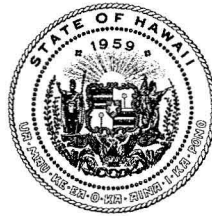


LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

Laura H. Thielen
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

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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
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

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

on House Bill 3016 – RELATING TO LAW ENFORCEMENT

**BEFORE THE HOUSE COMMITTEE ON
WATER, LAND, OCEAN RESOURCES, AND HAWAIIAN AFFAIRS**

February 4, 2008

House Bill 3016 proposes to establish a two-year pilot project authorizing the Department of Land and Natural Resources' Division of Conservation and Resources Enforcement (DOCARE) officers to use tasers while performing their duties within the Counties of Hawaii and Maui. While the Department of Land and Natural Resources (Department) supports the usage of tasers by its DOCARE officers, it nonetheless 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 however notes that it would need to provide adequate training for its officers and establish protocols governing the use of tasers and management of equipment before moving forward. The Department currently does not have the funds to provide such training at this time,

From: Lawrence.L.Terlep@hawaii.gov [mailto:Lawrence.L.Terlep@hawaii.gov]
Sent: Friday, February 01, 2008 12:24 PM
To: WLHtestimony
Subject: Testimony

Lawrence L. Terlep Sr (Lenny)
Hawaii Branch Chief, Hawaii Island
Division Of Conservation & Resources Enforcement
Department of Land & Natural Resources
State Of Hawaii
35 Holomua St. Hilo, Hi. 96720

lawrence .l. terlep @hawaii.gov

Re: TESTIMONY IN SUPPORT

HB 3016, RELATING TO LAW ENFORCEMENT. Establishes a two-year pilot project authorizing the Department of Land and Natural Resources Conservation and Resources Enforcement Officers to use tasers while Performing their duties within the counties of Hawaii and Maui.

Dear Representative Ito and Committee Members:

I am the Hawaii Branch Chief for DOCARE on the Big Island of Hawaii. I am a former Honolulu Police Officer and now into my 35th year as a law enforcement officer. I have been with DOCARE now for 28 years.

As the Chief law enforcement officer I would like this new tool to be provided for the safety of all my officers. In my many years of service I encountered physical violence against my person. The tools given me such as a baton or pepper spray helps however a law enforcement officer should always have the upper advantage.

A Taser will give the officer an advantage with minimal risk of physical contact. Ninety percent of law enforcement officers become seriously hurt and or killed during close physical encounters. A non complying violent person often under the influence of drugs can hurt or kill an officer. Pepper spray and often the baton have no affect on such a person or persons in my experience. A Taser in such circumstances could save someones life and prevent injuries I believe.

There are many reasons and I could go on but my point is only to convey that our Law Enforcement Officers know the value of such tools because they have to live the experience. It is true that every Chief struggles with the reality of officers becoming seriously injured while performing their duties. Have I done enough I ask to provide him

or her the tools needed to get them through their tour of duty and safely home.

Please support this pilot program for both Maui and Hawaii DOCARE so that we can determine it's value and use for all DOCARE Officer State-wide. If the pilot program latter proves that we need the taser than lets revise the current law and provide the taser for our DOCARE Police Officers.

Mahalo

Lawrence L. Terlep Sr
Branch Manager, Hawaii District
Division Of Conservation & Resources Enforcement
Department Of Land & Natural Resources
State Of Hawaii
Ph: 808-974-6208
Fax: 808-933-0977

From: Andrew.E.Ford@hawaii.gov [mailto:Andrew.E.Ford@hawaii.gov]
Sent: Friday, February 01, 2008 12:49 PM
To: WLHtestimony
Subject: Testimony

Andrew E. Ford
Conservation & Resources Officer III, Hawaii Island
Division Of Conservation & Resources Enforcement
Department of Land & Natural Resources
State Of Hawaii
35 Holomua St. Hilo, Hi. 96720

Andrew.e.ford@hawaii.gov

Re: TESTIMONY IN SUPPORT

HB 3016, RELATING TO LAW ENFORCEMENT. Establishes a two-year pilot project authorizing the Department of Land and Natural Resources Conservation and Resources Enforcement Officers to use tasers while Performing their duties within the counties of Hawaii and Maui.

Dear Representative Ito and Committee Members:

Aloha Distinguished Representative Ito and Committee Members,

My name is Andrew E. FORD, I am a Conservation and Resources Enforcement Officer with the Department of Land and Natural Resources, State of Hawaii. I am an eighteen year Law Enforcement veteran serving the Big Island and State of Hawaii. I am submitting testimony in support of HB 3016. This bill changes the language on the use of ECD's (Electronic control devices or taser) to include the Division of Conservation and Resource Enforcement and its Officers (CREO's). County Police departments and the Sheriffs department are the only departments in Law Enforcement in the State of Hawaii that have this benefit. This pilot program would enhance the safety of DOCARE Officers as the conditions we work in are unique, but also similar in many ways to those experienced by other law enforcement officers. Usually, DOCARE Officers work alone and often in remote areas and are often out numbered when confrontations appear, and many of those we contact have firearms or other weapons in thier possession while in a hunting area. Many of the persons we contact are drunk and disorderly or under the influence of illegal drugs on State beaches or in State Parks or Small Boat Harbors.

