

STATE OF HAWAII
DEPARTMENT OF DEFENSE

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

PRESENTATION TO THE
HOUSE COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS

BY

MAJOR GENERAL DARRYLL D. M. WONG
INTERIM ADJUTANT GENERAL
February 10, 2011

Chair Aquino, Vice Chair Cullen, and Members of the Committee:

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

We strongly support House Bill 1107. 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.

THE OAHU VETERANS COUNCIL

OAHU VETERANS COUNCIL

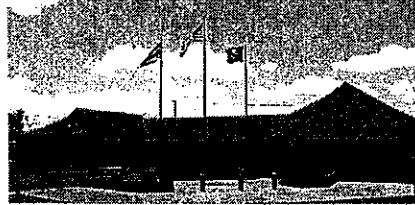
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January 27, 2011

TESTIMONY REGARDING HOUSE BILL 1107 RELATING TO THE HAWAII NATIONAL GUARD,

HOUSE COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS

HEARING ON THURSDAY, FEBRUARY 10TH, AT 9AM, IN
CONFERENCE ROOM 309

Aloha Chair Aquino: The Oahu Veterans Council's member organization's identified in the left margin represent the interests of over 80,000 veterans and their families. On Thursday, January 27th, our legislative committee voted to testify, in support of House Bill 1107, as follows:

We firmly believe members of the Hawaii national guard must be authorized to use non-lethal weapons, including electric guns, when assisting civil authorities in disaster relief, civil defense, or law enforcement functions. Oahu Veterans Council delegates performed creditable military service under the flag of the United States of America and the State of Hawaii. We honor our Nation and State under these flags, and firmly believe the equipment described in this Bill is absolutely essential to the combined forces mission success and safety of personnel.

We thoughtfully and respectfully encourage your committee to remind those who willfully undermine this noble effort to properly train and equip the subject personnel, to effectively address the challenges they are ordered to participate in, of the limitations placed on their sentiments by the US Constitution, in recommending approval of HB1107 as written.

Mahalo for allowing us to testify in support of this very important Bill.

Fred Ballard

Fred Ballard; President



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Committee: Committee on Public Safety and Military Affairs
Hearing Date/Time: Thursday, February 10, 2011, 9:00 a.m.
Place: Conference Room 309
Re: Testimony of the ACLU of Hawaii in Opposition to H.B. 1107,
Relating to the Hawaii National Guard

Dear Chair Aquino and Members of the Committee on Public Safety and Military Affairs:

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

TASERS are potentially 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 restrictions. Although a TASER is generally a safer alternative to a

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 Aquino and Members of the Committee on
Public Safety and Military Affairs
February 10, 2011
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firearm, 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,



Daniel M. Gluck
Senior Staff Attorney
ACLU of Hawaii

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