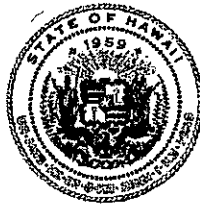


LINDA LINGLE
GOVERNOR OF HAWAII



**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 Committees on
PUBLIC SAFETY
and
WATER, LAND, AND OCEAN RESOURCES**

**Thursday, March 11, 2010
10:15 AM
State Capitol, Conference Room 309**

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

Senate Bill 950, Senate Draft 2 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.

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

RUSSELL V. TSUJI
FIRST DEPUTY

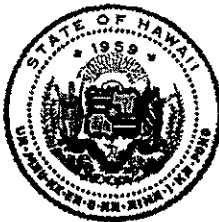
KEN C. KAWAHARA
DEPUTY DIRECTOR - WATER

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

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".

LINDA LINGLE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
919 Ala Moana Blvd. 4th 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
A BILL FOR AN ACT RELATING TO
ELECTRIC GUNS

Clayton A. Frank, Director
Department of Public Safety

Committee on Public Safety
Representative Faye P. Hanohano, Chair
Representative Henry J.C. Aquino, Vice Chair

Committee on Water, Land, & Ocean Resources
Representative Ken Ito, Chair
Representative Sharon E. Har, Vice Chair

Thursday, March 11, 2010, 10:15 AM
State Capitol, Room 309

Representative Hanohano, Ito and Members of the Committees:

The Department of Public Safety strongly supports House Bill 950 SD2 that would authorize all law enforcement officers within the Department of Public Safety (Sheriff Division and Narcotics Enforcement Division) to be able to utilize electric guns in the performance of their law enforcement duties. The ability to utilize this less than lethal tool "Electric guns" will give the Department's law enforcement officers another tool to assist them in subduing or obtaining compliance from suspects in the field.

Thank you for the opportunity to testify on this matter.



Committees: Committees on Public Safety and Water, Land and Ocean Resources
Hearing Date/Time: Thursday, March 11, 2010, 10:15 a.m.
Place: Room 309
Re: Testimony of the ACLU of Hawaii in Opposition to S.B. 950, S.D. 2, Relating to Electric Guns

Dear Chairs Hanohano and Ito and Members of the Committees on Public Safety and Water, Land and Ocean Resources:

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

The ACLU of Hawaii opposes this bill because of the increasing number of deaths, injuries and resulting lawsuits associated with electric gun ("Taser") use, the lack of independent studies on several critical safety issues, and the lack of policy governing the use of the weapon. The ACLU of Hawaii also urges the imposition of regulations for law enforcement agencies that currently authorized to use Tasers.

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

Pass Legislation. A law should be passed that would only allow Tasers to be 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. 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.

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
www.acluhawaii.org

Hon. Sens. Espero and Hee, Chairs, PSM/WTL and Members Thereof
February 11, 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. 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
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HAWAII GOVERNMENT EMPLOYEES ASSOCIATION
AFSCME Local 152, AFL-CIO

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Tel: 808.543.0055
Fax: 808.523.6879

The Twenty-Fifth Legislature, State of Hawaii
Hawaii State House of Representatives

Committee on Public Safety
Committee on Water, Land and Ocean Resources

Testimony by
Hawaii Government Employees Association
March 11, 2010

S.B. 950, S.D. 2 - 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 which would allow law enforcement officers of the Department of Public Safety and DOCARE officers of DLNR to possess electric guns (stun guns). Electric guns are used by many police departments 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 testify in support of S.B. 950, S.D. 2.

Respectfully submitted,

Nora A. Nomura
Deputy Executive Director



aquino1-Ruffalyne

From: Kevin O'GradyEsquire [KevinOGradyEsquire@hawaii.rr.com]
Sent: Tuesday, March 09, 2010 9:23 PM
To: PBStestimony
Subject: SB 950 SD 2 SSCR 2562

Dear Chairman,

I am writing to testify again regarding this proposed legislation. This legislation would allow DLNR officers to carry and use electric guns. These weapons are already allowed for other law enforcement officers. I urge that you vote against this proposed legislation and instead consider the theory behind it to craft different legislation.

