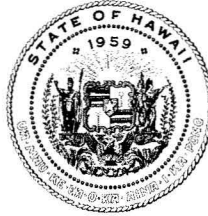


LINDA LINGLE  
GOVERNOR OF HAWAII



**STATE OF HAWAII**  
**DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

**LAURA H. THIELEN**  
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COMMISSION ON WATER RESOURCE MANAGEMENT

**RUSSELL Y. TSUJI**  
FIRST DEPUTY

**KEN C. KAWAHARA**  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAIHOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

**TESTIMONY OF THE CHAIRPERSON  
OF THE BOARD OF LAND AND NATURAL RESOURCES**

**on House Bill 3016 House Draft 1 – RELATING TO LAW ENFORCEMENT**

**BEFORE THE HOUSE COMMITTEE ON JUDICIARY**

**February 12, 2008**

House Bill 3016 House Draft 1 proposes authorizing the Department of Land and Natural Resources' Division of Conservation and Resources Enforcement (DOCARE) to use tasers while performing their duties within the State. The Department of Land and Natural Resources (Department) supports the usage of tasers by its DOCARE Officers, but has concerns with the fiscal implications this bill will have on the Executive Supplemental Budget request.

Tasers provide a viable alternative to the need for escalating deadly force when dealing with a combative suspect. While reducing risk and injury to both DOCARE Officers and suspects, tasers have proven to be a useful tool for law enforcement throughout the United States and Hawaii.

The Department also acknowledges the need to provide adequate training for its officers and establish protocols governing the use of tasers and management of equipment before moving forward with this initiative.

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**JUDtestimony**

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**From:** Bryan.H.Sugiyama [REDACTED]  
**Sent:** Monday, February 11, 2008 11:37 AM  
**To:** JUDtestimony  
**Subject:** Testimony HB-3016-Hearin Date 12/12/2008

TESTIMONY OF BRYAN SUGIYAMA  
SUPERVISOR, HAWAII DIVISION OF CONSERVATION  
RESOURCES AND ENFORCEMENT DIVISIION  
STATE OF HAWAII

FEBRUARY 11, 2008

BEFORE THE JUDICIARY COMMITTEE ON HOUSE BILL: NO. 3016

The authorization for DLNR Conservation and Resources Enforcement Officers to use tasers while performing their duties upon the receipt of accreditation or recognition.

Chairman Waters, Vice-Chairman Oshiro and Members of the Committee:

My name is Bryan Sugiyama and I would like to apologize for not being able to be present to provide verbal testimony due to unforeseen circumstances and would like to request that my written testimony be read and considered in asking for your support of this bill. I have been involved with law enforcement in the State of Hawaii for 33 years, 10 years of which I served as a police officer on the Island of Hawaii and the last 23 years as an officer with the Division of Conservation and Resources Enforcement.

The purpose and importance of this bill will allow Division of Conservation and Resources Enforcement Officers the use of tasers (electric gun) in our line of work. The lethal force continuum of this apparatus in some county is after non compliance of a verbal command. Presently, the Hawaii Revised Statutes allows county police and sheriff department officers the use of the taser.

Commissioned with full police powers, Law Enforcement Officers of DOCARE enforce provisions of Title 13, Hawaii Penal Code, Hawaii Revised Statutes, fish and wildlife, forestry, state parks, natural resources reserves, historic sites, burial sites, land management, water resources management, conservations districts rules and regulations consistent with and in support of provisions of Title 12, Chapter 6E, Chapter 134, and Chapter 200 of the Hawaii Revised Statutes.

DOCARE officers routinely are assigned to work alone and many times face hostile encounters in remote isolated areas with little or no chance of backup. Poor radio communications compound the problem since direct contact with other officers in remote areas is impossible at times.

As Conservation and Resources Enforcement Officers, we not only investigate and issue citations to fishing and hunting violators, we have affected felony and misdemeanor arrests. We also conduct felony investigations, preparation or affidavits, executions of search warrants, and search and seizure of evidence.

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Officers have been confronted and physically attacked while in performance of their police duties, some of which have resulted in officers suffering seriously bodily injury.

In closing, again I humbly ask for your support on House Bill No. 3016. Thank you.

