

# Compliance through pain

## Electric shock equipment in South African prisons

Omega Research Foundation

### Recommendations

- 1** Body-worn electric shock devices (e.g. stun belts) have no legitimate law-enforcement purpose and their use should be prohibited.
- 2** Hand-held direct contact electric shock equipment, such as stun shields and stun guns, are prone to abuse and should also be prohibited.
- 3** Non-electrified batons, shields and cuffs should instead be used to achieve restraint and control.
- 4** Given the problems with other categories of electric shock devices, wired projectile electric shock weapons should be prohibited from being introduced into correctional centres or other places of detention.
- 5** All use-of-force incidents should be reported and carefully monitored.
- 6** All prison policies and staff training should be compatible with domestic and international human-rights norms and standards.

### Summary

Various kinds of electric shock devices are authorised for use in South African prisons. These are designed to enforce compliance through pain, incapacitation or fear of activation. However, their use has been associated with acts of torture and other cruel, inhuman or degrading treatment or punishment. This policy brief provides an overview of electric shock equipment and describes known harmful medical effects associated with its use. It highlights the use and misuse of these types of equipment in correctional institutions in South Africa, and outlines how and why this equipment is in breach of local, regional and international standards. This brief is designed to raise awareness of these concerns and to provide recommendations for change in how electric shock equipment is used in South Africa.

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WHILE SOME LESS LETHAL and restraint devices may have a legitimate role to play in law enforcement, electric shock equipment has been implicated in serious abuses, at times amounting to torture. The wider concerns surrounding the use of this equipment are not well known amongst law enforcement officials in South Africa, including officers of the law who exercise police powers, especially powers of arrest or detention, or among the bodies charged with monitoring them.

The UN sets out important principles and prerequisites for the humane performance of law-enforcement functions, including the use of less lethal weapons and restraints.<sup>1</sup> These standards make it clear that the use of force must be proportionate, lawful, accountable and necessary if it is to be considered appropriate. In South Africa the Correctional Services Act 111 of 1998 states that '[a] minimum degree of force must be used and the force must be proportionate to the objective'.<sup>2</sup>

### What is electric shock equipment?

Electric shock equipment operates through the application of electricity to the human body to produce an effect. There are two main categories of equipment: direct contact

electric shock equipment, which results in pain with some incapacitation, and projectile electric shock weapons, which operate by overriding the neuromuscular system, causing pain and resulting in collapse and incapacitation.

Direct contact electric shock equipment includes hand-held devices, such as stun guns, stun batons and stun shields, as well as devices that are attached to the detained person and worn on the body. These are commonly referred to as stun belts, stun cuffs and stun sleeves. These are activated by remote control and are often used during prisoner transport, in court room settings or to control prisoner work groups.

Projectile electric shock weapons (such as the widely known Taser International brand weapon) deliver an electric shock by means of wired projectile darts, enabling a greater distance between the operator and the target. However, projectile devices may also have the ability to be used as hand-held stun weapons when set to the 'drive stun', or contact, mode.

**Electric shock belts and other forms of stun devices have been available for use in South African prisons since 1999**

### **Use of electric shock equipment in South African prisons**

With a national population of more than 54 million, South Africa has 243 active correctional centres.<sup>3</sup> As of March 2015, the total prison population was 159 241.<sup>4</sup> South Africa has the third highest incarceration rate in Africa.<sup>5</sup>

Electric shock belts and other forms of stun devices have been available for use in South African prisons since 1999.<sup>6</sup> Electrified riot shields have been supplied to the Department of Correctional Services (DCS) as early as 1994.<sup>7</sup> Golden Miles Bhudu of the South African Prisoners Organisation for Human Rights said: 'When prisoners were protesting for the vote in the mid nineties, stun guns, stun belts and stun batons were introduced into the prisons. These gadgets have been used periodically to "play" with inmates.'<sup>8</sup>

According to South Africa's Correctional Services Act, 'non-lethal' incapacitating devices may be used only by officials trained specifically in their use.<sup>9</sup> They must be deployed only when the safety of inmates or the correctional centre is threatened, or to prevent escape. However, there are many documented cases of electric shock devices, as well as other forms of ill-treatment, being used in South African prisons to extract confessions, coerce compliance or punish inmates.

