

HB1107, hd1

Measure Title:

RELATING TO THE HAWAII NATIONAL GUARD.

Report Title:

Authorizes qualified members of the Hawaii national guard to use non-lethal weapons, including electric guns, when assisting civil authorities in disaster relief, civil defense, or law enforcement functions. Effective January 7, 2059. (HB1107 HD1)

STATE OF HAWAII
DEPARTMENT OF DEFENSE

TESTIMONY ON HOUSE BILL 1107 HD1
A BILL FOR AN ACT RELATING TO THE HAWAII NATIONAL GUARD

PRESENTATION TO THE
SENATE COMMITTEE ON PUBLIC SAFETY, GOVERNMENT OPERATIONS,
AND MILITARY AFFAIRS

BY

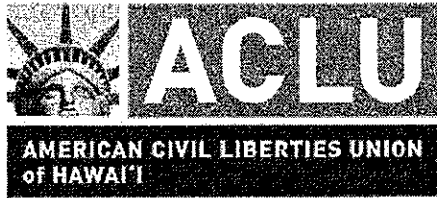
MAJOR GENERAL DARRYLL D. M. WONG
ADJUTANT GENERAL
March 15, 2011

Chair Espero, Vice Chair Kidani, and Members of the Committee:

I am Major General Darryll D. M. Wong, State Adjutant General. I am testifying on House Bill 1107.

We strongly support House Bill 1107 HD1. Passage of this measure would allow the Hawaii National Guard to use non-lethal weapons, including electric guns, when assisting and supporting civil authorities in disaster relief, civil defense, and law enforcement operations.

Thank you for the opportunity to provide this written testimony.



Committee: Committee on Public Safety, Government Operations and Military Affairs
Hearing Date/Time: Tuesday, March 15, 2011, 2:45 p.m.
Place: Conference Room 224
Re: Testimony of the ACLU of Hawaii in Opposition to H.B. 1107, HD1, Relating to the Hawaii National Guard

Dear Chair Espero and Members of the Committee on Public Safety, Government Operations and Military Affairs:

The American Civil Liberties Union of Hawaii ("ACLU of Hawaii") writes in opposition to H.B. 1107, HD1, Relating to the Hawaii National Guard, which seeks to allow members of the Hawaii National Guard to use electric guns.

TASERS are lethal weapons. Hundreds of individuals have died after being "tased," with the TASER being the sole or contributory cause in at least forty cases between 2001 and 2008. AMNESTY INTERNATIONAL, 'LESS THAN LETHAL?' THE USE OF STUN WEAPONS IN US LAW ENFORCEMENT 20 (2008).¹ The TASER results in the introduction of a significant amount of electrical current into a person's body and can cause burns and permanent scarring.

TASERS may have a role in supplanting otherwise deadly force; however, because of a lack of clear policies, TASERS are frequently used by law enforcement officers in situations where deadly force would never be contemplated. Consequently, the ACLU of Hawaii recommends that this Committee decline expanding the use of electric weapons and instead reform current electric weapon policies as follows:

- **Pass Legislation restricting officers from using a TASER unless it is used as an alternative to deadly force.** The British Government currently employs such

¹ Available at <http://www.amnesty.org/en/library/asset/AMR51/010/2008/en/530be6d6-437e-4c77-851b-9e581197ccf6/amr510102008en.pdf>. See also Chelsea Krotzer, *Officials Release Details Of Sunday Stun Gun Incident*, BILLINGS GAZETTE, Oct. 14, 2010, available at http://billingsgazette.com/news/local/crime-and-courts/article_e2f11334-d7b2-11df-bb9a-001cc4c002e0.html. For more information on TASER use and abuse, 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>.

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Chair Espero and Members of the Committee on
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restrictions. Law enforcement agencies should be restricted from using electric weapons in non-life-threatening situations until more independent safety studies are completed.

- **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, policies should require more detailed reporting and mandatory medical treatment to those exposed to electric weapons, regardless of whether they are 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.

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 45 years.

Thank you for this opportunity to testify.

Sincerely,
Laurie A. Temple
Staff Attorney
ACLU of Hawaii

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