Respectfully,

Bryan H. Sugiyama  
Supervisor, Hawaii Branch

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February 11, 2008

Representative Tommy Waters, Chairman  
Representative Blake Oshiro, Vice-Chair and Members of the  
Committee on Judiciary  
State Capitol  
Honolulu, Hawaii, 96813

February 12, 2008 at 2:05 pm.  
Conference Room 325, State Capitol

**Testimony in Support of HB 3016 HD1**

Dear Chair Waters and Committee Members:

**SUBJECT: Hearing on HB 3016 HD1, Relating to Law Enforcement.**

Thank you for hearing my testimony in support HB 3016 HD1. As a 24 year Law Enforcement officer and currently a Field Supervisor with DLNR-DOCARE on Maui, the passing of this bill makes sense. With the escalating violence in today's world and the everyday dangers we have to face, we want to have an alternative to avoid having to use Deadly Force.

Police Chief Thomas Phillips in his support testimony letter of this bill, stated that the Maui Police department started its Taser program in 2004 and has since fully implemented this tool to its officers and they have seen a consistent drop in injuries to both officers and subjects.

**I humbly request that you remove the appropriation designated for this bill** as it will take us some time to form policy and create a training program before any funding is needed. Next year will be our biennium budget year and we can pursue the funding needed at that time.

Please provide us with the proper tools to do our job of protecting the natural resources of Hawaii that will make it not only safer for the officer but also for the persons that we may have to take enforcement action against in a violent situation. Please pass this bill.

Sincerely,  
Clarence M Yamamoto  
Field Supervisor-West District  
State of Hawaii – DLNR DOCARE  
175 S. Puunene Ave., Kahului, HI 96732  
[REDACTED]

000178

Representative Tommy Waters, Chair  
Representative Blake K. Oshiro, Vice-Chair  
Judiciary Committee

Conservation and Resources Enforcement Officer III-Randy DeCambra  
State of Hawaii/Department of Land and Natural Resources-  
Division of Conservation and Resources Enforcement  
175 S. Puunene Avenue  
Kahului, HI 96732

February 11, 2008

***SUPPORT OF HB 3016 HD1 RELATING TO LAW ENFORCEMENT***

I am and have been a Conservation and Resources Enforcement Officer III with the State of Hawaii/Department of Land and Natural Resources-Division of Conservation and Resources Enforcement for approximately 10 years. I **strongly support HB 3016 HD1 RELATING TO LAW ENFORCEMENT.**

Under Hawaii Revised Statutes 199-4 (a), Conservation and Resources Enforcement Officers (thereafter referred to as CREO) are law enforcement officers whom possess all the power and authority of a Police Officer in which we routinely conduct extensive investigations, effect arrests, and issue citations.

CREO's execute their law enforcement activities in a non-traditional law enforcement environment. CREO's often conduct investigations alone in remote areas that often result in the dealings and arrest of multiple armed suspect's. Due to the lack of manpower and the remote work areas that CREO's work in, CREO's usually don't have the luxury of expeditious back-up support enjoyed by other law enforcement agencies. Tasers would provide a very important level of safety for the officer and the public.

Tasers would also provide CREO's with another much needed level of force in assisting the CREO's execution of their duties. Currently, Hawaii County and Maui County Police Departments have reported great success in the use of Tasers, as its use/possession nationwide have resulted in the decrease of Worker's Compensation Claims, decrease in deadly use of force incidents, decrease in suspect/officer injuries, and the decrease of officer sick leave absences arisen from injuries sustained from subduing suspects.

Maui County Police officer's have conveyed to me there overwhelming satisfaction with Taser use. They reported that majority of the time; just the presentation of the Taser accomplishes and promotes suspect compliance in which the suspect is arrested without harm to the suspect and the officer.

I urge your committee to **pass/support HB 3016 HD1 RELATING TO LAW ENFORCEMENT** and lets keep CREO's safe, so they can effectively perform their duties in the protection of our invaluable natural resources. Thank you for this opportunity to testify.

