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Police Crime & Less-than-Lethal Coercive Force: A Description of the Criminal Misuse of TASERs

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A Description of the Criminal Misuse of TASERs**

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Biographical Sketches

Philip Matthew Stinson, Sr., J.D., Ph.D., is an assistant professor in the Criminal Justice Program at Bowling Green State University. His research interests include the study of police crime and police misconduct. Recent articles of his have been published in *Criminal Justice Policy Review*, *Police Quarterly*, and *The Prison Journal*.

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**Police Crime & Less-than-Lethal Coercive Force:
A Description of the Criminal Misuse of TASERS**

Abstract

This study explores and describes the nature and character of cases that involve the criminal misuse of TASERS by police officers through a content analysis of newspaper articles. The news-based content analysis identified 24 police officers who were arrested for crimes that involved inappropriate use of TASERS over a 65 month period from January 2005 through May 2010. Data on these cases are presented in terms of: a) the arrested officer, b) victim characteristics, and c) the situational context of these events. The news-based content analyses were used to identify and describe some factors that were common among these events, especially in regard to the actions and motivations of the arrested officers and how the situational context appeared to influence the criminal misconduct of officers. The findings indicate that the cases examined did not involve much, if any, situational risk to the officer. The criminal misuse of TASERS seems more likely to involve suspects who are already handcuffed, or even citizens who are clearly not criminals at all.

Keywords: angry aggression theory, coercive force, conductive energy devices, less-than-lethal force, police crime, police violence, TASER

Police Crime & Less-than-Lethal Coercive Force:

A Description of the Criminal Misuse of TASERs

Crimes committed by police officers are by their nature special and deserving of scholarly attention because the law affords police unique rights and responsibilities, including the legal authority to use coercive force, specialized training, and access to weapons not available to ordinary citizens. The position also provides unique opportunities for misconduct and crime, including the use of excessive force against suspects and other citizens, the provision of false courtroom testimony, opportunistic thefts, and "shakedowns" of vice criminals and racketeers. There have been very few studies that provide specific data on the nature and prevalence of police crime, but some scholars have broached the topic within the context of more general studies on police corruption or misconduct (see, e.g., Foster, 1966; Fyfe & Kane, 2006, Reiss, 1971; Ross, 2001).

One aspect of police work that creates unique opportunities for crime is the issuance of special weapons such as conductive energy devices, or CEDs. CEDs have been adopted by law enforcement agencies across the globe because they offer a "less-than-lethal" method for gaining control of suspects (Heal, 2000; Trostle, 1990). The most popular brand of CED is the TASER[®], which is an acronym for Thomas A. Swift Electric Rifle. The United States Government Accountability Office (2005) estimated that over 7,000 law enforcement agencies in the United States use the TASER, with over 140,000 units issued. More recent industry sources indicate that as many as 11,500 law enforcement agencies utilize CEDs, with the TASER X26 being the preferred model (Amnesty International, 2008).

Research on the use of TASERs shows that they can be used effectively to subdue and control dangerous suspects and reduce injuries to both suspects and police officers (Harris, 2009;

Taylor, 2009; White & Ready, 2007). Similar to other types of weapons such as firearms, batons, or metal flashlights, CEDs can also be used excessively and/or inappropriately. Popular media accounts provide anecdotal evidence regarding the criminal misuse of TASERS by police, including cases that resulted in significant injuries and even deaths to suspects and others (Amnesty International, 2008; White & Ready, 2007); but, we are not aware of any existing empirical research on the criminal misuse of TASERS by police officers.

More data on the criminal misuse of TASERS by police would benefit scholars, police organizations, and the general public. First, more data would provide a modicum of empirical evidence to public discourse on a topic that has become increasingly controversial and inflammatory. The University of Florida TASER incident that involved a student protestor at a political rally for US Senator John Kerry has become a well-worn cultural icon (Hesse, 2007; Nizza, 2007). More recently, Amnesty International published a widely-cited report on the death of 334 persons after being shot with a CED by police (Amnesty International, 2008). These and other highly-publicized sources have increased the public profile of TASER cases; but, the productivity of the ensuing debates has thus far been limited by the absence of sufficient empirical data.

Studies on the criminal misuse of TASERS by police could also inform policy and research. The debate regarding the most effective means to control excessive force and brutality has been increasingly influenced by the development of so-called less-than-lethal technologies including TASERS. These technologies have been touted as providing a safe and effective non-lethal option for incapacitating dangerous suspects (Heal, 2000). The introduction of these weapons has also led to the emergence of some significant problems in regard to safety and the degree to which they may expand the scope of police liability in use of force incidents (Bowling,

Gaines, & Petty, 2003). An officer who chooses to use less-than-lethal alternatives including TASERS can still be sued and accused of using excessive force (Dorsch, 2001). Police organizations have thus far been forced to enact policies designed to govern the use of TASERS and other less-than-lethal weapons absent adequate empirical data and evidence regarding how these weapons can be misused. Research that provides information on arrested officers, their victims, and the context surrounding these crimes could help to develop more effective user guidelines and training to prevent future events.

