

LINDA LINGLE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
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No. _____

**TESTIMONY ON HOUSE BILL 3016 HD3
RELATING TO LAW ENFORCEMENT**

by

Clayton A. Frank, Director
Department of Public Safety

Senate Committee on Public Safety
Senator Will Espero, Chair
Senator Clarence K. Nishihara, Vice Chair

Senate Committee on Water and Land
Senator Clayton Hee, Chair
Senator Russell S. Kokubun, Vice Chair

Thursday, March 13, 2008, 2:45 p.m.
State Capitol, Room 225

Senator Espero, Senator Nishihara, Senator Hee, Senator Kokubun, and Members
of the Committees:

The Department of Public Safety (Department) would like to request that House Bill 3016 HD3 be amended to include investigators of its Narcotics Enforcement Division (NED) to the list of law enforcement officers authorized to utilize the taser. The Department presently has two law enforcement Divisions, the Sheriff Division and the NED. The measure as it is currently written would prevent NED from utilizing tasers.

The Department, therefore, requests the following amendments to section 1 of House Bill 3016 HD3:

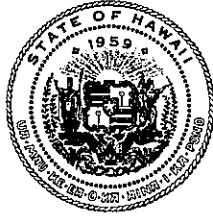
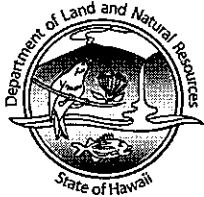
"SECTION 1. Section 134-16, Hawaii Revised Statutes, is amended by amending subsections (c) and (d) to read as follows:

"(c) This section shall not apply to law enforcement officers of county police and ~~[sheriff departments]~~ the department of public safety of this State, and enforcement officers of the conservation and resources enforcement program under chapter 199, or vendors providing electric guns to those entities; provided that electric guns shall at all times remain in the custody and control of the county police or ~~[sheriff departments.]~~ law enforcement officers of the department of public safety or the conservation and resources enforcement program of the department of land and natural resources.

(d) The county police and ~~[sheriff departments]~~ law enforcement officers of the department of public safety of this State, and the conservation and resources enforcement program of the department of land and natural resources shall maintain records regarding every electric gun in their custody and control. ~~[Such]~~ The records shall report every instance of usage of the electric guns; in particular, records shall be maintained in a similar manner as for those of discharging of firearms. The county police and ~~[sheriff departments]~~ department of public safety and the conservation and resources enforcement program shall annually report to the legislature regarding these records twenty days before the beginning of each session."

Thank you for the opportunity to testify on this matter.

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

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

ON HOUSE BILL 3016, HOUSE DRAFT 3 – RELATING TO LAW ENFORCEMENT

BEFORE THE SENATE COMMITTEES ON
PUBLIC SAFETY
and
WATER AND LAND

March 13, 2008

House Bill 3016, House Draft 3 authorizes the Department of Land and Natural Resources' Division of Conservation and Resources Enforcement (DOCARE) to use and purchase electronic guns (tasers), provided DOCARE has received accreditation or recognition from a nationally recognized law enforcement accreditation or credential program in the use of tasers. The Department of Land and Natural Resources (Department) supports the usage of tasers by its DOCARE Officers while performing their duties within the State, 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.

At this time, the Department respectfully asks for this Committee's support for the addition of eleven conservation and resources enforcement positions and four clerk typist positions for deployment statewide to each of the four counties as identified in the Department's supplemental budget request. These additional positions would increase needed staffing statewide and would help improve conservation enforcement capabilities in each of the four counties. In addition, Department respectfully asks for support on the passage of the Department's enforcement package, House Bill 3177 - RELATING TO PENALTIES FOR VIOLATIONS WITHIN THE CONSERVATION DISTRICT, House Bill 3178 - RELATING TO CIVIL PENALTIES FOR VIOLATIONS ON PUBLIC LANDS, and House Bill 3176 - RELATING TO ADMINISTRATIVE PENALTIES FOR DAMAGE TO STONY CORAL AND LIVE ROCK.



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION

AFSCME LOCAL 152, AFL-CIO

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



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The Twenty-Fourth Legislature, State of Hawaii
Hawaii State Senate
Committee on Public Safety
Committee on Water and Land

Testimony by
Hawaii Government Employees Association – HGEA/AFSCME, Local 152
March 13, 2008

**H.B. 3016, HD3 – RELATING TO
LAW ENFORCEMENT**

The Hawaii Government Employees Association supports the passage of H.B. 3016, HD3.

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, HD3 and thank you for the opportunity to testify.

Respectfully submitted,

Nora A. Nomura
Deputy Executive Director

The Honorable Clayton Hee, Chair
and Members
Committee on Water and Land
Hawaii State Senate
State Capitol
Honolulu, Hawaii 96813

Senate Committee on Water and Land (WTL)
Hearing Date: March 13, 2008, 2:45pm
Conference Room: 226

Dear Chair Hee and Members:

SUBJECT: Senate Bill No. 3016 HD3- Relating to Law Enforcement

I am Dexter Tom, Supervisor for the Department of Land and Natural Resources, Division of Conservation and Resources Enforcement. I support Senate Bill No. 3016 HD3, Relating to Law Enforcement.