Many locations on the throughout the State of Hawaii have no or limited radio communication so calling for back up is not a reality for us. It should also be noted that at

any given time there may not be another officer available to call for backup.

Presently in our use of force continuum we are subject to physical and possibly lethal confrontations, hand to hand combat if the suspect(s) are unarmed and violent. In today's world more and more of the people involved in a law enforcement contact will be under the influence of drugs or alcohol, both of which can lead to non-compliant, violent and combative behavior. Our current non-lethal tools are pepper spray and a collapsible baton. Neither of these has a predictable effect upon a subject who is under the influence. Pepper spray is not always effective and the baton has a high probability of causing serious injury. The taser is a non-lethal tool which would drastically reduce the hand to hand combat or equivocal violent situations. It has a proven track record of incapacitation of a subject without causing permanent injury. Statistically, nation wide surveys have revealed dramatic reductions in Officer and Suspect injuries, workers compensation cases and civil lawsuits filed against Police Officers and their Departments while making arrests.

Mahalo for your valuable time and support.

From: Bryan.H.Sugiyama@hawaii.gov [mailto:Bryan.H.Sugiyama@hawaii.gov]
Sent: Friday, February 01, 2008 10:57 AM
To: WLHtestimony
Subject: House Bill No. 3016-Relating to Law Enforcement DOCARE Officers; Tasers(\$)

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

FEBRUARY 4, 2008

BEFORE THE HOUSE ON WATER, LAND, OCEAN RESOURCES & HAWAIIAN
AFFAIRS COMMITTEE ON
HOUSE BILL: NO. 3016

The establishment of a two year pilot project authorizing DLNR Conservation and Resources Enforcement Officers to use tasers while performing their duties within the counties of Hawaii and Maui.

Chairman Ito, Vice Chairman Karamatsu, Committee Members:

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 pilot project will demonstrate the necessity of a taser (electric gun) in our line of work. The lethal force continuum of this apparatus in some counties are 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 of affidavits, executions of search warrants, and search and seizure of evidence.

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, this pilot project can only give you a better understanding on the importance and need of the taser for our officers in the performance of their job. Thank you.

Respectfully,

Bryan H. Sugiyama
Supervisor, Hawaii Branch

To: Representative Ken Ito, Chair
Representative Jon Riki Karamatsu, Vice Chair and Committee Members of the
Committee on Water, Land, Ocean Resources & Hawaiian Affairs

From: Eric Kawamoto, Conservation and Resources Enforcement Officer III
Department of Land & Natural Resources
Division of Conservation & Resources Enforcement, Hawaii Branch
35 Holomua St., Hilo HI 96720
eric.k.kawamoto@hawaii.gov

RE: **TESTIMONY IN SUPPORT**
HB 3016, Relating to Law Enforcement, DOCARE Officers; Tasers

Dear Chair Ito, Vice Chair Karamatsu and Committee Members:

Thank you for giving me the opportunity to provide testimony in support of HB 3016. I've been in law enforcement serving the Big Island community for 28 years. I was a former Police Officer with the Hawaii County Police Department for 7 years prior to my transfer to DOCARE. I have now been with DOCARE for 21 years. In my career I have experienced and witnessed violent encounters. During these situations, in order to subdue violent offenders, officers relied on physical contact techniques, use of a chemical agent (OC/Mace) or impact weapon (Baton/ASAP). These situations puts the officer at risk of being injured and some have been hurt.

The use of a Taser would provide the officer with a safer option to restrain violent and combative individuals who could harm the officer, innocent citizens or themselves. One of the advantages to Taser technology is the ability to immobilize a violent suspect who can overcome pain, might be high on drugs like methamphetamine (ice), going through a severe withdrawal or even emotionally disturbed. Physical techniques, chemical agents and impact weapons have no effect on such individuals and places the officer in harms way.

The use of the Taser is a valuable alternative that will enhance officers safety by decreasing the need for officers to physically restrain violent/combative suspects and helps in reducing incidents in which the potential use of deadly force might be considered. It is imperative that we provide the necessary tools to our officer so they can safely carry out their duties and return home unharmed after completing their shift.

There are other reasons why I feel DOCARE should acquire Tasers, however, they are too numerous to mention at this time.

I respectfully ask that you please support this bill so the pilot program can be implemented and evaluated for the counties of Hawaii and Maui.