The purpose of the current study is to explore and describe the nature and character of cases that involve the criminal misuse of TASERS by police through a content analysis of newspaper articles. The news-based content analyses identified 24 police officers who were arrested for crimes that involved the criminal misuse of TASERS over a 65 month period from January 2005 through May 2010. Data on these cases are presented in terms of: a) the arrested officer, b) victim characteristics, and c) the situational context of these events. The news-based content analyses were used to identify and describe some factors that were common among these events, especially in regard to the actions and motivations of the arrested officers and how the situational context appeared to influence the criminal misconduct of officers. The section that follows includes a review of the relevant literature, including an overview of prior research on the use of CEDs and the police use of force more generally. The latter part of the section focuses on research that describes how psychological factors may influence the excessive use of force by police; a line of research that could be used to infer some correlates associated with the criminal misuse of TASERS.

Police Use of Force & CEDs

A number of key issues converge within the context of CED deployments, including the need to define and distinguish CEDs, the manner in which they operate, and the factors that may influence police decisions to deploy them. A number of key legal issues surrounding the use of CEDs have also emerged in regard to when and how they are deployed, and under what conditions their use should be defined as "excessive." Finally, the criminal misuse of CEDs needs to be considered within the context of the more general literature on police violence. This line of research suggests that police violence may be associated with particular situational and psychological factors.

The CED—also commonly referred to as a "stun gun"—has recently become a popular tool in the police arsenal (Adams & Jennison, 2007). These devices offer a less-than-lethal alternative to firearms by allowing officers to temporarily incapacitate dangerous suspects with an electrical shock. The most popular models used by police are the TASER International brand M26 and X26 models. These CEDs are shaped like a handgun and use nitrogen cartridges to fire two barbed projectiles into the target, delivering an electrical current that temporarily overrides the suspect's motor and sensory functions, and thereby temporarily incapacitating the individual (Cronin & Ederheimer, 2006). These particular models can incapacitate targets from up to 35 feet away and penetrate up to one-inch of clothing when they are used in "probe mode." TASERS can also be used at close range in "drive-stun mode" by pressing the barbs directly against the suspect's body.

Prior research surrounding police use of CEDs has generally focused on the decision to deploy (Gau, Mosher, & Pratt, 2010; Sousa, Ready, & Ault, 2010), the degree to which they are effective as a less-than-lethal tool (Jenkinson, Neeson, & Bleetman, 2006; White & Ready, 2007,

2010), policy implications (Bunker, 2009; Smith, Petrocelli, & Scheer, 2007), and potential harms to victims (Levine, Sloane, Chan, Dunford, & Vilke, 2007; White & Ready, 2009). We are aware of no published empirical studies that specifically examine police use of TASERS within the context of police misconduct, police violence, or police crime.

Police scholars have examined the factors that influence the use of force more generally since the 1960s, and quantitative studies have focused on the relationship between police force and a wide range of predictors including situational, individual, organizational, and community-level variables. Of these, situational, organizational, and community-level factors have all been found to influence the decision to use force (Riksheim & Chermak, 1993; Sun, Payne, & Wu, 2008). Most studies have focused on the influence of situational factors in determining use of force and other coercive behaviors, most notably the impact of suspect demeanor (Sun, Payne, & Wu, 2008). Overall, virtually all studies that compare situational factors to others such as officer, organizational, and community-level factors have found that situational factors exert the most powerful influence on the decision to use coercive force (Skogan & Frydl, 2004).

Data have not been sufficiently gathered to identify significant correlates or determine the relative influence of these factors on the specific decision to deploy TASERS; however, the small number of studies that have focused on TASERS suggests that decisions to deploy them may be influenced by the same factors known to influence police use of coercive force more generally. These studies emphasize the influence of situational factors on police decisions to deploy TASERS. Gau et al. (2010) for example found that police decisions to use CEDs are primarily driven by the suspect's resistance to police (both active and assaultive) and to a lesser degree by extra legal factors including suspect and officer race. Sousa, Ready, and Ault (2010) conducted a randomized field training experiment that controlled for levels of suspect resistance to examine

police decisions to use the TASER as a less-than-lethal alternative. They found that officers preferred to use the TASER over either the baton or pepper spray when they confronted physical resistance from suspects, even in cases that involved potentially lethal threats (Sousa, et al., 2010). The existing research also provides evidence in regard to the effectiveness of CEDs as a less-than-lethal tool to subdue criminal suspects. White and Ready (2007) examined all TASER deployments by officers in a large police department over a three year period. They reported that TASERS were primarily deployed against violent suspects, and that TASER use resulted in 85% of suspects being taken into custody without further incident (see also, e.g., Ready, White, & Fisher, 2008; Taylor, 2009). Likewise, another recent study shows that CEDs rank among the most commonly used less-than-lethal tool while the use of batons and empty-hand tactics are becoming less common (Taylor, Alpert, Kubu, Woods, & Dunham, 2011).

CEDs & the Use of Force Continuum

A use of force continuum is a representation of various force options designed to develop understanding of appropriate levels of force, in particular lower levels of force including verbal commands, physical controls, and non-lethal weapons (Walker, 2005). There are no common standards or agreements on how to define CED deployment in terms of the use of force continuums enacted by police agencies across the United States (Adams & Jennison, 2007; United States Government Accountability Office, 2005). In a survey of 40 law enforcement agencies, Amnesty International (2008) found that most of the agencies surveyed have policies stating that officers are allowed to use CEDs when they are faced with “active resistance” to a lawful attempt at control (p. 12). Many law enforcement agencies—and some federal court decisions—locate CEDs on the same level in the use of force continuum as Oleoresin Capsicum (OC) pepper spray and other less-than-lethal weapons (see, e.g., *Lewis v. Downey, et al.*, 2009, p.