The Maui Police Department have successfully incorporated the use of the taser for their personnel within the last four years, and have notice a decline in injuries to their officer(s), and those being arrested. Maui Police Chief Tom Phillips does support our Maui DOCARE Division, in the use of the taser.

Our officers do patrol in remote areas, and the taser can effectively control an aggressive person's behavior, in a minimal amount of time, preventing injury to the officer or the aggressor.

The taser can subdue any person, regardless of their large body frame, or martial arts experience. In the United States, full contact fighting has become a popular sport, and many citizens are training and have become proficient in their fighting / martial arts abilities.

The most important option the taser provides us in law enforcement, is the use of non-lethal force, versus deadly force.

Again, I humbly request that you support this important bill.

Mahalo,


Dexter TOM / DLNR-DOCARE Supervisor

March 11, 2008

Senator Clayton Hee, Chairman
Senator Russell Kokubun, Vice-Chair and Members of the
Committee on Water and Land
State Capitol
Honolulu, Hawaii, 96813

March 13, 2008 at 2:45 pm.
Conference Room 225, State Capitol

Testimony in Support of HB 3016 HD3

Dear Chair Hee and Committee Members:

SUBJECT: Hearing on HB 3016 HD3, Relating to Law Enforcement.

Thank you for hearing my testimony in support HB 3016 HD3. 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.

We are all commissioned officers that carry firearms and the ones who daily lay our lives on the line for the protection of the natural resources of Hawaii.

Please provide us with the proper tools to make our job 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
Phone: (808) 264-1807

Senator Will Espero, Chair
Senator Clarence K. Nishihara, Vice-Chair
Committee on Public Safety

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

March 12, 2008

SUPPORT OF HB 3016 HD3 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 HD3 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 HD3 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.

March 11, 2008

The Honorable Clayton Hee, Chair
And Members
Senate Committee on Water and Land

Hearing Date: March 13, 2008 @ 2:45pm

SUBJECT: House Bill # 3016-HD3; Related to law Enforcement

Aloha Mr. Clayton Hee and Members:

My name is Randy Awo. I am the Branch Chief for the Division of Conservation and Resources Enforcement, Maui Nui. We are the Enforcement Division for the Department of Land and Natural Resources and are granted full police powers as provided via the Hawaii Revised Statutes, Chapter 199-4.

I support House Bill 3016-HD3, which authorizes DOCARE Officers to use tasers while performing duties in their official capacity. According to the Maui Police Department the cost for tasers is approximately \$1000.00 per unit. The cost of purchasing this tool is nominal when compared to the much higher costs associated with serious bodily injury and/or death to the public and our Officers as a result of using firearms.

Throughout the nation, law enforcement agencies have transitioned to the "Taser Conductive Energy Weapon" recognizing its value as a less than deadly force option when dealing with volatile situations. National studies show that this tool has reduced injuries to Officers as well as the public. This in turn has led to a reduction in Departmental liability. The Maui Police Department began its pilot program in October of 2004. Since its inception, the M.P.D. has observed "a consistent drop in injuries to their Officers as well as suspects".

Our Officers are often required to work in remote areas under challenging conditions. The use of force options available to DOCARE Officers are their hands, pepper spray, the baton and the firearm. The taser is classified at the same level of force as pepper spray. However it has proven to be safer and more effective at controlling aggressive subjects than pepper spray, the baton and in many instances the firearm.

Therefore, I strongly urge this committee to pass HB 3016-HB3 as it will increase our Officers ability to safely neutralize combative situations without having to use force options that could incur further injuries and/or death. In addition, the Maui Police Department not only supports this Bill, they have also offered to provide training as well.

Mahalo for allowing me the opportunity to testify in favor of HB 3016-HD3.

To: **Senator Will Espero, Chair**
Senator Clarence Nishihara, Vice-Chair
Members Public Safety Committee

From: Brooks Tamaye, CREO III, Maui Branch, DLNR-DOCARE
P.O. Box 2266, Wailuku, HI 96793
244-5751

RE: **Hearing on HB 3016---Relating to Law Enforcement**

Thursday, March 13, 2008 at 2:45 p.m.

Conference Room 225, State Capitol

Testimony in Support of HB 3016 HD3

Dear Chair Espero, Vice-Chair Nishihara and members:

Thank you for allowing me to submit testimony in favor of HB 3016 HD3.

I am a Maui Enforcement Officer with the DLNR, Division of Conservation and Resources Enforcement (DOCARE).

DOCARE officers routinely work alone in rugged and remote areas where it may take more than an hour for a back up officer to arrive. During the course of patrols officers encounter persons conducting a variety of activities some of which are legal and others illegal. Many of these people have in their possession weapons or potential weapons (e.g. firearms, machetes, knives, needles, etc.). The temperament of subjects encountered can also vary greatly, from totally cooperative to combative and even suicidal.

