force options when Taser weapons are introduced?**

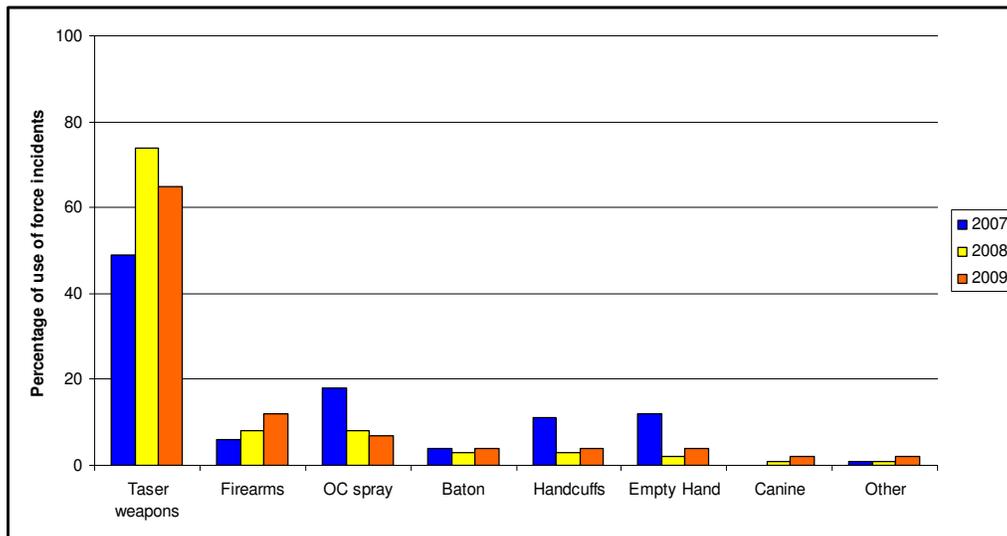
If Taser weapons are a better alternative to firearms then their introduction ought logically to result in a reduction in firearms use by police. The Western Australian experience is the opposite of this. Taser weapons were introduced for the general use of police officers in WA in June 2007.

In the period 2007 to 2009, Taser weapon use in 'use of force incidents' went from 49% in 2007 to 74% in 2008 and 65% in 2009. In that same period firearms use went from 6% in 2007 to 8% in 2008 and 12% in 2009. That is, simultaneously with Taser weapon use going up by 51%, firearms use doubled.

Predictably, given the actual role of Taser weapons in the force options open to police, the use of other force options declined:

- Pepper spray went from 18% in 2007 to 8% in 2008 and 7% in 2009 - a reduction of 61%.
- Handcuff use went from 11% in 2007 to 3% in 2008 and 4% in 2009 – a reduction of 67%.
- Empty hand techniques went from 12% in 2007 to 2% in 2008 and 4% in 2009 – also a reduction of 67%.
- Baton use, canine use and 'other' use remained relatively unchanged.

These data are depicted in figure 1 below.



**Figure 1: Types of force used by WAPOL officers 2007 – 2009**

These statistics are compelling evidence that police use Taser weapons as an alternative to pepper spray, handcuffs and empty hand techniques. They do not use them as an alternative to firearms. Interestingly, they also do not use them as an alternative to batons.

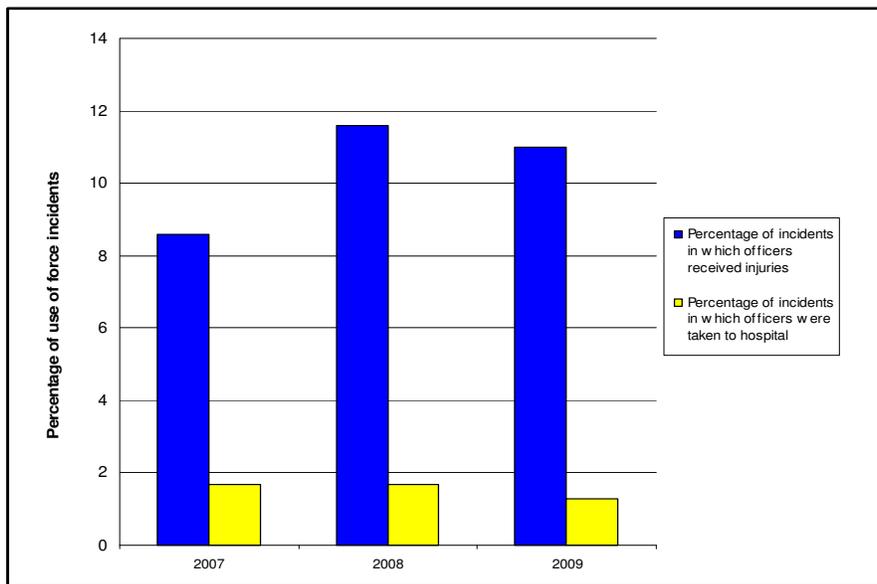
That they are not used as an alternative to batons highlights another red herring that is sometimes advanced in the Taser weapon use discourse. Batons are typically used against people's joints - their knees and elbows. They break these joints often enough, causing real and permanent damage.

