TASER® Exposure, Miranda Warnings, and Police Interrogations

New Evidence and Implications

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TASERs® (conducted energy weapons sold by TASER International, Scottsdale, Arizona) have become ubiquitous in American policing. In 2013, 75% of state and local law enforcement agencies in the United States authorized TASERs for all sworn field/patrol officers and another 10% authorized them for at least some sworn officers (Bureau of Justice Statistics, 2013). Conservatively speaking, this suggests that approximately 500,000 law enforcement officers carry a TASER on a regular basis when they are working. Studies have consistently documented that most physical force used by police consists of low-level, hands-on control tactics, but increasingly, the TASER has supplanted other options (e.g., baton or pepper spray) as the preferred less-lethal weapon for police (Smith et al., 2010).

With the proliferation of the TASER has come a host of issues and concerns similar to what occurred when the adoption of pepper spray became widespread (Smith and Alpert, 2000). Human rights and public interest groups, as well as the media, have raised concerns about the safety of the TASER and whether it has caused the deaths of citizens at the hands of the police (Amnesty International, 2012). The medical and field-based research to date has largely debunked the notion that the TASER poses a significant risk of death when used appropriately, and a National Institute of Justice Special Report on deaths after the use of conducted energy devices (CEDs) concluded that “law enforcement need not refrain from using CEDs to place uncooperative or combative subjects in custody, provided the devices are used in accordance with accepted national guidelines and appropriate use-of-force policy” (Laub, 2011, p. viii).