Tasers will give officers another less than deadly force option to quickly, effectively and safely control a subject that is actively aggressive toward, or assaults an officer or another person. This will allow the officer to bring the situation under control with minimal injury to all persons involved.

The people and situations that DOCARE officers and all law enforcement encounter today have changed from earlier times. The potential and frequency of encounters with weapons being involved or confrontations ensuing, are increasing and can be attributed to a number of socioeconomic factors. To deal with a changing world we need to look at new techniques and technologies as they become available. Given the opportunity, Maui Branch officers are willing to evaluate this technology in a pilot program. I humbly ask for your support.

Sincerely,
Brooks Tamaye

Testimony of The Nature Conservancy of Hawai'i
Supporting H.B. 3016 HD 3 Relating to Law Enforcement
Senate Committee on Public Safety
Senate Committee on Water and Land
Thursday, March 13, 2008, 2:45PM, Room 225

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.

The Nature Conservancy of Hawaii supports H.B. 3016 HD 3 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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Hawaii Rifle Association

State Affiliate of the National Rifle Association
Founded in 1857

March 9, 2008

Testimony on HB3016 HD3, in **SUPPORT**
Before the **Committee on Public Safety**
Senator Clayton Hee, Chair
Senator Russell Kokubun, Vice Chair
And the **Committee on Water and Land**
Senator Will Espero, Chair
Senator Clarence Nishihara, Vice Chair
Thursday, March 13, 2008, 2:45pm
Senate Conference Room 225
testimony@capitol.hawaii.gov

Honorable Chairs, Vice Chairs, and Members;

The Hawaii Rifle Association is in favor of this bill.

The HRA feels that DLNR Enforcement Officers should have access to Tasers as “less than lethal” options in controlling potentially life-threatening situations.

Albeit there has been publicity of incidents regarding deaths as a result of deployment of these devices, the fact is that it is less deadly than responding with a firearm.

Thank you for the opportunity to testify **IN SUPPORT** of this bill.

Sincerely,

Mr. Mark Plischke
Legislative Co-Chair
Hawaii Rifle Association
478-9393

testimony

From: Shannon Wood [swood@hoku.com]
Sent: Wednesday, March 12, 2008 4:15 PM
To: testimony
Subject: HB3016 - RELATING TO LAW ENFORCEMENT

Submitted by:

Shannon Wood
P.O. Box 1013
Kailua, HI 96734
Cell Phone: 224-4496

COMMITTEE ON PUBLIC SAFETY
Sen. Will Espero, Chair
Sen. Clarence Nishihara, Vice Chair

COMMITTEE ON WATER & LAND
Sen. Clayton Hee, Chair
Sen. Russell Kokubun, Vice Chair

PUBLIC HEARING
2:45 pm
Thursday, March 13, 2008
Conference Room 225

HB3016 HD3 - RELATING TO LAW ENFORCEMENT
STRONGLY OPPOSE

TO THE COMMITTEES ON PUBLIC SAFETY AND WATER & LAND:

My name is Shannon Wood, a Kailua, O`ahu resident, speaking only as an individual on my own behalf and not representing any group or organization.

I strongly oppose **HB3016 HD3 - RELATING TO LAW ENFORCEMENT** for the following reasons.

Even in the hands of "trained" personnel, electric guns, more commonly called **tasers**, can cause serious physical harm and even death even though their marketing advocates say that they are less harmful than real guns. Officers who would think twice before shooting someone are far more likely to use a **taser** even though the incident would not be one in which a gun would be used such as calming down a belligerent drunk or mentally ill person.

Everyone knows that bullets can kill, but few people - including police officers - understand the long-standing physical damage to the heart which can be triggered by a so-called harmless zap. Tasering someone with undiagnosed heart disease can cause serious physical damage and even death.

Furthermore, **tasers** have been used during non-violent protests wherein participants refuse to disband. The most recent one was in Brattleboro, Vermont, during a protest demonstration by a group

of environmental activists on July 24, 2007.

Suppose that it had been *Honolulu International Airport* rather than *Vancouver International Airport* when a non-English-speaking passenger who was **tasered** to death last October by police who suspected that the man might be a terrorist because he did not respond to their questions.

There's even another bill, **HB3355 HD1 - RELATING TO ELECTRIC GUNS**, which would allow county liquor inspectors to use them waiting to be heard by *Senator Inouye's Committee on Intergovernmental and Military Affairs*. What's next? Arming school crossing guards with **tasers** to keep the kids under control?

Therefore, I strongly urge that **HB3016 HD3 - RELATING TO LAW ENFORCEMENT** be held and that the *Legislative Auditor's Office* in conjunction with researchers from the *University of Hawai`i* - including participants from the **School of Medicine** - initiate a study of the long-term effects of **tasers** before expanding their use.

Mahalo for the opportunity to present this testimony.