The fact that Taser weapons do not typically cause lasting damage is sometimes cited as a reason why Taser weapons are preferable to batons. There would be merit in this argument if Taser weapons were actually used as an alternative to batons. But the fact is that they are not.

## Do Taser weapons reduce injuries?

A critical argument in the rationale behind providing police with Taser weapons is that they reduce injuries. In the end it probably matters little what alternative force options Taser weapons replace if their introduction results in fewer injuries. But the Western Australian experience does not support this proposition either.

In 2007, police officers received an injury in 8.6% of use of force incidents. This increased to 11.1% in 2008 and declined slightly to 11% in 2009. That is, overall injuries to police increased by 22% from 2007 to 2009. The number of police who sustained injuries requiring hospitalisation, as a proportion of use of force incidents remained stable – in 1.7% of incidents in 2007; 1.7% of incidents in 2008 and 1.3% of incidents in 2009. These statistics are illustrated in figure 2, below.



**Figure 2: Injuries sustained by officers as a result of incidents involving a use of force**

The fact that police injuries went up at the same time as Tasers were introduced is interesting. This needs to be monitored to see if there is an association, and if so, thought given as to what explains it.

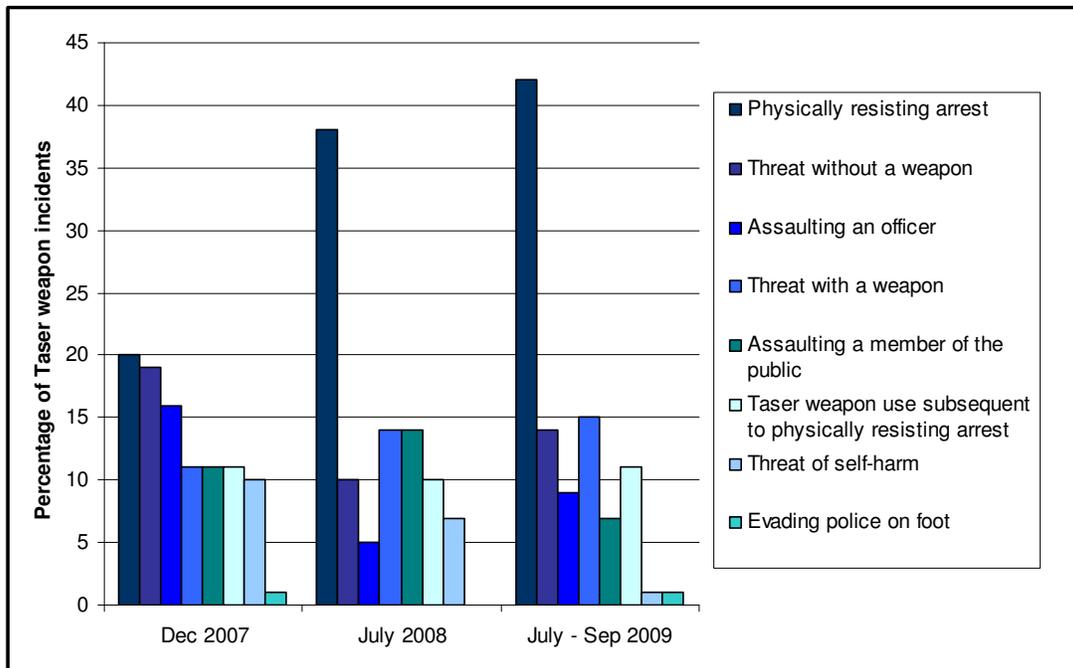
## In what circumstances do police use Taser weapons?

Perhaps the most interesting statistics from Western Australia relate to the circumstances in which police use Taser weapons.

Analysis of the reasons for Taser weapon use within three specified time periods of December 2007, July 2008 and July to September 2009 demonstrates that some reasons for use increased, some decreased and others remained relatively stable:

- Use to prevent self-harm declined from 10% of uses in 2007, to 7% in 2008, to 1% in 2009.
- Use to prevent assault of a police officer and as a result of a threat with a weapon both declined significantly from 2007 to 2008 and then increased again in 2009.
- Use to prevent assault of a member of the public increased between 2007 and 2008 and then declined again in 2009.