Thank you very much for your time and giving me the opportunity to express my opinion. Mahalo

From: Wayde.K.Young@hawaii.gov [mailto:Wayde.K.Young@hawaii.gov]
Sent: Friday, February 01, 2008 9:55 AM
To: WLHtestimony
Subject: Testimony for House Bill 3016 Taser pilot project

Aloha from Hilo... I support the House Bill 3016 Taser Pilot project as it will make our law enforcement job safer:

- Many of our older officers are apprehensive to arrest uncontrollable/combatative persons, especially the intoxicated, pumped up individual.
- DOCARE officers are vastly outnumbered. East Hawaii DOCARE has only eight officers covering Paauilo to South point/Naalehu to Mauna Kea/Mauna Loa, thousands of miles. We don't get a massive response to a situation like the Hawaii County Police do,(Hilo district alone has 18 to 20 officers per watch) for possibly two hundred square miles. We have insufficient officer back up.

Thank you and aloha,
Wayde Young Conservation Resource Enforcement officer III from East Hawaii DOCARE on the Big Island of Hawaii

From: Richard Fairclo [mailto:rfair7@earthlink.net]
Sent: Wednesday, January 30, 2008 6:09 PM
To: WLHtestimony
Subject: Testimony

January 30, 2008

**To: Representative Hermina Morita, Chair
Representative Mele Carroll, Vice Chair & Members of the
Committee on Energy & Environmental Committee**

From: Richard Fairclo
33 Lokelau PL
Haiku, Maui, HI 96708

Re: Hearing on HB 3016-Relating to Law Enforcement
February 4, 2008 at 8:30am
Conference Room 312, State Capitol

TESTIMONY IN SUPPORT

Dear Chair Morita, Vice Chair Carroll and Members:

Thank you for the opportunity to provide testimony in support of HB 3016—Relating to Law Enforcement. This bill establishes a pilot project authorizing DLNR Conservation and Enforcement Officers to use tasers in enforcement.

Hawaiian enforcement of laws protecting the marine life and environment is underfunded and understaffed. Additional tools should be available for the officers in place.

Please pass this measure, HB 3016.

Your support is greatly appreciated.

Richard Fairclo
rfair7@earthlink.net

**Glenn S. Shiroma
460 Naniakea St.
Hilo, HI 96720**

**959-7682
gshiromahi@hotmail.com**

January 31, 2008

**Representative Ken Ito, Chair
Committee on Water, Land, Ocean Resources & Hawaiian Affairs**

Hearing: February 4, 2008, Conference Room 312 at 8:30 am

Re: TESTIMONY IN SUPPORT

HB3016, RELATING TO LAW ENFORCEMENT. Establishes a two-year pilot project authorizing Department of Land and Natural Resources' Conservation and Resources Officers to use tasers while performing their duties within the Counties of Hawaii and Maui.

Dear Representative Ito and Committee Members:

Making available technology with the use of a tasers for the DLNR conservation enforcement officers will provide an option instead of using deadly force. Not having a taser may mean having to decide to shoot someone or take him or her into custody.

Please make the use of taser available for this two-year pilot project.

Thank you for your consideration in this matter.

Sincerely,

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

To: **Representative Ken Ito, Chair**
Representative Jon Riki Karamatsu, Vice-Chair & Members of the
Committee on Water, Land, Ocean Resources & Hawaiian Affairs.

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

Re. **Hearing on HB 3016---Relating to Law Enforcement**

February 4, 2008 at 8:30am.

Conference Room 312, State Capitol

Testimony in Support

Dear Chair Ito, Vice-Chair Karamatsu 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 pass this bill, it's a good pilot project.

Sincerely,
Darrell Tanaka

From: MaurMick@aol.com [mailto:MaurMick@aol.com]
Sent: Friday, February 01, 2008 5:08 PM
To: WLHtestimony
Subject: Hearing on HB3016--Relating to Law Enforcement

To: Representative Ken Ito, Chair
Representative Jon Riki Karamatsu, Vice-Chair & Members of the
Committee on Water, Land, Ocean Resources & Hawaiian Affairs.

From: Maureen Ross
Kihei, HI 96753

Ref. Hearing on HB 3016---Relating to Law Enforcement
February 4, 2008 at 8:30 am.
Conference Room 312, State Capitol

Testimony in Support

Dear Chair Ito, Vice-Chair Karamatsu and members:

Thank you for hearing my testimony in support of HB3016—Relating to Law Enforcement.

I was in law enforcement in Southern California prior to retiring to Maui. While in that position, the department made the decision we were to carry pepper spray. Prior to that, short of protecting ourselves with our "night sticks", the only other weapon was the lethal one, our gun. As a female officer, it would have been very difficult, if not impossible to protect myself against some very big men, especially with a night stick. In certain situations, say drug related, even the largest of male officers would need some extra help. I see the taser as a much better non-lethal weapon than pepper spray here in the Hawaiian islands due to the wind.

There are too many unpredictable people and situations to think our enforcement personnel would never run into a situation requiring more than a verbal request. I would think that we are legally and morally obligated to provide personal protection for them while carrying out their duties in protecting the public and property.

Please pass this bill, it's a good pilot project.

Sincerely,
Maureen Ross