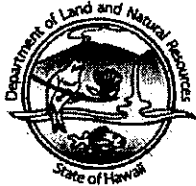


LINDA LINGLE  
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

**Testimony of  
LAURA H. THIELEN  
Chairperson**

**Before the House Committee on  
JUDICIARY**

**Tuesday, March 16, 2010  
2:15 PM  
State Capitol, Conference Room 325**

**In consideration of  
SENATE BILL 950, SENATE DRAFT 2, HOUSE DRAFT 1  
RELATING TO ELECTRIC GUNS**

Senate Bill 950, Senate Draft 2, House Draft 1 authorizes the Department of Land and Natural Resources' Division of Conservation and Resources Enforcement (DOCARE) to possess and use electric guns, provided DOCARE has received accreditation or recognition from a nationally recognized law enforcement accreditation or credentialing program. The Department of Land and Natural Resources (Department) strongly supports this Administration measure except for its effective date of July 1, 2050. The Department respectfully asks that this bill be further amended to restore the effective date back to "upon approval".

Electric guns have proven to be a useful tool for law enforcement throughout the United States and County Police have successfully deployed and used electric guns in Hawaii for some time and continue to this day. Electric guns provide a viable alternative to the need for a law enforcement officer to escalate to the use of deadly force when dealing with a non-compliant combative suspect. Any officers working in remote isolated areas will be able to apprehend and secure potentially dangerous individuals without injury to themselves or to the difficult to handle individual. Like members of other law enforcement agencies DOCARE officers have been forced to confront unruly individuals who were under the influence of alcohol and illegal drugs, often without any backup. This necessary law enforcement tool helps to reduce risk and injury to the DOCARE officers, innocent bystanders and suspects and is certain to act as a deterrent. The Department also acknowledges the need to provide adequate training for its officers and establish protocols that will govern the use of electric guns and management of this equipment before moving forward with this initiative.

The Department supports the usage of electric guns by its DOCARE officers while performing their duties within the State, and recommends passage of this bill as amended restoring the effective date back to "upon approval".

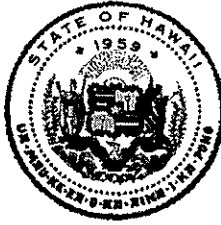
LAURA H. THIELEN  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

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  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

LINDA LINGLE  
GOVERNOR



STATE OF HAWAII  
**DEPARTMENT OF PUBLIC SAFETY**  
919 Ala Moana Blvd. 4<sup>th</sup> Floor  
Honolulu, Hawaii 96813

CLAYTON A. FRANK  
DIRECTOR

DAVID F. FESTERLING  
Deputy Director of  
Administration

TOMMY JOHNSON  
Deputy Director  
Corrections

JAMES L. PROPOTNICK  
Deputy Director  
Law Enforcement

No. \_\_\_\_\_

TESTIMONY ON SENATE BILL 950 SD2, HD1  
A BILL FOR AN ACT RELATING TO  
ELECTRIC GUNS  
Clayton A. Frank, Director  
Department of Public Safety

Committee on Judiciary  
Representative Jon Riki Karamatsu, Chair  
Representative Ken Ito, Vice Chair

Thursday, March 16, 2010, 2:15 PM  
State Capitol, Room 325

Representative Karamatsu, Representative Ito, and members of the Committee:

The Department of Public Safety strongly supports House Bill 950 SD2, HD1, that would authorize all law enforcement officers within the Department of Public Safety (PSD) (Sheriff's Division and the Narcotics Enforcement Division) to be able to utilize electric guns in the performance of their law enforcement duties. The ability to employ this less than lethal device, "Electric guns" will give the Department's law enforcement officers another tool to assist them in subduing or obtaining compliance from noncompliant suspects in the field. PSD urges this committee to pass this measure to help ensure the safety and welfare of the public and law enforcement officers throughout the state.

Thank you for the opportunity to testify on this matter.



Committees: Committee on Judiciary  
Hearing Date/Time: Tuesday, March 16, 2010, 2:15 p.m.  
Place: Room 325  
Re: Testimony of the ACLU of Hawaii in Opposition to S.B. 950, S.D. 2, H.D. 1, Relating to Electric Guns

Dear Chair Karamatsu and Members of the Committee on Judiciary:

The American Civil Liberties Union of Hawaii ("ACLU of Hawaii") writes in opposition to S.B. 950, S.D. 2, H.D. 1, which seeks to authorize law enforcement officers of the Department of Public Safety ("PSD") and conservation and resources enforcement officers of the Department of Land and Natural Resources ("DLNR") to use electric guns and related equipment while performing their duties.

