



Human Rights Defense Center

DEDICATED TO PROTECTING HUMAN RIGHTS

February 27, 2012

Daniel H. Heyns, Director
Michigan Department of Corrections
206 E. Michigan Avenue
P.O. Box 30003
Lansing, MI 48909

RE: Use of TASERs by Michigan DOC

Dear Director Heyns:

I am the director of the Human Rights Defense Center (HRDC), a non-profit organization dedicated to protecting the human rights of people who are incarcerated. I am contacting you in reference to the recent acquisition and deployment of TASER electronic control devices (ECDs) by the Michigan Department of Corrections.

HRDC, through its monthly publication, *Prison Legal News*, has reported on the use of ECDs in the correctional setting for over two decades. We have, for example, reported cases in which pregnant prisoners miscarried after being shocked; where prisoners were shocked while they were restrained in handcuffs or restraint chairs; and where ECDs were used sadistically for the purpose of inflicting pain rather than being used to regain control or respond to incidents involving violence or the credible threat of violence.

Prison Legal News ran a cover story on ECD use by prison and jail staff in October 2006, which detailed numerous cases in which prisoners died after being shocked. We have further reported significant outcomes in wrongful death cases involving TASERs. For example, on July 19, 2011, a North Carolina jury awarded \$10 million in a federal lawsuit involving the 2008 death of a 17-year-old grocery store worker, Darryl Turner, who was shocked in the chest by a police officer and suffered cardiac arrest. A wrongful death suit involving Santa Cruz, California jail detainee David Cross, who was shocked and then restrained by deputies, settled for \$3 million in April 2008, and in nearby Watsonville, California in July 2010, TASER International settled a brain injury claim for \$2.85 million following a TASER-induced cardiac arrest. In the latter case the plaintiff, Steven Butler, was shocked with a TASER after he refused to get off a bus.

I would note that *Prison Legal News* sued the Michigan DOC in 1999 due to the censorship of a book that we distributed, resulting in a settlement which included monetary damages. Given that the Michigan DOC has in the past failed to respect the First Amendment rights of publishers, we have little faith that DOC employees will respect the Eighth Amendment rights of prisoners now that they have access to ECDs. Of particular concern is the deployment of ECDs against prisoners who are mentally ill, and whose unruly behavior and inability to follow prison rules is a result of their mental health condition.

Our concern is based not on what we fear may happen but rather on what already has happened to mentally ill prisoners at the hands of Michigan DOC employees. Specifically, I refer to the egregious deaths of state prisoners Timothy Souders, Ozy Vaughn and Jeffrey Clark, who were mentally ill and died due to dehydration and neglect by prison staff. If DOC employees had had access to TASERs at the time, Souders, Vaughn and Clark likely still would have died but they would have been shocked first. This is because DOC staff do not need another tool that causes pain to obtain compliance, such as ECDs; instead, there needs to be a systemic change in the manner in which DOC staff interact with prisoners – particularly those who are mentally ill.

We submit that a better use of resources for the Michigan DOC would be more training for DOC employees in proper techniques for responding to disturbances and incidents involving prisoners with mental health conditions, so as to minimize the use of force – rather than deploying ECDs, which simply adds another type of force to the DOC's arsenal that has the potential for abuse. The only way to ensure ECDs are not used in an abusive manner against prisoners is to ensure they are not made available to DOC employees.

We therefore call on you to bar the use of TASER ECDs within Michigan's prison system.

Sincerely,



Paul Wright.
Executive Director, HRDC

cc: Lance Weber, HRDC Chief Counsel