#### **Stun belts**

Authorised for nationwide use under Article 18 (1) (e) and 18 (2) of the 2004 Correctional Services Regulations, as amended, 'electronically activated high security transport belts' are available for use 'for the purpose of restraining a prisoner when outside a cell'<sup>10</sup> and during 'transfer/escorting'.<sup>11</sup> The DCS policy states that stun belts 'can be used on male and female prisoners (excluding pregnant women)' and that they 'must only be used in the most extreme cases'.<sup>12</sup>

A 2009 news report detailed a DCS acquisition of 900 body-worn electric shock devices to be used countrywide. According to the report, this purchase 'more than double[d] the number of belts that Correctional Services uses'.<sup>13</sup> South African

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**243**

THE NUMBER OF ACTIVE  
CORRECTIONAL CENTRES IN  
SOUTH AFRICA

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manufacturer Force Products supplies the Anti'Scape Stun Belt<sup>14</sup> to the DCS. The company won a 2009 government tender to supply the devices.<sup>15</sup> The DCS confirmed to the Omega Research Foundation that only one type of stun belt is used by the department.

### Other electric shock devices

The 2004 Correctional Services Regulations, as amended, also state that electronically activated, 'non-lethal' incapacitating devices may be used by trained correctional officials.<sup>16</sup> The only devices currently authorised for use in prisons are stun shields and 'hand-held electronic immobilizing stun devices'.<sup>17</sup> In response to an information request submitted by Omega Research Foundation, the DCS stated that although the latter devices are approved for use, none are currently in use by the department. The DCS Order-B regulations on safety and security state that stun shields are 'mainly utilised by Emergency Support Teams during situations of unrest inside or outside prisons'.

Legal documents obtained from the Eastern Cape High Court of South Africa, Port Elizabeth, note that electric shock shields 'have been supplied by Force Products to the Department of Correctional Services since approximately 1994'.<sup>18</sup> Force Products has fulfilled DCS tenders for stun shields of varying sizes, most recently in 2013.<sup>19</sup> At present, the company is the only supplier of stun shields to the DCS.

### Physical and mental effects

Generally, electric shock equipment causes severe pain for the duration of the applied shock, leading to temporary incapacitation. In addition, wired projectile electric shock

weapons cause the targeted person to collapse and become incapacitated by overriding the body's neuromuscular system. However, these devices can also have a negative impact on the physical and mental health of the recipient beyond the initial shock period, and in some cases they can lead to death. The outcome of using electric shock devices depends on a number of factors, including where on the body the shock is administered; the target's sex, body mass and medical history; medication use and level of intoxication by alcohol or drugs.<sup>20</sup> The two main categories of electric shock devices authorised for use in South African correctional centres and their harmful effects are listed in Table 1.

**These devices can also have a negative impact on the physical and mental health of the recipient**

The use of electric shock devices on individuals with underlying health problems is a particular cause for concern. Activating stun belts on recipients with, for example, congenital heart defects or epilepsy, or on individuals using psychotropic medication could increase the risk of heart attacks or ventricular fibrillation.<sup>21</sup> The level of pain inflicted and the psychological effects of wearing the belt are also concerning. In the US, the only other country besides South Africa where body-worn electric shock devices are widely used on prisoners, one inmate whose stun belt was activated described the pain as 'so intense that I thought that I was actually dying';<sup>22</sup> another described it as 'excruciatingly