The ACLU of Hawaii opposes the use of electric guns ("Tasers") because of the increasing number of deaths, injuries and resulting lawsuits associated with its use, the lack of independent studies on several critical safety issues, and the lack of policy governing the use of the weapon. This committee should note that a recent 9<sup>th</sup> Circuit ruling allowed an officer to be held liable for injuries a man suffered after being Tasered and sets standards for when stun guns and similar devices may be used. See *Bryan v. Mcpherson*, 590 F.3d 767 (9<sup>th</sup> Cir. 2009).

The ACLU of Hawaii recommends that this Committee decline expanding the use of Tasers to PSD and DLNR officers and instead reform current Taser policies to meet the 9<sup>th</sup> circuit standard, including:

***Pass Legislation*** restricting officers from using a Taser unless it is used 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. 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 Tasered, regardless of whether they were ultimately arrested.

American Civil Liberties Union of Hawaii  
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. Rep. Karamatsu, Chair, JUD and Members Thereof  
March 16, 2010  
Page 2 of 2

***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.

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). Further, please see NC Taser Safety Project, *Not There Yet: The Need for Safer TASER Policies in North Carolina*, 2008, available at <http://acluofnc.org/files/NotThereYet.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

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)

The Twenty-Fifth Legislature, State of Hawaii  
House of Representatives  
Committee on Judiciary

Testimony by  
Hawaii Government Employees Association  
March 16, 2010

S.B. 950, S.D. 2, H.D. 1 -  
RELATING TO ELECTRIC GUNS

The Hawaii Government Employees Association, AFSCME, Local 152, AFL-CIO, supports the purpose and intent of S.B. 950, S.D. 2, H.D. 1, which would allow law enforcement officers of the Department of Public Safety (PSD) and DOCARE officers of the Department of Land and Natural Resources (DLNR) to possess electric guns (aka stun guns). Electric guns are used by many police department in the United States and are credited with decreasing police officer and suspect injuries and deaths due to use of force. However, law enforcement officers need to be thoroughly trained in how to use these devices. According to a recent GAO report, proper training is essential to help ensure its safe, effective and appropriate use.

The proper deployment of these weapons requires establishing use-of-force policies, training requirements, operational protocols and safety procedures. PSD and DLNR should request training for their officers by the respective county police departments and adopt their existing policies, protocols and safety procedures.

For example, electric guns need to be inspected on a regular basis. Safety procedures also suggest that electric guns not be used on children, pregnant suspects or where there are nearby bystanders or flammable liquids. There are instances when law enforcement officers confront dangerous situations where a suspect is armed and the stun gun would be an appropriate defense to protect them.

Thank you for the opportunity to submit our testimony in support of S.B. 950, S.D. 2, H.D. 1.

Respectfully Submitted,

Nora A. Nomura  
Deputy Executive Director

**Testimony of The Nature Conservancy of Hawai'i  
Supporting S.B. 950, HD1 Relating to Electric Guns  
House Committee on Judiciary  
Tuesday, March 16, 2010, 2:15PM, Room 325**

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*The Nature Conservancy of Hawai'i is a private non-profit conservation organization dedicated to the preservation of Hawai'i'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 Hawai'i supports S.B. 950, HD1 Relating to Electric Guns. With DLNR Division of Conservation and Resources Enforcement (DOCARE) 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 protection device for the officers.

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 DOCARE officers are spread too thin and lack the equipment they need to do their jobs. Following the audit, DOCARE undertook its own review and strategic planning effort to improve its operational processes. One result is that DOCARE has begun the process of seeking national law enforcement accreditation from the Commission on Accreditation for Law Enforcement Agencies (CALEA [www.calea.org](http://www.calea.org)).

Part of DOCARE's strategic planning also includes that its enforcement officers have the proper equipment to allow them to be effective. Two years ago, 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. This bill will properly allow these law enforcement officers to have another important protective tool.

BOARD OF TRUSTEES

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Wayne Minami Michael T. Pfeffer H. Monty Richards Jean E. Rolles Scott Rolles Crystal K. Rose Nathan E. Smith Eric Yeaman

## karamatsu1-Kenji

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 15, 2010 10:21 AM  
**To:** JUDtestimony  
**Cc:** randyinmaui@yahoo.com  
**Subject:** Testimony for SB950 on 3/16/2010 2:15:00 PM

Testimony for JUD 3/16/2010 2:15:00 PM SB950

Conference room: 325  
Testifier position: support  
Testifier will be present: No  
Submitted by: Randy DeCambra  
Organization: Individual  
Address:  
Phone:  
E-mail: [randyinmaui@yahoo.com](mailto:randyinmaui@yahoo.com)  
Submitted on: 3/15/2010

**Comments:**

DLNR Officers are state law enforcement officers that possess police powers. They write citations and effect arrests. They also work alone in remote areas. Please pass this bill, so DLNR Officers can keep themselves and the public safe.