476; *San Jose Charter of Hells Angels Motorcycle Club, et al. v. City of San Jose, et al.*, 2005, p. 969, n. 8).

The United States Court of Appeals for the Ninth Circuit recently held that CEDs constitute an “intermediate, significant level of force that must be justified by a strong government interest that *compels* the employment of such force” [emphasis in original] (*Bryan v. McPherson, et al.*, 2009, pp. 774-775). The court reasoned that “non-lethal” law enforcement weaponry is not a “monolithic category of force” because (a) “a blast of pepper spray and blows from a baton are not necessarily constitutionally equivalent levels of force simply because both are classified as non-lethal” and (b) “the physiological effects, the high levels of pain, and foreseeable risk of physical injury [associated with the TASER] X26 and similar devices are a greater intrusion than other non-lethal methods of force” typically used by police officers (p. 774). Thus, at least in the Ninth Circuit, federal courts must now evaluate the nature of the specific force employed in a specific factual situation rather than relying on broad characterizations in the force continuum in reviewing a CED-related claim of excessive force.

Police Use of Force, Violence & CEDs

The authority to use force is an important part of police work (Bittner, 1978; Klockars, 1985; Reiss, 1971). Police officers are tasked with upholding the law and apprehending those who break it, in some situations exercising broad discretionary powers to do so (Davis, 1971). According to Sherman (1980), police use of physical force is synonymous with police violence, defining police violence as behavior by any police officer—acting pursuant to their authority and/or power as a sworn law enforcement officer—that includes any use of physical force (including, but not limited to, the application of deadly force), whether justified or unjustified, against any person. Based on Sherman’s definition, explanations for police violence in the

existing literature have been quite varied (e.g., Alpert & MacDonald, 2001; Garner, Maxwell, & Heraux, 2002; Griffin & Bernard, 2003; Lersch & Mieczkowski, 2005; Manzoni & Eisner, 2006; Terrill & Mastrofski, 2002; Terrill, Paoline, & Manning, 2003; Terrill & Reisig, 2003). Since we examine cases where police officers were arrested for the criminal misuse of TASERS, the most important correlates influencing the use of force by police for purposes of the current study are situational factors including the level of resistance offered by the suspect and psychological factors including individual levels of officer stress and anger.

Certain situational factors seem to elicit violent police responses during citizen encounters. Police are more likely to engage in violence and use coercive force in encounters that include physically aggressive suspects and citizens who resist officer attempts to control the situation. Researchers have most often investigated the influence of situational factors in cases that involve the use of deadly force by police (e.g., Alpert & Smith, 1999; Binder & Scharf, 1982; Blumberg, 1983; Fyfe, 1981). This line of research has primarily emphasized the direct relationship between the level of situational risk faced by an officer and the specific decision to employ deadly force. Situational risk refers to the immediate scenario within which police must decide to shoot or not shoot. Did the suspect assault the police? Was the suspect armed? Did the suspect shoot at police? These situational factors appear to explain the use of deadly force more directly than other variables. Terrell's (2003) research based on observational data suggests that situational factors are also the primary determinants of the use of non-deadly force by police. He examined the relationship between five levels of suspect resistance (none, passive, verbal, defensive, and active), and four levels of non-lethal force (none, verbal, restraint, and impact) and found that force levels were significantly related to levels of suspect resistance. Overall, this

line of research suggests that situational factors should be among the most influential factors determining the deployment of CEDs and other less-than-lethal weapons.

Research also highlights the importance of psychological factors in explaining the use of excessive force and police violence (Anderson & Lo, 2011; Griffin & Bernard, 2003; Kop & Euwema, 2001; Kop, Euwema, & Schaufeli, 1999; McCarty, Zhao, & Garland, 2007). Policing has been described as a particularly stressful occupation because the work inherently involves dangerous situations, disturbing crime scenes, and stress-inducing bureaucratic rules (Brandl & Strohshine, 2003). Police scholars have long recognized the link between occupational stress and a host of negative outcomes and attitudes including job burnout, poor health, absenteeism, alcoholism, and more favorable officer attitudes toward the use of violence against citizens (Gershon, Lin, & Li, 2002; Goodman, 1990; Violanti, 2004).

Angry aggression theory offers one possible explanation for the effects of stress on police violence (Bernard, 1990). Officers under stress often do not have the capability of responding to the sources of that stress, leading to an increased perception of threats and increased aggressiveness in responses to perceived threats (Griffin & Bernard, 2003). In other words, “police officers should tend to see threats more frequently and to respond to threats more aggressively than do other people” (p. 4). When this situation is coupled with the inability to respond to the sources of stress and feelings of social isolation, officers may become more likely to transfer their aggression to nearby targets including suspects, spouses, and any other type of citizen who finds themselves unlucky enough to encounter them (cf. Anderson & Lo, 2011). Studies that describe cases of brutality in terms of angry aggression theory parallel some of the classic scholarship on police socialization and culture, wherein the exercise of force and violence becomes a "righteous" and culturally-accepted behavior used to respond to the inherent dangers

and expectations of police work (Crank, 2004, pp. 97-112; Manning & Van Maanen, 1978; Skolnick, 1994; Westley, 1970). Likewise, angry aggression theory may provide a basis for understanding how job-induced stressors can lead to cases of brutality, in particular those that involve the criminal misuse of TASERS and other types of CEDs.

