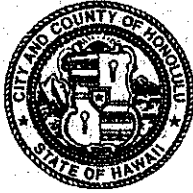


POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

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DEPUTY CHIEFS

OUR REFERENCE **GS-SK**

February 25, 2011

The Honorable Gilbert S. C. Keith-Agaran, Chair
and Members
Committee on Judiciary
House of Representatives
State Capitol
Honolulu, Hawaii 96813

Dear Chair Keith-Agaran and Members:

Subject: House Bill No. 551, H.D. 1, Relating to Electric Guns

I am Gordon Shiraishi, Captain of the Training Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD strongly opposes the passage of House Bill No. 551, H.D. 1. This bill would authorize county liquor authority investigators to acquire and use electric guns.

The safe and proper handling of electric guns requires a great deal of training and knowledge for their intended use. Current training and certification in the use of the electric gun requires its deployment in conjunction with a backup firearm. Currently, county liquor authority investigators do not carry a firearm while in the performance of their duties.


Without the use of a firearm as a backup to a failed electric gun deployment, this could cause a dangerous predicament to an already volatile situation.

The possession and use of electric guns should continue to be limited to the well-trained and properly equipped law enforcement officers who are sworn to protect the community.

Thank you for the opportunity to testify.

APPROVED:

Sincerely,


LOUIS M. KEALOHA
Chief of Police


GORDON SHIRAISHI, Captain
Training Division



Committee: Committee on Judiciary
Hearing Date/Time: Friday, February 25, 2011, 2:00 p.m.
Place: Conference Room 325
Re: Testimony of the ACLU of Hawaii in Opposition to H.B. 551, HD1, Relating to Electric Guns

Dear Chair Keith-Agaran and Members of the Committee on Judiciary:

The American Civil Liberties Union of Hawaii (“ACLU of Hawaii”) writes in opposition to H.B. 551, HD1, Relating to Electric Guns, which seeks to allow county liquor authority investigators 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>.

American Civil Liberties Union of Hawaii
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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,

Laurie A. Temple
Staff Attorney
ACLU of Hawaii

JUDtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 24, 2011 9:23 AM
To: JUDtestimony
Cc: bill@ejlounge.com
Subject: Testimony for HB551 on 2/25/2011 2:00:00 PM

Testimony for JUD 2/25/2011 2:00:00 PM HB551

Conference room: 325
Testifier position: oppose
Testifier will be present: No
Submitted by: Bill Comerford
Organization: Hawaii Bar Owners Association
Address:
Phone:
E-mail: bill@ejlounge.com
Submitted on: 2/24/2011

Comments:

The Hawaii Bar Owners Association strongly opposes HB551 and the use of tasers by Hawaii liquor investigators.

While the liquor inspectors assume the duties of police officers they are not trained as such and should not be afforded offensive weapons. We understand the situations they are put into as we in the industry face those same problem individuals more often then they do at our doors and in our bars. Yet we do not use these weapons ourselves. Escalation is not the answer. It is always better to talk a drunk down than confront them.

In our industry it is common knowledge that drunks are a mirror. What you give them is what you get back in return. Give them a smile they react with a smile, give them a shout they shout back, give them a confrontation they will get physical. Inspectors often forget their circumstances and immediately play the authority card which goes badly, they then escalate by raising their voices which only incites an escalating resistance and summarily results in a true altercation.

Should they be armed at all? And why do they believe they should be taking police actions when most often they are on scene to issue violations against the businesses and not to enforce state laws against individuals. We do not believe they need these weapons against any business owner. There police powers are for investigative purposes and not to act as patrolmen on duty. This is a misinterpretation of their police powers.

Also, they should not be issued these weapons because of liability issues. Why? Because these weapons are a liability. They can incur life threatening voltage to some individuals. This brings liability issues to the State, City and Counties, The Liquor Commissions and the businesses themselves. Any injury incurred within an establishment would subject every one in the chain to lawsuits. Instances of chain of liability claims have already occurred where police have removed patrons from locations. In other vicinities we have seen instances of misuse of these weapons and investigations into unintended deaths as the result of their use.

The Liquor Commissions are not a police force, they are a regulatory body intended to regulate the proper following of State Liquor Law. They are given police powers to investigate liquor violations. Should they find themselves in situations that necessitate the police they should be working with the police and not as the police.

Please do not pass this bill HB551 as it will only present future problems.

Sincerely,

Bill Comerford
Spokesperson
Hawaii Bar Owners Association

JUDtestimony

From: joef@ejlounge.com
Sent: Thursday, February 24, 2011 2:16 PM
To: JUDtestimony
Subject: Liquor Comm. using taers

Why should the LC investigators be allowed to carry tasers? Have they been threatened? These are offensive weapons, not defensive weapons. I am deeply concerned by their abuse of authority as it is. Look at the history of the LC. Have they behaved in a way that leads the public to believe they should now be trusted with weapons?