**karamatsu1-Kenji**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 15, 2010 10:24 AM  
**To:** JUDtestimony  
**Cc:** jrezente@gmail.com  
**Subject:** Testimony for SB950 on 3/16/2010 2:15:00 PM

Testimony for JUD 3/16/2010 2:15:00 PM SB950

Conference room: 325  
Testifier position: support  
Testifier will be present: No  
Submitted by: Joshua Rezendes  
Organization: Individual  
Address:  
Phone:  
E-mail: [jrezente@gmail.com](mailto:jrezente@gmail.com)  
Submitted on: 3/15/2010

Comments:  
DLNR Officers are state law enforcement officers that possess police powers. They write citations and effect arrests. They also work alone in remote areas. Please pass this bill, so DLNR Officers can keep themselves and the public safe.



## karamatsu1-Kenji

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 15, 2010 10:25 AM  
**To:** JUDtestimony  
**Cc:** nightmenehune@yahoo.com  
**Subject:** Testimony for SB950 on 3/16/2010 2:15:00 PM

Testimony for JUD 3/16/2010 2:15:00 PM SB950

Conference room: 325  
Testifier position: support  
Testifier will be present: No  
Submitted by: John Yamamoto  
Organization: Individual  
Address:  
Phone:  
E-mail: [nightmenehune@yahoo.com](mailto:nightmenehune@yahoo.com)  
Submitted on: 3/15/2010

**Comments:**

DLNR Officers are state law enforcement officers that possess police powers. They write citations and effect arrests. They also work alone in remote areas. Please pass this bill, so DLNR Officers can keep themselves and the public safe.

**karamatsu1-Kenji**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 15, 2010 10:26 AM  
**To:** JUDtestimony  
**Cc:** cahillrc@hawaii.rr.com  
**Subject:** Testimony for SB950 on 3/16/2010 2:15:00 PM

Testimony for JUD 3/16/2010 2:15:00 PM SB950

Conference room: 325  
Testifier position: support  
Testifier will be present: No  
Submitted by: Ronald Cahill  
Organization: Individual  
Address:  
Phone:  
E-mail: [cahillrc@hawaii.rr.com](mailto:cahillrc@hawaii.rr.com)  
Submitted on: 3/15/2010

**Comments:**

DLNR Officers are state law enforcement officers that possess police powers. They write citations and effect arrests. They also work alone in remote areas. Please pass this bill, so DLNR Officers can keep themselves and the public safe.

## karamatsu1-Kenji

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 15, 2010 10:27 AM  
**To:** JUDtestimony  
**Cc:** natemaui@yahoo.com  
**Subject:** Testimony for SB950 on 3/16/2010 2:15:00 PM

Testimony for JUD 3/16/2010 2:15:00 PM SB950

Conference room: 325  
Testifier position: support  
Testifier will be present: No  
Submitted by: Nathan Hillen  
Organization: Individual  
Address:  
Phone:  
E-mail: [natemaui@yahoo.com](mailto:natemaui@yahoo.com)  
Submitted on: 3/15/2010

**Comments:**

DLNR Officers are state law enforcement officers that possess police powers. They write citations and effect arrests. They also work alone in remote areas. Please pass this bill, so DLNR Officers can keep themselves and the public safe.

## karamatsu1-Kenji

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 15, 2010 10:28 AM  
**To:** JUDtestimony  
**Cc:** etvuong@hotmail.com  
**Subject:** Testimony for SB950 on 3/16/2010 2:15:00 PM

Testimony for JUD 3/16/2010 2:15:00 PM SB950

Conference room: 325  
Testifier position: support  
Testifier will be present: No  
Submitted by: Eric Vuong  
Organization: Individual  
Address:  
Phone:  
E-mail: [etvuong@hotmail.com](mailto:etvuong@hotmail.com)  
Submitted on: 3/15/2010

**Comments:**

DLNR Officers are state law enforcement officers that possess police powers. They write citations and effect arrests. They also work alone in remote areas. Please pass this bill, so DLNR Officers can keep themselves and the public safe.