Method

We sought to locate news articles reporting cases in which sworn law enforcement officers had been arrested for one or more criminal offenses involving the misuse of a CED. Articles for this study were assembled from our unique digital imaging database of news articles reporting criminal arrests of police officers within the United States. The primary source for the articles in our database was the internet-based Google News search engine and its Google Alerts notification tool. Google News is a computer-generated news site developed and operated by Google that aggregates news articles from several thousand news sources (Google, 2008). We used the Google News search engine in conjunction with the Google Alerts tool to locate news articles using 48 different search terms. The Google Alerts tool sends an automated email message that notifies the user whenever the daily search identifies a news article that matches the search terms. The automated alert contains a link to the URL for the designated news article. Articles were located and examined for relevancy, printed, and archived for subsequent coding and content analyses. Google Alerts commonly identified news articles that reported on events that occurred after an officer's arrest, including various court proceedings such as plea bargains, adjudications, appellate court opinions and orders, and/or the subsequent arrest(s) of the same officer(s) in different criminal cases. These articles provided additional data on the arrested officer(s), victim(s), the offense(s), and/or the disposition of the case.

Our database includes news articles describing the arrests of officers during 2005-2010. The 2005-2007 news articles were previously scanned into tagged image file format (TIFF) files, uploaded, and indexed in OnBase, a digital imaging management (DIM) system that provides document digitizing, storing, organizing, and retrieving capabilities. The 2008-2010 news articles were scanned into portable document format (PDF) files but not yet uploaded and indexed in OnBase. The TIFF dataset includes digital images of 11,222 pages of news articles regarding 2,119 cases involving 1,746 sworn law enforcement officers employed by 1,047 state and local (nonfederal) law enforcement agencies representing all 50 states and the District of Columbia who were arrested during the period of January 1, 2005, through December 31, 2007. The PDF dataset includes digital images of 8,119 pages of news article printouts on an unknown number of cases involving sworn law enforcement officers arrested during the period of January 1, 2008, through May 31, 2010.

We searched a total of 19,341 pages of digital images in the combined database of both datasets on the keywords “TASER,” “stun,” and “stun gun” using the optical character recognition (OCR) capabilities of OnBase 7.2.1 for the TIFF files and those of Adobe Acrobat Professional 9.0 for the PDF files. In the end, news articles relating to 24 sworn law enforcement officers who were arrested during 2005-2010 for one or more crimes involving the misuse of a CED were identified in the database for the instant analysis. Triangulation of data source materials was used to reduce any potential threats to validity in the accuracy of content in the news articles; in most cases there were more than one news article about the incident/arrest previously archived in our database.

Next, we used QSR NVivo 8.0 to facilitate qualitative and quantitative analyses of the content in the news articles. A new case was created in a project-specific environment within the

NVivo application for each individual officer who had been arrested for the misuse of a CED. We then uploaded PDF versions of all of the relevant news articles into NVivo, and sorted them into the appropriate case as “internals” (that is, raw data that are primary sources) within the project area. Coding of the case-specific content involved a two-step process of reading each article and creating, identifying, and tagging “attributes” (i.e., demographic content coded as variables) and “free nodes” (i.e., stand-alone inductively coded content gathered by topic that do not easily fit within a hierarchical structure) for each of the 24 cases within the NVivo project environment. The content coding process resulted in recording data on 15 attributes and tagging content with 20 nodes for our analysis. The quantitative data were then imported into SPSS for calculation of descriptive statistics and cross-tabulations.

Strengths & Limitations of the Data

Our research is within the “newsmaking criminology” paradigm (Barak, 1988, 1995). According to Barak (2007), newsmaking criminology “refers to the conscious efforts and activities of criminologists to interpret, influence or shape the representations of ‘newsworthy’ items about crime and justice” (p. 191). Studies in newsmaking criminology most commonly involve the analysis of news content to gain knowledge about the nature of crime-related media coverage, but news content can also provide valuable information on the nature of the criminal behavior that underlies the media coverage (see, e.g., Beard & Payne, 2005; Denton, 2010; Morris, 2010; Payne, Berg, & Sun, 2005; Payne & Gainey, 2003; Ross, 2000). For our purposes, Google News provided an unparalleled amount of information on CED-related crimes committed by police officers employed by law enforcement agencies across the United States.

Google News is fast becoming the preferred method to conduct news-based content analyses (Carlson, 2007). Since its inception in 2002, Google News has been used to conduct

content analyses of news coverage on a wide range of topics including TASER lawsuits (Adams & Jennison, 2007), human trafficking (Denton, 2010), and a variety of medical and public health-related topics (e.g. Freifeld, Mandl, Reis, & Brownstein, 2008; Lee, Barr, Catherine, & Wicks, 2007; Anema et al., 2010; Seifter, Schwartzwalder, Geis, & Aucott, 2010). Google News also offers some clear advantages over other aggregated news databases (e.g., Dialog[®], Factiva[®], LexisNexis[®]) (Cunningham, 2005; Ferguson, 2005; Galbraith, 2007; Ojala, 2002). Google News incorporates Google's automated search algorithms that are the current industry standard. The Google News search engine includes content from over 50,000 news sources (Bharat & Beckmann, 2010). It offers more up-to-date stories since it crawls the internet every 15 minutes and appears to be more likely to locate stories that have not been picked up by news wire services. Finally, the search engine provides multiple links to related news content, so if a particular story provides insufficient information it is relatively easy to locate more relevant news sources. Google does not however provide a publicly-available list of news sources. Google defines the source list as proprietary information that is kept confidential in order to protect the company's competitive interests.

