

NAMI Board Adopts Policy on Less Lethal Weapons

by **Ron Honberg**, NAMI Director of Policy and Legal Affairs



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NAMI recommends that states develop mandatory training requirements for all law enforcement, correctional and other personnel authorized to use CEDs.

In recent years, many law enforcement agencies have begun using “Conducted Energy Devices” (CEDs) in an effort to reduce deaths and serious injuries resulting from confrontations between law enforcement officers and people they are responding to.

According to the U.S. Department of Justice, CEDs are “less-lethal devices intended to deliver an electrical charge sufficient to momentarily disrupt a subject’s central nervous system, enabling better officer control of the individual and causing minimal discomfort or injury.”ⁱ

Tasers are the most commonly used and widely publicized CEDs used by law enforcement agencies, but other types of CEDs, such as stun guns and impact delivery systems, are used as well.

Relatively little independent research has been conducted on the safety and efficacy of CEDs. The small amount of research that has been done suggests that, in communities where these devices are used, fewer overall deaths and serious injuries resulting from the use of lethal force have occurred. Certainly, there is little argument that less lethal weapons are far safer and less deadly than live bullets.

Nevertheless, concerns have arisen that CEDs may not be entirely safe. These concerns have particularly focused on Tasers. An October 2005 article in *The New York Times* reported nearly 140 documented deaths of people being taken into custody by the police.ⁱⁱ Some of these deaths involved

people with serious mental illnesses. Most of the deaths were due to cardiac or respiratory arrest, and a number of the autopsy reports listed “excited delirium” or “agitated delirium” as a contributing factor to the death.

Concerns about CEDs have been reinforced both by aggressive marketing by companies that manufacture these devices and by the realization that the use of these devices is largely unregulated. Moreover, training requirements and standards governing the use of CEDs appear to vary broadly from community to community.

A recent study published by the National Institute of Justice, the research arm of the U.S. Department of Justice, concluded that, “although exposure to CEDs is not risk-free, there is no conclusive medical evidence within the state of current research that indicates a high risk of serious injury or death from the direct effects of CED exposure.”ⁱⁱⁱ Conversely, preliminary research findings from a research group in Illinois suggest that the use of stun guns “may impair people’s cognitive functioning.”^{iv}

In March 2008, the NAMI Board of Directors adopted a new policy on the “Application of Less Lethal Weapons by Law Enforcement Officers.” This policy was adopted by the NAMI Board after it received extensive input from a variety of sources, including NAMI’s grassroots membership, the NAMI Consumer Council, representatives of the law enforcement community, and others.

ⁱ James M. Cronin and Joshua A. Ederheimer, “Conducted Energy Devices: Development of Standards for Consistency and Guidance,” U.S. Department of Justice Office of Community Oriented Policing Services and Police Executive Research Forum, Washington DC, 2006, available at <http://www.cops.usdoj.gov/RIC/ResourceDetail.aspx?RID=379>

ⁱⁱ Alex Berenson, “Police Group Urges Limits on Taser Use,” *New York Times*, October 19, 2005.

ⁱⁱⁱ National Institute of Justice, “Study of Deaths Following Electro Muscular Disruption: Interim Report”, <http://www.ojp.usdoj.gov/nij/>

^{iv} S. Dingfelder, “Stun guns may cause brain injury”, *Monitor on Psychology*, American Psychological Association, Volume 39, No. 6, June 2008, p. 12.

The policy emphasizes that CEDs should be permitted only when responding officers conclude “that an immediate threat of death or serious injury exists, which cannot be contained by lesser means, and/or is likely to be hazardous to the officer(s), the individual (they are responding to), or a third party.” CEDs are not an appropriate substitute for alternative de-escalation techniques, nor should they be used “as a means of intimidation or inappropriate coercion.”

NAMI’s policy also calls upon states to develop and enforce standards governing the use of CEDs and defining who is authorized to use them. The policy emphasizes that state laws should prohibit the usage of CEDs by those not authorized in statute to use them. The policy also recommends that states develop mandatory training requirements for all law enforcement, correctional, and other personnel authorized to use CEDs.

To date, much of the research on CEDs, and particularly Tasers, has been funded by corporations with a financial stake in selling these products. NAMI’s policy recommends federal and state funding and promotion of independent research to better understand the benefits and risks of these devices.



Finally, the policy recommends that each usage of a CED by a law enforcement officer should be investigated by the law enforcement agency that employs the officer in the same way that the use of a firearm would be investigated. This is the best way to ensure that these devices are used only in situations that warrant such a response.

NAMI’s policy on less lethal weapons can be found in NAMI’s “Public Policy Platform” at the Web site, www.nami.org.

Tasers are not a substitute for de-escalation.

What Can You Say about CEDs?

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NAMI members may sometimes find themselves being asked about incidents involving Tasers or other types of “conducted energy devices.” Some basic points can guide any public discussion—including interviews with the news media or letters to editors and policymakers.

- Police often are the first responders when a person is in psychiatric crisis. Crisis intervention training is supposed to emphasize de-escalation techniques and getting a person medical help.
- Use of Tasers or similar weapons is appropriate only when police determine that an immediate threat of death or serious injury exists either to themselves, the person in crisis, or a third party.
- Tasers are not a substitute for de-escalation. They should not be used simply for intimidation or coercion.
- Police face difficult decisions. As a matter of routine procedure, every time a Taser or any other non-lethal weapon is used, the police department should investigate in the same way that any discharge of a firearm is investigated.
- Finding out the facts is important—including the circumstances that may have contributed to a psychiatric crisis.
- The contribution of mental illness to the level of violence in society is exceptionally small. Acts of violence are exceptional. They are a sign that something has gone terribly wrong; often in the mental healthcare system.