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February 11, 2008

The Honorable Tommy Waters, Chair  
And members  
Judiciary Committee  
House of Representatives  
State Capitol  
Honolulu, Hawaii 96813

**Judiciary Committee**  
**Hearing Date: 2-12-08**  
**Hearing Time: 2:05pm**  
**Bill No. 3016**

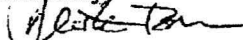
Dear Chair Waters and Members:

**SUBJECT: House Bill No. 3016, Related to Law Enforcement.**

I am Dexter Tom, Supervisor for the Department of Land and Natural Resources, Division of Conservation and Resources Enforcement. I support House Bill No. 3016, Related to Law Enforcement, for the following reasons:

- Our officers often patrol alone in remote areas of Maui. The Taser Conductive Weapon will increase the safety for our officers, and allow them to control an aggressive subject while minimizing injuries.
- Within the last four years since the Maui Police Department initiated the Taser Program and they have experienced a decrease in injuries to their officers, and subjects who are arrested.
- Chief Tom Phillips of Maui Police Department supports our Maui and Hawaii Division, to establish a two year pilot program that allows us to use the taser while performing our duties.
- The Maui Police Department has offered our Maui Division, training on the use of the taser.
- The use of a Taser, affords our officers an alternative to use non-lethal force, versus deadly force. I humbly ask that you support House Bill No. 3016, Related to Law Enforcement.

Sincerely,



Dexter TOM / Supervisor-DLNR/Maui

C00180



**HAWAII GOVERNMENT EMPLOYEES ASSOCIATION**

AFSCME LOCAL 152, AFL-CIO

888 MILILANI STREET, SUITE 601 • HONOLULU, HAWAII 96813-2991



Randy Perreira *Executive Director*  
Tel: 808 543-0011 Fax: 808 528-0922

Nora A. Nomura *Deputy Executive Director*  
Tel: 808 543-0003 Fax: 808 528-0922

Derek M. Mizuno *Deputy Executive Director*  
Tel: 808 543-0055 Fax: 808 523-6879

**The Twenty-Fourth Legislature, State of Hawaii  
Hawaii State House of Representatives**

**Committee on Judiciary**

**Testimony by  
Hawaii Government Employees Association – HGEA/AFSCME, Local 152  
February 12, 2008**

**H.B. 3016, H.D.1 – RELATING TO  
LAW ENFORCEMENT**

The Hawaii Government Employees Association supports the passage of H.B. 3016, H.D.1.

Authorizing the Department of Land and Natural Resources (DLNR) Division of Conservation and Resources Enforcement (DOCARE) Officers to use electric or “taser” guns benefits the department, officers and the public.

Having the electric gun as an available tool and option will certainly enhance the DOCARE Officers’ ability to be more effective in the performance of their duties and responsibilities. In many cases, these law enforcement personnel are working alone in a remote, isolated area of the state. Confronted by a hostile, combative and possibly violent suspect or suspects, the use of a “taser” gun offers an option to restrain a potentially dangerous individual and reduce the chance of a physical incident where deadly force might otherwise be considered. It is our understanding that even the knowledge or presentation of the electric gun will increase the likelihood of compliance by a suspect. Without a doubt, this makes it safer for everyone involved.

DOCARE Officers perform such an important function keeping watch over Hawaii’s invaluable natural resources. The protection and preservation of these resources in our great state is truly a huge responsibility. Any program that can help make their working environment a safer one as they work to preserve our natural resources for generations to come is worthwhile.

We urge your support of H.B. 3016, H.D.1 and thank you for the opportunity to testify.

Respectfully submitted,

Nora A. Nomura  
Deputy Executive Director

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Testimony of The Nature Conservancy of Hawai'i  
Supporting H.B. 3016 HD 1 Relating to Law Enforcement  
House Committee on Judiciary  
Tuesday, February 12, 2008, 2:05PM, Room 325

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*The Nature Conservancy of Hawai'i is a private non-profit conservation organization dedicated to the preservation of Hawaii's native plants, animals, and ecosystems. The Conservancy has helped to protect nearly 200,000 acres of natural lands for native species in Hawai'i. Today, we actively manage more than 32,000 acres in 11 nature preserves on O'ahu, Maui, Hawai'i, Moloka'i, Lāna'i, and Kaua'i. We also work closely with government agencies, private parties and communities on cooperative land and marine management projects.*

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The Nature Conservancy of Hawaii supports H.B. 3016 HD 1 Relating to Law Enforcement.

Many who care about the state's natural resources have long called for more enforcement of regulations to protect those resources. A 2006 State Auditor's report concludes that the state's environmental enforcement officers are spread too thin, inadequately trained, and lack the equipment they need to do their jobs. To address the auditor's concerns, the Legislature has supported a dramatic increase in the number of trained enforcement officers.

In addition to funding and manpower, DLNR conservation and resource enforcement officers need the proper equipment to allow them to be effective. Last year, the Legislature authorized DLNR conservation officers to use blue and red lights on their vehicles to serve several important purposes such as a deterrent to unlawful behavior, identification to those in need of assistance, and allowing enforcement officers to quickly and safely get through traffic in emergency situations.