By far, the most significant trend was the increase in use against people who were physically resisting arrest – from 20% in December 2007, to 38% in July 2008, and 42% between July and September 2009. That is, use for this reason more than doubled (see Figure 4).



**Figure 4: Reason for Taser weapon use 2007 to 2009**

There is no logical basis to believe that people resisting arrest between July and September 2009 were somehow more violent, or more likely to cause injury, than people who resisted arrest in December 2007. Indeed, data relating to injuries does not support these hypotheses.

Given these data relate to percentages, neither do they indicate an increasing trend over the periods for police officers to be confronted by violent situations.

It is therefore appropriate to ask why this trend occurred.

The most logical answer appears to be that, over these periods police increasingly used Taser weapons to control relatively less violent confrontations. That is, Taser weapon use became increasingly more prominent in circumstances where the risk of injury was less likely.

Simply stated, the data show a trend of police officers using Taser weapons for compliance. It is probable that using Taser weapons for compliance was mixed up with using them to prevent injury. Compliance and injury prevention are not mutually exclusive. Overlap between the two is likely to occur often.

But the fact that overlap exists does not mean that the compliance considerations can be ignored. At issue is whether the dominant consideration was compliance or injury prevention. These data indicate a trend to compliance, rather than injury prevention, being the dominant consideration.

The CCC’s analysis of the justification used by police officers for using Taser weapons in a number of cases supports this ‘compliance as the dominant consideration’ argument. A related issue emerging

from that analysis is that police officers may not properly understand the difference between the two, or worse, are versed in advancing the injury prevention argument to justify Taser weapon use for compliance.

A particularly graphic illustration of this was the multiple Taser weapon deployment against Mr Spratt in the Perth Watch House. There are others.

### **Public policy questions**

The public debate about police Taser weapon use tends to centre on whether Taser weapons kill people, and their relative merits as an alternative to firearms. Their relative merits as an alternative to baton use also sometimes features in this debate.

This debate is ill-informed.

Notwithstanding that the question of whether Taser weapons kill people is an issue that is far from settled, it ought not be overlooked that the likelihood of them causing death is, in the end, small. There is no compelling West Australian data about Taser weapon-related deaths that is likely to lead to significant policy shifts.

However, there is a significant, valid public policy question related to why police use Taser weapons:

- If the justification for issuing police with Taser weapons is that they are a better alternative to firearms and/or batons, should their use be restricted to circumstances in which firearms and/or batons would otherwise be used?

Most police services appear motivated to answer this question in the negative. This raises the issue of the circumstances in which Taser weapons are actually used. It is much more likely that Taser weapons will be used as an alternative to handcuffs, pepper spray or empty hand techniques, and for compliance.

A fair question, again with significant public policy implications, is:

- Does the wider community accept the proposition of issuing police with Taser weapons to replace handcuffs, pepper spray and empty hand techniques (or at least would it, if it was properly informed)?

This question has never been substantively debated.

The community's answer might well be 'yes'. But, what if it is 'no'?

- If it is 'no', what is the argument in favour of issuing police officers with Taser weapons?

It seems unlikely that the wider community would accept police using Taser weapons for compliance. In Western Australia, for example, in response to the CCC's report about this issue and the Spratt incident, WA Police raised the Taser weapon use threshold from the mere threat of injury to the threat of serious harm. This, at least, ought to ensure that safety considerations dominate compliance considerations when deciding to use a Taser weapon. But is this fair?

- In a community in which amphetamine-based drugs are readily available, and apparently widely used, and in which police services emphasise intelligence over brawn when recruiting police officers, is it realistic to expect police officers to gain compliance by traditional techniques based on verbal interaction?
- If the answer to that question is 'no', what effective alternatives to Taser weapons to gain compliance do police have at their disposal?

Against that, what are the consequences for the community and its police services if police resort to Taser weapons to gain compliance? For example:

- Does the Taser weapons for compliance approach necessarily inevitably lead to the Spratt incident?
- In the Taser weapons for compliance world do we teach children to trust police or to fear them?
- Does the Taser weapons for compliance world inevitably lead to alienation of community and police services?

There are further questions which arise from the data presented here. Among them are:

- Is there an association between the rise in police injuries following the introduction of Tasers weapons?
  - If so, what explains it?
- What is the evidence base for individual police service decisions to adopt Taser weapons?
  - What (or who) persuades them?
- How does training vary between police services across Australia?
- What is the impact of Taser weapon use on use of force complaints?
- What do we know about public perceptions of Taser weapon use?
- What might explain the trend towards greater use of Taser weapons for compliance?
- Have police officers themselves been asked about Taser weapons use?