**Table 1:** Harmful effects associated with electric shock equipment

Technology type	Features	Reported possible effects
Body-worn electric shock equipment (e.g. stun belts)	<ul style="list-style-type: none"> <li>Placed around the subject's body; delivers an electric shock by remote control.</li> <li>Commonly marketed as a tool to prevent escape or injury to others during prisoner transfers, work details, or trials.</li> </ul>	<ul style="list-style-type: none"> <li>Incapacitation for up to 15 minutes</li> <li>Muscular weakness for 30–45 minutes</li> <li>Immediate and uncontrolled urination or defecation</li> <li>Welts on the skin that can require up to six months to heal</li> <li>Heartbeat irregularities and greater risk of cardiac arrhythmia</li> <li>Seizures</li> <li>Mental anguish (e.g. anxiety and fear)</li> <li>Risk of secondary injuries caused by falls</li> </ul>
Direct contact electric shock equipment (e.g. stun shields, stun batons and stun guns)	<ul style="list-style-type: none"> <li>Delivers an electric shock when placed directly against the subject.</li> <li>Does not incapacitate but works through pain compliance.</li> <li>Provides little tactical advantage over non-electrified alternatives.</li> </ul>	<ul style="list-style-type: none"> <li>Application of stun shields to the spine can cause injury</li> <li>Damage to sensitive areas (e.g. eyes, genitals and open wounds)</li> <li>Burn marks</li> <li>Risk of secondary injuries caused by falls</li> <li>Death</li> </ul>

**Sources:** PH Yoon, The 'stunning' truth: Stun belts debilitate, they prejudice, and they may even kill, *Capital Defense Journal*, 15:2, 1 March 2003, <http://scholarlycommons.law.wlu.edu/cgi/viewcontent.cgi?article=1531&context=wluccj>; Association of the Bar of the City of New York, Report of Subcommittee on Conditions of Confinement on the Use of Stun Shields by the New York City Department of Correction, 129518 v.3, 2001, <http://bit.ly/1E3dnXd>.

painful. It made my body go into involuntary convulsions. It was horrible.<sup>23</sup>

There is little published research related to the physical or mental effects of the use of stun shields or stun batons. However, a report by the Association of the Bar of the City of New York on the use of stun shields by the New York Department of Corrections states: ‘The shock may cause intense pain and lead to serious injury; mere application of the shield to the spine may cause injury and as such should be avoided.’<sup>24</sup> The report also warns against using stun shields near the eyes, genitals or open wounds. The document details a case where ‘in December 1995, a corrections employee of the Texas Department of Criminal Justice received two 45,000-volt stun shield shocks as part of a required training exercise. Shortly after the second shock, he collapsed and died.’ The autopsy stated that the corrections official died as a result of cardiac dysrhythmia due to coronary blockage following an electric shock by the stun shield.<sup>25</sup> A justice of the peace, who conducted an inquiry into the death, concluded that ‘the electric shock threw his heart into a different rhythmic beat, causing him to pass away’.<sup>26</sup> More research into the effects of hand-held direct contact electric shock devices is urgently required.

## Condemnation of the use of electric shock weapons

A number of bodies have condemned the use of electric shock weapons. The following are examples:

- The UN Committee against Torture has recommended that stun belts should be ‘abolish[ed] … as methods of restraining those in custody’.<sup>27</sup>
- The European Commission (EC) has classified body-worn electric shock devices, such as stun belts, as equipment that ‘has no practical use other than for the purpose of torture and other cruel, inhuman or degrading treatment or punishment’.<sup>28</sup> The EC prohibits the import into or export from the European Union of these devices, while recognising that other forms of electric shock equipment can be used to perpetrate torture.
- The Council of Europe’s Committee for the Prevention of Torture calls for the strict regulation of electric shock devices, as they ‘can cause acute pain and are open to abuse’. The council completely opposes the use of stun belts for controlling the movement of detained persons, as ‘such equipment is inherently degrading for the person to whom it is applied, and the scope for misuse is particularly high’.<sup>29</sup>
- UN Special Rapporteur on Torture Juan Méndez has explicitly stated that ‘[t]he use of physical restraints that are inherently inhuman, degrading or painful (such as electro-

shock stun belts and restraint chairs), has humiliating and degrading effects and has been condemned and prohibited by both the Special Rapporteur and the Committee against Torture as methods of restraining those in custody’.<sup>30</sup>