There are four primary limitations of these data. First, our research is limited by the content and quality of information provided on each case. The amount of information on each case varied, and data for some of the variables of interest were missing for some of the cases. Second, it should be recognized that the data are limited to cases that involved an official arrest. We do not have any data on cases of police crime that did not come to the attention of police, nor do we have information on cases that did not result in an arrest. Third, our analyses are limited by the relatively small number of cases identified in the news media. Finally, it should be recognized that these data are the result of a filtering process that includes the exercise of

discretion by media sources in terms of both the types of stories covered and the nature of the content devoted to particular stories (Carlson, 2007). As such, the potential for media bias is a primary concern associated with research using media accounts of TASER incidents because media representations of these events could differ from actual TASER use. White and Ready (2009) however provide compelling evidence as to the accuracy of news accounts in regard to stories focused on the coercive use of TASERs by police. First, research suggests that police organizations are not very effective in "controlling the media message" in events that involve police use of force in general (Chermak, McGarrall, & Gruenewald, 2006; Tuch & Weitzer, 1997). Second, research that compares news reports and official police records on events that specifically involved TASER deployments has found noteworthy "consistencies across data sources with regard to many suspect and incident-related characteristics" (Ready, White, & Fisher, 2008, p. 163). These points do not remove concerns in regard to media bias in this line of research; however, they do provide empirical evidence in support of their accuracy and the degree to which they may be insulated from organizational and other media-based biases.

Results

The news searches identified 24 sworn law enforcement officers who were arrested for one or more crimes involving the misuse of a CED. The news reports for all of the cases specifically mention the TASER as the type of CED employed by the officer arrested; no other brand of CED was mentioned in any of the articles. Tables 1 and 2 provide univariate descriptive statistics on the officers arrested and their agencies.¹ The majority of the officers arrested were males (95.8%) between the ages of 32 and 47 (84.2%). Most held a nonsupervisory rank (83.3%) (i.e., officer, trooper or deputy) and had three or more years of experience (78.9%). Three-fourths of the crimes occurred while the arrested officer was on-duty.

Most of the officers arrested were employed by municipal police departments (75%) or sheriff's offices (16.7%). None of the officers were employed by a special law enforcement agency (e.g., park police, university police, or tribal police). Over one-half of the cases involved officers employed by an agency located within the Southern region of the United States (54.2%), and most of the remaining cases involved officers in either the Midwestern (20.8%) or Western (20.8%) regions. Only one case happened in the Northeastern region (4.2%). The CED-related crimes occurred in 14 states, with Florida ($n = 5$, 20.8%), Michigan ($n = 3$, 12.5%), Texas ($n = 3$, 12.5%), Colorado ($n = 2$, 8.3%) and Louisiana ($n = 2$, 8.3%) represented most often.

<<< Insert Table 1 and Table 2 about here >>>

Univariate descriptive statistics on criminal charges and final employment sanctions are presented in Table 3. The majority of the officers arrested were charged with assault-related offenses ($n = 20$, 83.5%). Half of the officers arrested were charged with misdemeanor offenses (e.g., harassment, simple assault), and half were charged with felony offenses. The most commonly-charged felony was aggravated assault, although one officer was charged with non-negligent manslaughter and another was charged with aggravated sexual assault. The aggravated sexual assault case involved an officer who held a TASER to his victim's leg while he raped her. Over one-half of those arrested (59.1%) ultimately lost their job as cops through either resignation or termination, and all but one of the officers were at least temporarily removed from street duty and either suspended and/or placed on administrative leave or modified duty immediately following the incident. Data on court dispositions were available for 18 of the cases. Criminal convictions were the result in eight cases. There were four cases that resulted in an acquittal by a jury trial, and in five cases criminal charges were eventually dropped by the prosecution. The remaining case ended before trial upon the officer's death by suicide.

<<< Insert Table 3 about here >>>

Table 4 presents data on the situational context of the cases, including information on specific locales, other circumstances of the events, and the victim's relationship to the arrested officer. These cases occurred in a variety of different locales, including on a public street ($n = 4$, 16.7%), parking lots ($n = 2$, 8.3%), and inside a high school classroom ($n = 2$, 8.3%). Six cases occurred on or within police property, either inside a police cruiser ($n = 4$, 16.7%) or at the stationhouse ($n = 2$, 8.3%). Four cases occurred inside the home of the arrested officer. The majority of cases occurred after an officer shocked someone with their TASER ($n = 17$, 70.8%) in either the drive-stun mode ($n = 9$) or the probe mode ($n = 8$). The remaining seven cases involved cops who only threatened to stun the victim with a TASER. The victims assumed a variety of different roles, but they were most often handcuffed criminal suspects ($n = 7$, 29.2%). Many of the cases involved victims that likely maintained close relationships with the arrested officers, including those who were wives and girlfriends ($n = 3$, 12.5%) or friends of the officer's wife ($n = 3$, 12.5%). Three of the cases involved officers who illegally tased other cops.

