

Northern California jury holds TASER International responsible for man's death

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On June 6, a federal jury in San Jose, California, found TASER International, Inc., responsible for the February 20, 2005 death of 40-year-old Robert C. Heston in nearby Salinas, the first trial to establish that the company's weapon can kill a human being.

TASER is the leading manufacturer of electrical control devices (ECDs), sometimes referred to as "stun guns." The device, shaped like a pistol, fires two darts attached to 21-foot wires. When both darts hit, an electrical circuit is completed and the weapon automatically discharges an excruciatingly painful five-second cycle, which contracts the skeletal muscles, causing the person to become rigid and collapse.

The trigger can subsequently be pulled over and over, delivering additional five-second cycles, and it can be held down, discharging a continuous flow of electricity until released. Each weapon has a computer chip, called the dataport, which records the number of trigger pulls.

In Heston's case, the officers cycled three TASER devices 25 times over a 75-second period, stopping only when he became limp and turned blue.

There have been close to 400 reported deaths following ECD use since TASER International introduced its more powerful 26-watt models eight years ago. One particularly notable incident occurred on October 14, 2007, when Robert Dziekanski, a non-English speaking man from Poland, died minutes after being shocked by Royal Canadian Mounted Police at the Vancouver International Airport.

Because it was caught on videotape the incident has generated calls for banning the weapons in Canada. A commission of inquiry headed by Thomas R. Braidwood held a hearing in Vancouver, British Columbia, last month on dangers associated with ECD use.

The Heston family was represented by two Los

Angeles lawyers, Peter Williamson and John Burton. Burton is a long-time member of the Socialist Equality Party and ran as its candidate for California governor against Arnold Schwarzenegger in the 2003 recall election, finishing 14th in a field of 135 candidates.

In an interview, Burton explained to the *World Socialist Web Site* that Heston had a history of methamphetamine abuse and that his parents, Robert H. and Betty Lou, called the Salinas police when he became delusional and agitated following use of the drugs. When the police officers arrived, Heston was imagining someone in the attic threatening his family with a gun and throwing furniture out the front door.

While assessing Heston with 85 percent of the fault for the incident, the jury awarded over \$1 million in compensatory damages and additional \$5.2 million in punitive damages based on the manufacturer's failure to warn police agencies that repeated TASER shocks can cause cardiac arrest.

Burton explained that TASER International began experimenting on animals in the late 1990s to develop a weapon with more stopping power than the seven-watt systems introduced during the 1970s. "By taking the gunpowder out of the cartridge and using compressed nitrogen instead, TASER was able to escape regulation by the ATF—the Bureau of Alcohol, Tobacco and Firearms—and sell its product directly to police agencies without any government review. There has never been an adequate independent review of TASER ECD safety," Burton said.

One of TASER's more important promoters was Bernard Kerik, the corrupt former New York Police Commissioner and Rudolph Giuliani protégé, who received over \$6.2 million by exercising TASER stock options.

Burton said, "TASER claims to have data

establishing that the electrical output of its devices is too low to stop the heart from beating, so-called electrocution. There was no data, however, on the effect of repeated shocks. Swine studies performed by the United States Air Force after the device had been on the market for several years established that repeated cycles cause dangerous increases in the amount of lactic acid discharged by muscles into the bloodstream, sufficient to induce cardiac arrest.”

According to Burton, the jury did not hold the officers responsible for Heston’s death because each testified that he followed TASER training regarding safety. Although TASER learned the results of the Air Force study months before the Heston incident, there was no meaningful warning issued to its customers.

In 2007, the Air Force study results were validated by research performed at the Cook County hospital trauma center in Chicago. Pigs shocked with two 40-second Taser discharges showed drastic increases in blood acid, and two pigs experienced cardiac arrest.

The proliferation of ECD use throughout the United States and Canada, without due regard for the safety of the devices, represents an attack on the democratic rights of the population. Contrary to police claims, the weapon is not used in lieu of deadly force. Instead, it is used, often inappropriately, to inflict pain as punishment, like when University of Florida journalism student Andrew Meyer was wrestled to the ground and shocked by campus police after questioning 2004 Democratic presidential candidate John Kerry at a September 17, 2007 forum.

During his 2007 campaign for president of France, Nicolas Sarkozy pledged to purchase thousands of TASER ECDs for use on demonstrating youths.

Amnesty International has called for a moratorium on TASER usage until more is learned about its lethality, and the United Nations has condemned the devices as a “a form of torture that can kill.”



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