**karamatsu1-Kenji**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 15, 2010 10:50 AM  
**To:** JUDtestimony  
**Cc:** bktamfam@msn.com  
**Subject:** Testimony for SB950 on 3/16/2010 2:15:00 PM

Testimony for JUD 3/16/2010 2:15:00 PM SB950

Conference room: 325  
Testifier position: support  
Testifier will be present: No  
Submitted by: Brooks Tamaye  
Organization: Individual  
Address: P.O. Box 2266 Wailuku, HI 96793  
Phone: 808-244-5751  
E-mail: [bktamfam@msn.com](mailto:bktamfam@msn.com)  
Submitted on: 3/15/2010

Comments:  
Please support this measure. Thank you.

## karamatsu1-Kenji

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 15, 2010 1:41 PM  
**To:** JUDtestimony  
**Cc:** mahiai@sandwichisles.net  
**Subject:** Testimony for SB950 on 3/16/2010 2:15:00 PM

Testimony for JUD 3/16/2010 2:15:00 PM SB950

Conference room: 325  
Testifier position: support  
Testifier will be present: No  
Submitted by: Randy Awo  
Organization: Individual  
Address: 634 Kohomua st Wailuku, Hawaii 96793  
Phone: 808 264-1127  
E-mail: [mahiai@sandwichisles.net](mailto:mahiai@sandwichisles.net)  
Submitted on: 3/15/2010

Comments:

## karamatsu1-Kenji

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 15, 2010 2:41 PM  
**To:** JUDtestimony  
**Cc:** cmattyamamoto@gmail.com  
**Subject:** Testimony for SB950 on 3/16/2010 2:15:00 PM

Testimony for JUD 3/16/2010 2:15:00 PM SB950

Conference room: 325  
Testifier position: support  
Testifier will be present: No  
Submitted by: Clarence Yamamoto  
Organization: Individual  
Address: 543 Pohai Street Kahului, HI  
Phone: (808) 264-1807  
E-mail: [cmattyamamoto@gmail.com](mailto:cmattyamamoto@gmail.com)  
Submitted on: 3/15/2010

**Comments:**

Please support this bill, as it will only help to enhance natural resource protection and help to keep our Conservation Officer safe.

## karamatsu1-Kenji

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 15, 2010 4:19 PM  
**To:** JUDtestimony  
**Cc:** j\_kinores@yahoo.com  
**Subject:** Testimony for SB950 on 3/16/2010 2:15:00 PM

Testimony for JUD 3/16/2010 2:15:00 PM SB950

Conference room: 325  
Testifier position: support  
Testifier will be present: No  
Submitted by: J KINORES  
Organization: Individual  
Address: 130 Apau Place Makawao  
Phone: 808 264 4502  
E-mail: [j\\_kinores@yahoo.com](mailto:j_kinores@yahoo.com)  
Submitted on: 3/15/2010

**Comments:**

I strongly support the mentioned bill as field officer.

I feel that it is a much needed tool to effect my daily job. This tool gives officers the ability to protect himself and the general public from death and/or injury in the presence of a situation.

Mahalo for your time  
Ofc. J KINORES



The Twenty-Fifth Legislature, State of Hawaii  
House of Representatives  
Committee on Judiciary

Testimony by  
Hawaii Government Employees Association  
March 16, 2010

S.B. 950, S.D. 2, H.D. 1 -  
RELATING TO ELECTRIC GUNS

The Hawaii Government Employees Association, AFSCME, Local 152, AFL-CIO, supports the purpose and intent of S.B. 950, S.D. 2, H.D. 1, which would allow law enforcement officers of the Department of Public Safety (PSD) and DOCARE officers of the Department of Land and Natural Resources (DLNR) to possess electric guns (aka stun guns). Electric guns are used by many police department in the United States and are credited with decreasing police officer and suspect injuries and deaths due to use of force. However, law enforcement officers need to be thoroughly trained in how to use these devices. According to a recent GAO report, proper training is essential to help ensure its safe, effective and appropriate use.

The proper deployment of these weapons requires establishing use-of-force policies, training requirements, operational protocols and safety procedures. PSD and DLNR should request training for their officers by the respective county police departments and adopt their existing policies, protocols and safety procedures.

For example, electric guns need to be inspected on a regular basis. Safety procedures also suggest that electric guns not be used on children, pregnant suspects or where there are nearby bystanders or flammable liquids. There are instances when law enforcement officers confront dangerous situations where a suspect is armed and the stun gun would be an appropriate defense to protect them.

Thank you for the opportunity to submit our testimony in support of S.B. 950, S.D. 2, H.D. 1.

Respectfully Submitted,

Nora A. Nomura  
Deputy Executive Director