The victim was female in six (25%) of the cases, including one case where an off-duty officer shot his 15 year-old step-daughter in the eye with a TASER, and one case where an on-duty male officer allegedly shot his female partner with a TASER during a dispute about whether to stop and buy a soft drink prior to returning to the police station. This case occurred while the victim was engaged in *driving* the police cruiser. All of the incidents that occurred while the arrested officer was off-duty involved some form of domestic/family violence, and one-third of those cases ($n = 2$, 33.3%) involved an intoxicated off-duty officer armed with a TASER. Two cases that involved off-duty cops occurred when the officers tased their female spouse or girlfriend after they were discovered *in flagrante delicto* with another man.

<<< Insert Table 4 about here >>>

The news articles concerning some of the cases included direct quotes ascribed to the arrested officer that could be described as "violent ultimatums" (see, e.g., Athens, 1977; Goffman, 1967, 1969). These phrases were identified using content that made reference to: a) the agitated emotional state of the speaker, and b) conditional verbal demands whose rejection would bring about a resort to forceful and/or violent action. These statements most often accompanied or immediately preceded the officer's CED assault. In one such case, an officer admitted that he "might" have prefaced his TASER attack on an innocent homeless man as he stood in a church parking lot with the command, "*Don't move or I'll blow your brains out.*" In another case involving a violent ultimatum the victim reported that the off-duty officer—her estranged husband—pressed a TASER to her leg as he raped her and said, "*You picked a good day to die.*" In a third example, witnesses reported that an officer walked up to another officer's police cruiser, opened the car door, and addressed the handcuffed suspect in the back seat before he attacked the man using a TASER, "*Next time don't run from the police.*"

The narratives in some articles also vividly describe the conduct of out-of-control officers as they engaged in a manner of violence that Bernard (1990) and Griffin and Bernard (2003) would likely describe as products of occupationally-derived "angry aggression." For example, in the case of the homeless man standing in the church parking lot, an article reports that a state investigation found that the officer "fired a TASER [at the homeless man] until it ran out of power, then hit the man with a baton and punched him so hard it crushed bones in his face." In another case it was reported that an officer "repeatedly (nine times) shock(ed) a handcuffed black suspect...with a 50,000-volt TASER..." until he died of a heart attack. The narrative in another

case describes a suspect who was “handcuffed and put in the police car where [the officer] used his stun gun on him after he repeatedly refused to give his correct name.”

There were also cases where off-duty cops engaged in violence associated with the criminal misuse of a TASER. In one such instance, a narrative reported that a deputy sheriff pushed his wife “onto a bed, then took a TASER from his [...] Sheriff’s Office duty belt and used the weapon on her stomach, causing TASER burns ... and then held his gun to her head.” In another case an off-duty police officer arrived home to find his wife in the bedroom engaged in a “consensual physical encounter” with an off-duty deputy sheriff. The officer drew his service pistol on the naked deputy, whereby the officer’s “wife intervened and urged her husband not to shoot.” In deference to his wife’s request, he “reportedly put his gun away but shot [the man] with a stun gun twice.”

Some of the cases included officer behavior that indicated "foolishness," or actions initiated on the basis of folly or a clear lack of judgment. The term appeared in the narratives on some of the cases as a direct quotation of contemporaneous statements made by victims or other witnesses to these crimes. For example, the narrative on one case reported that a deputy sheriff working at a high school career fair acquiesced to the pleas of teenagers to be stunned with the deputy’s TASER. According to the Sheriff, the deputy “foolishly agreed.” He then demonstrated use of the weapon by deploying his TASER in the drive-stun mode on 34 students attending the career fair. One case involved a cop who playfully stunned a fellow officer as they caroused after roll-call. In another case characterized as "foolish" by the victim, an officer stunned a Waffle House restaurant waiter with a TASER after the officer was repeatedly chided by two other officers at the table to "tase" him if he “picked a song they didn’t like on the jukebox or when telling him not to mess up their order.” The officer who attacked the waiter

was arrested for misdemeanor battery and violating his oath and the other officers resigned from the department in lieu of termination. A fourth officer from the same department was also investigated for allegedly pointing his TASER at the same waiter's groin during an earlier incident at the Waffle House.

Discussion

Police crimes can result in considerable damage to police legitimacy, occupational integrity, and the public image of police. Despite the potential for significant negative fallout, surprisingly little is known about the crimes committed by police officers. There are no comprehensive statistics available on the phenomenon, and no government entity collects data on criminal arrests of police officers in the United States (Barak, 1995; Kane, 2007). Our goal was to identify and describe encounters that resulted in the criminal arrest of cops who misused TASERS. The issue recently surfaced as a controversial topic, but there are no existing empirical studies on the criminal misuse of TASERS by police. Some points of discussion emerge from the data.

The 24 cases of police crime identified here are highly unusual. Previous research has demonstrated a direct relationship between situational risk and the deployment of force by police. We know that police are more likely to use force and respond with violence against criminal suspects who are physically aggressive and/or resistant. Levels of situational risk also significantly impact decisions to deploy TASERS, at least in cases where they are used lawfully and appropriately (Gau et al., 2010). But none of the cases examined here involved much—if any—situational risk to the officer. The criminal misuse of TASERS seems more likely to involve criminal suspects who are already handcuffed, or even citizens who are clearly not criminals at all. In these cases, TASERS were commonly deployed against people the officer

knew quite well, including spouses, friends, other relatives, and even other cops. The finding suggests the need to look beyond situational risks and the factors that are most likely to explain both the appropriate use of TASERS and the more general exercise of coercive force by police.