- In 2011 the chairperson of South Africa’s National Assembly Committee on Correctional Services said electric shock equipment should be banned in prisons, and alternative means of restraint and control found.<sup>31</sup>

## Breach of standards

The use of electric shock equipment may breach regional and international norms and standards<sup>32</sup> in several ways:

- By inflicting torture. South Africa’s own Prevention and Combating of Torture of Persons Act 13 of 2013 is clear that ‘no one shall be subjected to acts of torture’. Other South African laws<sup>33</sup> and regional standards<sup>34</sup> prohibit torture and other forms of ill-treatment.
- By using or threatening the use of excessive force. Body-worn electric shock equipment, by acting both as a restraint and a stun device that can inflict severe pain, potentially increases the amount of force used. Similarly, the use of hand-held direct contact electric shock devices, such as stun batons and stun shields, provides little tactical advantage over non-electrified equipment but may increase the amount of force used.<sup>35</sup>
- By the mental suffering inflicted. Even if the electric shock component of a stun belt is never triggered, the mere fact of wearing a device that can deliver a painful shock at any moment causes profound mental suffering. One inmate who had a stun belt applied noted that ‘this mental restraint was far worse than being beaten. The mental pain and suffering last far longer’.<sup>36</sup>
- By its humiliating and degrading effects. The UN’s updated Standard Minimum Rules on the Treatment of Prisoners of 2015 (known as the Mandela Rules) state that the ‘use of chains, irons or other instruments of restraint which are inherently degrading or painful shall be prohibited’.<sup>37</sup> A stun-belt manufacturer said that one of the ‘great advantages’ of body-worn electric shock weapons is their ability to ‘humiliate the wearer’<sup>38</sup> – not least through urination and defecation, which often occur when the devices are activated.
- By violating the rights of pre-trial detainees. Electric shock equipment is used on both pre-trial detainees and sentenced offenders in South Africa. However, the Luanda Guidelines,<sup>39</sup> produced by the African Commission on Human and Peoples’ Rights, state that ‘no detained person while being questioned shall be subject to torture or other

ill-treatment'. These guidelines also emphasise that the use of force and restraints for detainees in police custody or awaiting trial should be based on the presumption of innocence.

## Abuse of electric shock equipment in South Africa

The heads of South Africa's correctional centres are under a statutory obligation to report the use of force and mechanical restraints on inmates to the Inspecting Judge for Correctional Services. A report by the Judicial Inspectorate for Correctional Services (JICS) noted with concern the 'general disregard by many heads of centres of their responsibility in this regard'.<sup>40</sup> As such, it is difficult to estimate how widely electric shock devices are used in prisons.

## Warder violence in South African prisons

Although instruction on the use of force is a standard part of training provided to DCS officials, each year thousands of incidents involving the assault of inmates by prison officials are recorded in South African prisons (see Table 2). A 2014 JICS newsletter referred to 'the shocking mistreatment of inmates by DCS officials', in terms of general use of force.<sup>41</sup>

There are reports of unlawful beatings and assault by prison guards in South African prisons, including the misuse of electric shock devices. It is not always clear how these shocks are administered, but it could entail the use of stun shields, stun belts or hand-held electronic immobilising stun devices.

Each year thousands of incidents involving the assault of inmates by prison officials are recorded

The South African Human Rights Commission 'noted with concern' a March 2014 incident at St Albans Correctional Centre in Port Elizabeth, in which a search for contraband 'led to the alleged mass-beatings, electric shock and torture' of 200 inmates.<sup>42</sup> Gross human-rights violations, involving more than 100 inmates, also took place at St Albans in July 2005 (see the next section for further details).