With conservation officers often carrying out their duties in remote locations and during a variety of hours of the day and night, this bill would provide an appropriate pilot demonstration project for a protection device for the officers.

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## JUDtestimony

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**From:** Amoreena Rabago on behalf of Rep. Blake Oshiro  
**Sent:** Monday, February 11, 2008 1:29 PM  
**To:** JUDtestimony  
**Subject:** Support HB 3016

February 11, 2008

Dears members of the Judiciary Committee:

I am writing in support of House Bill 3016.

Our State DLNR Division of Conservation and Resource Enforcement officers are invaluable to Hawaii's economic, natural, cultural and human resources. It is our duty to provide these officers with the proper tools and funding to protect all of our resources. HB 3016 will allow our officers to enforce and protect with a less-than-lethal, effective tool, the taser, thus enhancing their efforts of resource conservation and enforcement.

Please support HB 3016.

Mahalo,  
Nicole Davis

[REDACTED]  
Kihei, HI 96753  
[REDACTED]

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000183

## JUDtestimony

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**From:** Amoreena Rabago on behalf of Rep. Blake Oshiro  
**Sent:** Monday, February 11, 2008 12:39 PM  
**To:** JUDtestimony  
**Subject:** hb 3016

Dears Sirs and Madams of the Judiciary Committee

Please Support HB3016 .

This bill Gives the DLNR DOCARE officers opportunities to have less than lethal, alternatives to protecting themselves, The environment and us. It brings the department up to speed and date with many modern Police forces thorough our great nation, and state. The added expense to the state is nominal. And gives the officer one more tool on his belt to achieve his goals. The DLNR DOCARE officers especially on Maui deserve the finest support our Hawaii State Government can afford them.

thank you

Joe Fell-McDonald

[REDACTED]  
Kihei, Hi. 96753

[REDACTED]

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## JUDtestimony

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**From:** Jason Redulla [mailto:jredulla@hawaii.gov]  
**Sent:** Monday, February 11, 2008 2:34 PM  
**To:** JUDtestimony  
**Subject:** Testimony in support of House Bill 3016

Chairman Waters,

My name is Jason Redulla, and I write this email to you to express my support of House Bill 3016, which would authorize the use of a taser for Officers of the Division of Conservation and Resources Enforcement.

It is essential that DOCARE officers possess all of the tools necessary to enforce the law, and protect both the public and our precious natural resources. The Taser provides a less-lethal capability, that will assist in protecting lives, and provide the officer with another alternative than using deadly force.

Therefore, I urge both you and your fellow committee members to support this bill.

Thank you for your time in considering this testimony.

Aloha,  
Jason Redulla

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C00185

Glenn S. Shiroma  
[REDACTED]

Hilo, HI 96720  
[REDACTED]

February 11, 2008

Representative Tommy Waters, Chair  
House Committee on Judiciary

Hearing: February 12, 2008, Conference Room 325 at 2:05 pm

Re: **TESTIMONY IN OPPOSITION with Corrective Recommendations**

HB3016 HD1, RELATING TO LAW ENFORCEMENT. Authorize Department of Land and Natural Resources' Conservation and Resources Enforcement Officers (DoCARE) to use tasers while performing their duties upon receipt of accreditation or recognition.

Dear Representative Waters and Committee Members:

I fully support the INTENT to allow DoCARE officers to use an electric gun, tasers, instead of using deadly force with use of a firearm. Not having an option for using the taser may mean having to decide to shoot someone or take him or her into custody.

**Use of an electric gun, a taser, resulted in less injury to the arresting officer and to the suspect.**

I stand in strong OPPOSITION of HB3016 HD1, requiring ONLY the Department of Land and Natural Resources' Division of Conservation and Resource Enforcement (DoCARE) to be accredited. My opposition and corrective recommendations as follows:

**A. Hawaii Revised Statutes authorized DoCARE officers FULLY POLICE POWERS.**

§199-4 Board of land and natural resources, police powers. (a) The board of land and natural resources shall have police powers and may appoint and commission enforcement officers within the conservation and resources enforcement program. Persons appointed and commissioned under this section shall have and may exercise all of the powers and authority of a police officer, including the power of arrest, and in addition to enforcing title 12, chapters 6D, 6E, and 6K, and rules adopted thereunder, may enforce all other state laws and rules, and

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county ordinances within all lands and waters of the State; provided that such powers shall remain in force and effect only while in actual performance of their duties, which shall include off-duty employment when such employment is for other state departments or agencies. These enforcement officers shall consist of personnel whose primary duty will be the enforcement of title 12, chapters 6D, 6E, and 6K, and the rules adopted thereunder within the areas under the jurisdiction of the department of land and natural resources.

