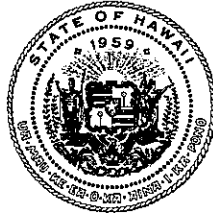
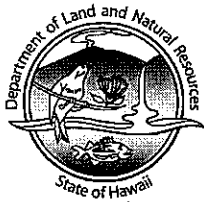


LINDA LINGLE  
GOVERNOR OF HAWAII



**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, Senate Draft 1 – RELATING TO LAW ENFORCEMENT

BEFORE THE SENATE COMMITTEE ON  
WAYS AND MEANS

March 28, 2008

House Bill 3016, House Draft 3, Senate Draft 1, 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.

Testimony of The Nature Conservancy of Hawai'i  
Supporting H.B. 3016 HD 3 SD1 Relating to Law Enforcement  
Senate Committee on Ways and Means  
Friday, March 28, 2008, 9:30AM, Room 211

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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 3 SD 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 at all hours of the day and night, this bill would provide an appropriate protection device for the officers following appropriate training and accreditation.

BOARD OF TRUSTEES

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**testimony**

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**From:** Windward Ahupua`a Alliance [info@waa-hawaii.org]  
**Sent:** Wednesday, March 26, 2008 8:23 PM  
**To:** testimony  
**Subject:** HB 3016 HD3 SD1 - Friday, March 28, 2008

Submitted by:

Shannon Wood,  
P.O. Box 1013  
Kailua, Hi 96734  
Cellular: 808/224-4496

**COMMITTEE ON WAYS AND MEANS**

*Sen. Roslyn Baker, Chair*  
*Sen. Shan Tsutsui, Vice Chair*

**Notice of Decision-Making**  
**9:30am**  
**Friday, March 28, 2008**  
**Conference Room 211**

**HB 3016 HD3 SD1 -RELATING TO LAW ENFORCEMENT**  
**STRONGLY OPPOSE**

**TO THE COMMITTEE ON WAYS AND MEANS:**

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 continue to oppose **HB3016 HD3 SD1- RELATING TO LAW ENFORCEMENT** because the *Legislature* refuses to address the very real concerns that placing these weapons, commonly called **tasers**, in the hands of even "trained" personnel can cause serious physical harm and even death. 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.

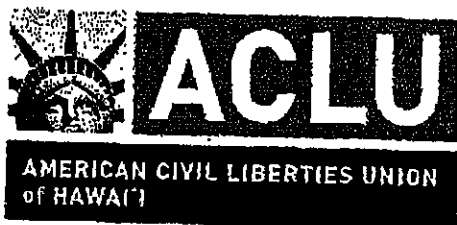
Few people - including police officers - understand the long-standing physical damage to the heart which can be triggered by a so-called harmless zap. **Tasering** someone with undiagnosed heart disease can cause serious physical damage and even death.

Furthermore, **tasers** have been used during non-violent protests during which participants refused to disband. The most recent one was in Brattleboro, Vermont, during a protest demonstration by a group of environmental activists on July 24, 2007.

Therefore, I strongly urge that **HB 3016 HD3 SD1 - 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.

3/27/2008



**BY FAX: 586-6659**

Committee: Committee on Ways and Means  
Hearing Date/Time: Thursday, March 28, 2008, 9:30 a.m.  
Place: Room 211  
Re: Testimony of the ACLU of Hawaii in Opposition to HB 3016, HD3, SD2, Relating to Law Enforcement

Dear Chair Baker and Members of the Committee on Ways and Means:

The American Civil Liberties Union of Hawaii ("ACLU of Hawaii") writes in opposition to HB 3016, HD3, SD2.

The ACLU of Hawaii opposes this bill because of the increasing number of deaths associated with Taser use, the lack of independent studies on several critical safety issues, and the lack of policy governing the use of the weapon. Further, the ACLU of Hawaii urges this Committee to work with law enforcement agencies to impose regulations on Taser use.

The ACLU of Hawaii recommends several policy reforms including the following:

**Pass Legislation.** This Committee should pass a law that allows Tasers to be used solely as an alternative to deadly force. The British Government currently employs such restrictions. Tasers are certainly a safer alternative to firearms, but until more independent safety studies are completed, law enforcement agencies should be restricted from using Tasers in non-life-threatening situations.

**Adopt Stricter Policies.** Local government and local law enforcement should each independently adopt Taser policies. If local law enforcement will not restrict its Taser use to life-threatening situations, agencies should, at a bare minimum, adopt policies to minimize the risk of death such as prohibiting repeated shocks and protecting vulnerable populations such as the very young, the elderly and pregnant women. Further, Taser policies should require more detailed reporting and mandatory medical treatment to those Tased, regardless of whether they were ultimately arrested.

**Revise Training Materials.** Local law enforcement agencies should conduct comprehensive reviews of the Taser International training materials, revise them, and retrain all officers that have already completed the Taser International training.

American Civil Liberties Union of Hawai'i  
P.O. Box 3410  
Honolulu, Hawai'i 96801  
T: 808.522-5900  
F: 808.522-5909  
E: [office@acluhawaii.org](mailto:office@acluhawaii.org)  
[www.acluhawaii.org](http://www.acluhawaii.org)

Hon. Sen. Baker, Chair, WAM Committee  
and Members Thereof  
March 29, 2008  
Page 2 of 2

For more information, please see American Civil Liberties Union of Northern California, *Stun Gun Fallacy: How the Lack of Taser Regulation Endangers Lives* (2005), available at [http://www.aclunc.org/issues/criminal\\_justice/police\\_practices/asset\\_upload\\_file593\\_5242.pdf](http://www.aclunc.org/issues/criminal_justice/police_practices/asset_upload_file593_5242.pdf).

The mission of the ACLU of Hawaii is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawaii fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawaii is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawaii has been serving Hawaii for over 40 years.

Thank you for this opportunity to testify.

Sincerely,

Laurie A. Temple  
Staff Attorney  
ACLU of Hawaii

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