Scholars have most often used psychological factors in addition to factors associated with situational risk to explain cases of police violence and brutality; a strategy of conceptualization that also seems appropriate for purposes of the current study. We have suggested that angry aggression theory may provide a basis for understanding some of these cases, especially those in which the TASER was primarily used as a "tool of torture" (Amnesty International, 2008). In some cases, police used the TASER in conjunction with serious verbal threats or "violent ultimatums" to threaten or further traumatize the victim either prior to or during the attack. The intersection of angry aggression and verbal ultimatums may reference some of the classic police scholarship on how emotions play into the use of coercive force by cops (see, e.g., Crank, 2004; Skolnick & Fyfe, 1993; Van Maanen, 1978). This literature describes how coercive force may hold "seductive qualities" for police who confront citizens who fail to acknowledge their personal authority, or those perceived as "assholes" by the officer. In these cases, the TASER was more likely to be deployed against girlfriends, cheating spouses, or troublesome citizens—persons who needed to be "taught a lesson"—rather than resistant criminal suspects. The TASER may provide emotionally troubled cops a less-than-lethal tool to deliver what Skolnick (1994) and others have termed as "street justice." The weapon may also serve to reinforce some of Crank's (2004) subcultural themes related to machismo and the self-righteous image that cops often bring to citizen encounters.

The TASER and other less-than-lethal technologies were introduced to provide a legitimate and effective level of force somewhere in between more traditional hard empty hand

control techniques and deadly force; however our research shows that cops who criminally deploy TASERS use them as either toys or as tools of torture. Studies on police brutality often explore how rogue cops use other types of weapons in ways that could be defined as *excessive*; but, the criminal misuse of TASERS by cops in our research is most obviously *inappropriate* rather than excessive. Indeed, one reviewer emphasized that none of the arrested officers in our study were even involved in a morally or legally dubious situation, and that use of the weapon in these cases was "plainly unjustified and just wrong." Perhaps more than other kinds of police weapons, TASERS seem to demonstrate a critical disjuncture between the defined intended use of the weapon and how a small number of problem officers use them on the street.

Officer perceptions about how and when to use any sort of weapon are formed and reinforced through training. Training protocols for TASERSs were most often developed in the absence of data on how and when to appropriately deploy them. (Adams & Jennison, 2007; Cronin & Ederheimer, 2006). There is some evidence to suggest that the TASER training provided by some police agencies may be inadequate. A survey conducted by the United States Government Accounting Office (2005) found that the total time devoted to TASER training in most agencies ranged from four to eight hours. Alpert and Dunham (2010) found that some agencies provide significantly less than four hours of TASER training, and that close to one in five agencies do not require any retraining of officers who carry TASERS. Additional data derived from interviews of use-of-force trainers indicated that some officers do not feel comfortable using CED's and had difficulty understanding department policies governing their use *after* the completion of departmental training (Alpert and Dunham, 2010).

Still, the unusual nature of the cases identified in our study and the fact that none of them involved significant situational risk limits our ability to develop specific policy recommendations

in regard to training protocols. The existing research does however identify ongoing concern associated with the over-use of these weapons that clearly does apply to the goal of mitigating the criminal misuse of TASERs by a small number of problem officers. The popularity of CED's among police and the fact that they are comparatively easy to deploy can lead to over-use in situations that involve low levels of resistance or even none at all (Alpert & Dunham, 2010; Alpert et al., 2011). Data based on interviews of suspects involved in use-of-force encounters echo these same concerns and suggest that some police use TASERs "too quickly" and in some cases as a form of amusement (Alpert et al., 2011, p. 11).

Problems documented in the existing research on the over-use of TASERs may "bleed-over" to promote a small number of egregious cases in which problem-prone officers over-use these weapons in situations that are clearly inappropriate and more likely to be defined as acts of *criminal* wrongdoing similar to the cases identified in our research. If so, then the criminal misuse of TASERs may be most appropriately dealt with as cases of "bizarre violence" similar to those previously described by Fyfe (1980, p. 77) in his discussion of unusual examples of off-duty police wrongdoing. The mitigation of cases such as these necessarily involves the identification and perhaps termination of officers who misuse TASERs; but also, the development of organizational strategies to identify and help individual officers who may be dealing with extreme psychological pressures. More general programs designed to teach officers strategies to deal with commonly identified occupational stressors in police work may also provide coping strategies for those dealing with common occupational stressors including family demands, public criticism and apathy, exposure to pain and suffering, and demands for high morality (Anderson & Lo, 2011; Swanson, Territo, & Taylor, 2008).

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Notes

¹ Data on officer and/or victim race were not provided in the newspaper accounts. Newspaper accounts of crime events do not typically include data on race for either the suspect and/or victim. The purposive omission of information on race in newspaper accounts of crime events is the result of long-standing debates on whether the inclusion of racial descriptions constitutes racial bias and the degree to which this information is necessary for "good reporting." See the Society of Professional Journalists policy statement available at <http://www.spj.org>.