**B. Only Maui and Honolulu Police Departments have received accreditation from CALEA and are using an electric gun, tasers.**

Maui Police Department (MPD) has been accreditation since 1996 and has been using an electric gun, tasers since 2005. Honolulu Police Department (HPD) received their final accreditation in 2004 and is using an electric gun, tasers. Both police departments received their accreditations from the Commission on Accreditation for Law Enforcement Agencies (CALEA).

Accreditation by CALEA involves both police departments to be in compliance with several hundreds of law enforcement standards, each police department applicable standards is based on the its size and functions it performs.

Accreditation by CALEA is for a period of three years, in which time the police department must provide annual reports documenting continued compliance wit the applicable standards.

**C. Department of Public Safety, Sheriffs Division does not have accreditation, but is has statutory authority to use an electric gun, tasers.**

**D. Kauai Police Department does not have accreditation, but is in the procurement process to purchase an electric gun, tasers.**

**E. Hawaii Police Department is in the beginning process of accreditation, but did not have accreditation when an electric gun, tasers use started in 2007.**

**F. Corrective Recommendations:**

1. **Delete “Section 2.** The conservation and resource enforcement program of the department of land and natural resources shall pursue law enforcement accreditation or recognition from a nationally recognized law enforcement accreditation or credentialing program in the use of electronic guns prior to purchasing electric guns and related equipment and obtaining training for the use of the electric gun.”

Please apply legislative equality to all State of Hawaii law enforcement programs to be accredited by removing discriminatory legislation by singling out the DoCARE for the use an electric gun, tasers.

**State of Hawaii Legislature should be embracing equably legislation and not promote discriminating practices.**

2. **Delete "Section 3.** There is appropriated out of the general revenue of the State of Hawaii the sum of \$200,000 or so much thereof as may be necessary for fiscal year 2008-2009 for:

(1) The pursuit of law enforcement accreditation or recognition from a nationally recognized law enforcement accreditation or credentialing program in the use of electronic guns; and

(2) The purchase of electric guns, related equipment, and training in their use for conservation and resources enforcement officers."

Testimony by Department of Land and Natural Resources' Chair, Laura Thielen on HB3016, Relating to Law Enforcement, on February 4, 2008, before House Water, Land, Ocean Resources and Hawaiian Affairs stated, "concerns with fiscal implications this bill will have on the Executive Supplemental Budget request."

DoCARE administration failed to include the \$200,000 funding appropriation request in the Executive Supplemental Budget request for fiscal year 2008-2009.

**3. If all above recommendations fail, HOLD HB3016 HD1 in committee.**

Thank you for your consideration in this matter.

Sincerely,

Glenn S. Shiroma  
Recreational Boater  
Wailoa Small Boat Harbor – Hilo

000188

To: **Representative Tommy Waters, Chair**  
**Representative Blake Oshiro, Vice-Chair & Members of the**  
**Committee on Judiciary**

From: **Darrell Tanaka,**  
Haiku, Maui, Hi, 96708

Re: **Hearing on HB 3016 HD1---Relating to Law Enforcement**

February 12, 2008 at 2:05pm.

Conference Room 325, State Capitol

**Testimony in Support, with recommendation for amendment.**

Dear Chair Waters, Vice-Chair Oshiro and members:

Thankyou for hearing my testimony in support of HB3016—Relating to Law Enforcement. This bill will provide personal protection for our enforcement officers and will enable them to safely carry out their duties in protecting the public. If you are wondering why you should pass this bill, think about this. If you were an Officer and needed to subdue a suspect holding a hypodermic needle full of blood, how would you do it safely?

**Please remove the appropriation** designated for this bill, it will take DOCARE some time to form their policy and create a training program before any funding is needed. Next year is the biennium budget, they can get the funding they need at that time. If not the Governor may veto this bill citing the unnecessary appropriation as this is not a budget year.

Please pass this bill.

Sincerely,  
Darrell Tanaka

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