In 2013 an inmate at the Losperfontein Correctional Facility was 'allegedly tortured (shocked) with an electric anti-riot shield', which prompted an investigation.<sup>43</sup> In 2009 an inmate was killed by prison officials at Pietermaritzburg Correctional Centre.<sup>44</sup> JICS reported that '[o]fficials used batons, crutches and an electric-shield even when [the inmate was] mechanically restrained'. Criminal charges were brought against the

**Table 2:** Complaints received by ICCVs\* of inmates assaulted by prison officials in South Africa

Year	Number of complaints
2014/15	2 341
2013/14	4 203
2012/13	3 370
2011/12	1 945
2010/11	2 276
2009/10	2 189

\* Independent Correctional Centre Visitors

**Source:** JICS annual reports

perpetrators. In the same year, an inmate was killed by officials at Ebongweni Correctional Centre, Kokstad. JICS reported:

'[The] deceased [was] brutally assaulted by officials with batons, electric shields and booted feet [who] then failed to provide adequate and timeous medical attention.'<sup>45</sup>

In 2006 the Jali Commission reported that prisoners from the C-Max prison in Kokstad testified that 'they were assaulted for no reason, strip-searched in front of female staff, and given electrical shocks by warders using electric shock shields. The commission learned that electric shocks of prisoners in C-Max had become an unofficial but routine "initiation ceremony".'<sup>46</sup> The commission concluded that the prisoners were not treated with dignity and that their human rights had not been respected.

There have been allegations of torture and assault involving the use of electric shock equipment by staff at the Mangaung Correctional Centre, a private facility run by British firm G4S. In May 2005 inmate Isaac Nelani was allegedly tortured before he died in an isolation cell.<sup>47</sup> Two prisoners provided eyewitness accounts of Nelani being assaulted by Emergency Security Team (EST) staff, which involved Nelani being shocked by electrified anti-riot shields. The state pathologist ruled the death as suspicious. In a March 2013 incident, inmates alleged that EST warders shocked fellow prisoner Tebogo Bereng repeatedly on the head with electric anti-riot shields while he was handcuffed. He was then taken into isolation and further assaulted. Hours later he was pronounced dead.

## Legal cases in South Africa

A number of legal cases have been launched against officials in relation to abuse of electric shock devices and other forms of ill-treatment in South African prisons.

A class action lawsuit is being compiled against G4S. At least 50 inmates allege they were tortured by prison guards at the

Mangaung Correctional Centre, near Bloemfontein. The prisoners' claims include being subjected to electric shocks, being forcibly injected with anti-psychotic drugs and being held in isolation cells for up to three years.

British law firm Leigh Day, which represented the inmates before the case was moved to South Africa, reported that information provided by the plaintiffs attests to:

... a culture of abuse and fear that appears to have been endemic in Mangaung Correctional Centre for years. Many allegations involve inmates being taken to solitary cells where there are no cameras, stripped naked and forced on to a metal bed with water thrown on them before being repeatedly shocked with electric shields, including to the head and genitals.<sup>48</sup>

Inmate John Banda recalled abuse at the prison: 'At Mangaung warders often called the special securities who came with dogs, shock shields and guns. They made you take off your clothes and wet you – the shock is more powerful when you're wet.'<sup>49</sup>

Another inmate, Mzwi Shabalala, spoke of treatment at Mangaung: 'The warders are very violent here and use shock shields regularly. They take inmates to a single cell and beat the s\*\*\* out of them. I've had blood in my urine after being shocked at high voltage.'<sup>50</sup> The South African government conducted its own investigation into the case, but has not released the findings publicly.