The Criminal Misuse of TASERS

Table 1. Officer Characteristics (*N* = 24)

	<i>n</i>	%	Valid %
Officer Gender			
Male	23	95.8	
Female	1	4.2	
Officer Rank			
Officer / Deputy / Trooper	20	83.3	
Corporal	1	4.2	
Sergeant	2	8.3	
Chief	1	4.2	
Officer Duty Status at Time of Crime			
On-Duty	18	75.0	
Off-Duty	6	25.0	
Officer Age Group			
20-23 years of age	1	4.2	5.3
24-27 years of age	1	4.2	5.3
28-31 years of age	1	4.2	5.3
32-35 years of age	6	25.0	31.6
36-39 years of age	5	20.8	26.3
40-43 years of age	2	8.3	10.5
44-47 years of age	3	12.5	15.8
Missing data	5	20.8	
Officer Years of Service Group			
0-2 years of experience	4	16.7	21.1
3-5 years of experience	2	8.3	10.5
6-8 years of experience	2	8.3	10.5
9-11 years of experience	4	16.7	21.1
12-14 years of experience	2	8.3	10.5
15-17 years of experience	2	8.3	10.5
18-20 years of experience	3	12.5	15.8
Missing data	5	20.8	

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Table 2. Agency Characteristics ($N = 24$)

	<i>n</i>	%
Agency Type		
Primary State Police Agency	1	4.2
Sheriff's Office	4	16.7
County Police Department	1	4.2
Municipal Police Department	18	75.0
Geographic Region within the United States		
Northeastern States	1	4.2
Midwestern States	5	20.8
Southern States	13	54.2
Western States	5	20.8

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Table 3. Criminal Charges & Employment Sanctions against Officers (*N* = 24)

	<i>n</i>	%	Valid %
Criminal Charge Against Officer			
Intimidation / Harassment	3	12.5	
Simple Assault	9	37.5	
Aggravated Assault	10	41.7	
Aggravated Sexual Assault	1	4.2	
Nonnegligent Manslaughter	1	4.2	
Final Employment Sanction			
Returned to Work without Suspension	1	4.2	4.5
Suspension	8	33.3	36.4
Resignation	5	20.8	22.7
Termination	8	33.3	36.4
Missing data	2	8.3	

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Table 4. Circumstances & Victims of CED-related Arrests of Officers ($N = 24$)

Case	Location of CED Incident	Event Circumstances	Victim's Relationship	Status	Use of CED
T-1	in a church parking lot	while on patrol backing up another officer ^a	homeless man	on-duty	deployed CED ^c
T-2	in the front seat of a police car	while on patrol in a dispute over a soft drink ^a	another police officer	on-duty	deployed CED ^d
T-3	in a holding cell at a jail	at the jail after making an arrest ^a	handcuffed suspect	on-duty	deployed CED ^c
T-4	in the roll call room at a police station	at the beginning of shift	another police officer	on-duty	deployed CED ^c
T-5	at the officer's home	walked in on wife having sex w/ another man ^a	another police officer	off-duty	deployed CED ^c
T-6	in a house	during questioning at raid on a drug house ^a	handcuffed suspect	on-duty	deployed CED ^d
T-7	at the officer's home	while "demonstrating" use of the TASER	teenaged step-daughter	off-duty	deployed CED ^c
T-8	in the backseat of a police car	during a traffic stop ^a	handcuffed suspect	on-duty	deployed CED ^d
T-9	in the backseat of a police car	while transporting runaway to juvenile center	teenaged suspect	on-duty	threats w/ CED
T-10	at the officer's home	during a domestic violence incident ^{a,b}	officer's wife	off-duty	deployed CED ^d
T-11	in the street	following a foot chase ^a	handcuffed suspect	on-duty	deployed CED ^d
T-12	in the backseat of a police car	during questioning after stop-and-frisk of a pedestrian ^a	handcuffed suspect	on-duty	deployed CED ^d
T-13	at the officer's home	while brother's children were looking for their dog ^{a,b}	officer's brother	off-duty	deployed CED ^c
T-14	in the street	when other officers tried to arrest the officer	another police officer	off-duty	threats w/ CED
T-15	in a high school classroom	while stalking a woman	friend of officer's wife	on-duty	threats w/ CED
T-16	in a high school classroom	during a high school career fair	high school students	on-duty	deployed CED ^d
T-17	in the street	while on patrol during an arrest	handcuffed suspect	on-duty	deployed CED ^c
T-18	in a hospital room	while strapped/handcuffed to bed	handcuffed suspect	on-duty	deployed CED ^d
T-19	at the police station	while interrogating youth after arrest	teenaged suspect	on-duty	threats w/ CED
T-20	at the officer's home	while sexually assaulting a woman	officer's wife	off-duty	threats w/ CED
T-21	at the home of former girlfriend	when he found another man in ex's bedroom	officer's ex-girlfriend	on-duty	threats w/ CED
T-22	in a restaurant	as a prank to harass a waiter during breakfast	waiter at restaurant	on-duty	deployed CED ^d
T-23	in a parking lot of the courthouse	during a traffic stop for not wearing a seatbelt	motorist	on-duty	threats w/ CED
T-24	in the street	during a traffic stop	motorist	on-duty	deployed CED ^c

Note. ^aAngry aggression exhibited by officer, ^bOfficer was intoxicated, ^cCED used in probe mode, ^dCED used in drive-stun mode