Yours Truly,

Joe Felix
General Manager

O'Toole's Irish Pub
902 Nuuanu Avenue
Honolulu, Hawaii 96817

Cell: 808-778-9504
Bar: 808-536-4138
Email: joef@ejlounge.com

Office: 808-521-4712
Fax: 808-521-4713

JUDtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 24, 2011 3:42 PM
To: JUDtestimony
Cc: kmills@co.hawaii.hi.us
Subject: Testimony for HB551 on 2/25/2011 2:00:00 PM

Testimony for JUD 2/25/2011 2:00:00 PM HB551

Conference room: 325
Testifier position: support
Testifier will be present: No
Submitted by: Kalani Mills
Organization: Individual
Address:
Phone:
E-mail: kmills@co.hawaii.hi.us
Submitted on: 2/24/2011

Comments:

I am an investigator with the Department of Liquor Control, County of Hawaii. I have been an investigator for 19 years. In my current position I supervise investigators for the east side of the island, which is 180 miles from one end to the other. I, along with the other investigators in our department, support House Bill 551. In the past year our investigators have been threatened and assaulted. Luckily no one has been seriously hurt. During our inspections and investigations we come in contact with people who are intoxicated and in many cases using illegal drugs. We view electronic guns as a tool that can help to perform our duties.

We request your support in the passage of this bill.

Mahalo!

JUDtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 24, 2011 10:48 AM
To: JUDtestimony
Cc: larry.moises@hawaiiantel.net
Subject: Testimony for HB551 on 2/25/2011 2:00:00 PM

Testimony for JUD 2/25/2011 2:00:00 PM HB551

Conference room: 325
Testifier position: support
Testifier will be present: No
Submitted by: Lorenzo Moises
Organization: Individual
Address:
Phone:
E-mail: larry.moises@hawaiiantel.net
Submitted on: 2/24/2011

Comments:

I urge you to please pass this bill now and provide liquor control investigators the same non-lethal protective equipment provided to other law enforcement officers in this state. As to the matter of training, Maui liquor already has two manufacturer trained and certified Tazer trainers.

JUDtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 23, 2011 12:42 PM
To: JUDtestimony
Cc: fred@ejlounge.com
Subject: Testimony for HB551 on 2/25/2011 2:00:00 PM

Testimony for JUD 2/25/2011 2:00:00 PM HB551

Conference room: 325
Testifier position: oppose
Testifier will be present: No
Submitted by: Fred Remington
Organization: Individual
Address:
Phone:
E-mail: fred@ejlounge.com
Submitted on: 2/23/2011

Comments:

Arming these investigators with stun guns would be like throwing gas on a fire.

JUDtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 23, 2011 2:48 PM
To: JUDtestimony
Cc: Tiktoomy2@aol.com
Subject: Testimony for HB551 on 2/25/2011 2:00:00 PM

Testimony for JUD 2/25/2011 2:00:00 PM HB551

Conference room: 325
Testifier position: oppose
Testifier will be present: No
Submitted by: Shawne Garliepp
Organization: Individual
Address:
Phone:
E-mail: Tiktoomy2@aol.com
Submitted on: 2/23/2011

Comments:

This bill will bring danger into all liquor establishments. They will cause lawsuits against an establishment and also the state.

keithagaran2 - Max

From: Pedro Gapero [Pedro.Gapero@co.maui.hi.us]
Sent: Thursday, February 24, 2011 3:39 PM
To: JUDtestimony
Subject: testing

Aloha,

My name is Pedro K. GAPERO, Senior Investigator, Maui County Dept. of Liquor Control. The reason for my testimony is to make you aware of the amount of people that frequent the bars, night clubs on a daily basis more so on the weekends. The patrons are younger, more aggressive and have no respect for any one with authority, such as the police, Liquor Investigators or employees of the establishments. Some of these patrons are on drugs and have consumed liquor prior to entering an establishment.

Most of the time Investigators conduct inspections and investigations of these premises by themselves. At times the establishments can be calm one minute and erupt into a free for all the next minute. Sometimes the establishments call for police assistance. If police officers are on another call and not available, they will not be able to respond immediately. Those few minutes could be critical, especially if the Liquor Investigators are in a situation of being seriously injured by a patron or patrons while in the commission of their duties. Some of the Liquor Investigators in Hawaii have been assaulted and did not have the tools to defend themselves against bodily injury. We need defensive tools such as the Tasers. As far as the statement "It take hours of training." What is more important, saving a life, any life or hours of training. It takes 16 hours of training to become a Certified Instructor at Taser International which is located at 17800 N. 85th St., Scottsdale, Arizona. Ph# (480) 991-0797.

Liquor Investigators have a job to do and we must have the tools to be able do our job in an environment that we have now. We, the Liquor Investigators of Hawaii, are responsible to carry out the duties according to the Rules of the Liquor Commission and the Hawaii Revised Statues. I would like to mention that I was in the Marines that served in Vietnam. We need your help in this matter. Mahalo and God Bless America.

From: patrickm@ejlounge.com
Sent: Thursday, February 24, 2011 6:03 PM
To: JUDtestimony
Subject: HB551 HD1

Gentlemen;

I am writing in response to the proposed HB551 HD1.

As a bar worker for the last twenty years, I am alarmed to find out that the Liquor Commission (LC) officers want to carry tasers.

The purpose of the (LC) is to enforce the responsible drinking laws, by making sure the establishments follow their guidelines. Their job is not to control, subdue, or harm patrons or bar employees.

I have never encountered any situation, whether I was working or as a patron, that a (LC) officer needed to brandish a taser. (That's 20yrs)

If this bill becomes a law, how much of the taxpayers money will be needed to train them? How much money will be needed for the numerous lawsuits that may occur, with instances of overzealous use?

Finally, I believe you should ask the police how they feel about this, since they will be called every time a liquor inspector uses his/her taser.

Please see it for the farce it is.

Thank you.

Sincerely,
Patrick M. McGrail