### A legal case involving the alleged misuse of stun shields against children was brought against a facility that houses minors awaiting trial

In 2014 around 20 inmates claimed that they had been assaulted and tortured with stun shields by members of the EST at Leeuwkop Max C Prison.<sup>51</sup> They brought an urgent application before the South Gauteng High Court. One of the examining doctors was 'absolutely shocked' at the brutality of the beatings, saying, '[t]he four inmates I examined were all badly beaten but the injuries on two of them indicated they had been severely assaulted, viciously attacked and seriously injured. One of them had bad burn-marks on his back consistent with electric shock. I found contusions, burn marks, bruising, lacerations and swellings on all of them.'

Another legal case, *Bradley McCallum v. SA*, involves an incident of torture that took place at St Albans Correctional Centre in July 2005. McCallum said that warders at the correctional facility beat him with batons and stun shields, and sexually assaulted him.<sup>53</sup> He was then denied access to medical treatment and legal counsel. The case was taken to the UN Human Rights Commission, which in 2010 found that South Africa had violated its obligations in terms of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the UN Convention on Civil and Political Rights.<sup>54</sup> A class action lawsuit was subsequently launched against the Minister for Correctional Services for damages on behalf of McCallum and 230 other St Albans prisoners.<sup>55</sup>

A legal case involving the alleged misuse of stun shields against children was also brought against a facility that houses minors awaiting trial on criminal charges.<sup>56</sup> The chief magistrate who heard complaints about this incident said that while less-lethal riot equipment can legally be used by correctional services, they cannot be used against children: 'There's no provision for that in any law. It is authorised for use only in prisons, and children's centres are not prisons.'<sup>57</sup>

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2014

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Speaking of the situation in South Africa, a representative of the Civil Society Prison Reform Initiative said: ‘Officials are rarely prosecuted and convicted for assault, torture and actions resulting in the death of criminal suspects and prisoners ... Prosecution is so rare that a situation of *de facto* impunity results.’<sup>58</sup>

## Conclusion and recommendations

Use of force must always be proportionate to achieve the lawful objective, with the aim of minimising injury. The use of electric shock equipment in South African prisons, however, has frequently been at odds with this aim. South Africa must honour its constitutional and international obligations to uphold the rights of inmates and detainees to not be subjected to torture and other forms of abuse. To help meet these obligations, the following recommendations are made:

- 1** Body-worn electric shock devices should be prohibited for use. Being made to wear electric shock devices, such as stun belts, is inherently degrading to the dignity of the person. Activating such devices constitutes unwarranted and disproportionate force, amounting to torture or other cruel, inhuman or degrading treatment or punishment. Even when such devices are worn but not activated, they still constitute ill-treatment, as they leave the wearer in constant fear of potential pain while they are worn. They do not meet a legitimate law-enforcement objective that cannot be effectively achieved with safer, less abusive alternatives. The government should take effective legislative, administrative, judicial or other measures to prevent the use of body-worn electric shock devices, remove and destroy them at the earliest practicable time, and replace them with humane restraints.
- 2** Hand-held electric shock devices should be prohibited. Stun shields, stun batons and stun guns are prone to abuse, especially in settings where there is a culture of excessive use of force and impunity. Their use does not meet a legitimate law-enforcement function that cannot be effectively achieved through safer means. Humane forms of restraint and control, such as handcuffs, shields and batons, should instead be used to achieve the lawful objective of restraint and control.
- 3** Wired projectile electric shock weapons should be prohibited for use in correctional centres. Given the problems with other electric shock devices, these weapons should not be introduced into correctional centres or other places of detention.
- 4** Mandatory reporting of all use-of-force incidents should be introduced and regularly monitored to allow one to assess the appropriateness and lawfulness of actions. Any necessary corrective measures can then be taken.
- 5** Policies and staff training should be compatible with international human-rights standards and law. This should include instruction on the use of force and the appropriate use of security equipment. Clear institutional policies need to be in place and should be publicly available. South African law-enforcement agencies must ensure that officials have received adequate training on the use of any items of equipment they are issued with, and undertake regular refresher training.

## Notes

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