DLNR officers want to be able to be exempt from the general prohibition regarding electric guns. Why? Presumably the DLNR officers, or whomever is sponsoring this legislation feels that the weapons would be useful and safe for the officers. If that is so, then I urge the committee to allow every citizen to acquire, own, carry and use these weapons. The right to self defense preexists the U.S. Constitution and is guaranteed by the Second Amendment as well as the Hawaii Constitution. If the weapon is useful and safe, then everyone, not otherwise deemed unfit by a violent felony conviction or something similar, should be able to use that weapon. Persons who intend to commit a crime such as assault, robbery, rape or murder, would not hesitate to violate another law such as arming themselves with a prohibited weapon, or if they have previously been convicted of a violent felony and are prohibited from owning any firearm, from arming themselves with a firearm. Yet, the general prohibition would render the law abiding citizen without a useful and safe weapon. The legislature should remember that law enforcement officers are just people like the average citizen. If a weapon is useful and safe, then all citizens should be able to have it.

Sincerely,

Kevin O'Grady, Esquire.

The Law Office of Kevin O'Grady, LLC
1136 Union Mall, Suite 704
Honolulu, Hawaii 96813
Telephone 808-521-3367
Facsimile 808-521-3369

WWW.CriminalAndMilitaryDefenseHawaii.com

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aquino1-Ruffalyne

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 10, 2010 1:40 PM
To: PBStestimony
Cc: randyinmaui@yahoo.com
Subject: Testimony for SB950 on 3/11/2010 10:15:00 AM

Testimony for PBS/WLO 3/11/2010 10:15:00 AM SB950

Conference room: 309
Testifier position: support
Testifier will be present: No
Submitted by: Randy DeCambra
Organization: Individual
Address:
Phone:
E-mail: randyinmaui@yahoo.com
Submitted on: 3/10/2010

Comments:

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

aquino1-Ruffalyne

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 10, 2010 1:42 PM
To: PBStestimony
Cc: hmanlapao@hotmail.com
Subject: Testimony for SB950 on 3/11/2010 10:15:00 AM

Testimony for PBS/WLO 3/11/2010 10:15:00 AM SB950

Conference room: 309
Testifier position: support
Testifier will be present: No
Submitted by: Hilbert Manlapao
Organization: Individual
Address:
Phone:
E-mail: hmanlapao@hotmail.com
Submitted on: 3/10/2010

Comments:

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

aquino1-Ruffalyne

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 10, 2010 1:43 PM
To: PBStestimony
Cc: jrezente@gmail.com
Subject: Testimony for SB950 on 3/11/2010 10:15:00 AM

Testimony for PBS/WLO 3/11/2010 10:15:00 AM SB950

Conference room: 309
Testifier position: support
Testifier will be present: No
Submitted by: Joshua Rezendes
Organization: Individual
Address:
Phone:
E-mail: jrezente@gmail.com
Submitted on: 3/10/2010

Comments:

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

aquino1-Ruffalyne

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 10, 2010 1:48 PM
To: PBStestimony
Cc: nightmehune@yahoo.com
Subject: Testimony for SB950 on 3/11/2010 10:15:00 AM

Testimony for PBS/WLO 3/11/2010 10:15:00 AM SB950

Conference room: 309
Testifier position: support
Testifier will be present: No
Submitted by: Joshua Rezendes
Organization: Individual
Address:
Phone:
E-mail: nightmehune@yahoo.com
Submitted on: 3/10/2010

Comments:

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

aquino1-Ruffalyne

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 10, 2010 1:53 PM
To: PBStestimony
Cc: cahillrc@hawaii.rr.com
Subject: Testimony for SB950 on 3/11/2010 10:15:00 AM

Testimony for PBS/WLO 3/11/2010 10:15:00 AM SB950

Conference room: 309
Testifier position: support
Testifier will be present: No
Submitted by: Ronald Cahill
Organization: Individual
Address:
Phone:
E-mail: cahillrc@hawaii.rr.com
Submitted on: 3/10/2010

Comments:

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

aquino1-Ruffalyne

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 10, 2010 1:54 PM
To: PBStestimony
Cc: natemaui@yahoo.com
Subject: Testimony for SB950 on 3/11/2010 10:15:00 AM

Testimony for PBS/WLO 3/11/2010 10:15:00 AM SB950

Conference room: 309
Testifier position: support
Testifier will be present: No
Submitted by: Nathan Hillen
Organization: Individual
Address:
Phone:
E-mail: natemaui@yahoo.com
Submitted on: 3/10/2010

Comments:

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

aquino1-Ruffalyne

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 10, 2010 1:55 PM
To: PBStestimony
Cc: etvuong@hotmail.com
Subject: Testimony for SB950 on 3/11/2010 10:15:00 AM

Testimony for PBS/WLO 3/11/2010 10:15:00 AM SB950

Conference room: 309
Testifier position: support
Testifier will be present: No
Submitted by: Eric Vuong
Organization: Individual
Address:
Phone:
E-mail: etvuong@hotmail.com
Submitted on: 3/10/2010

Comments:

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