

HB 551, hd2

Measure Title:

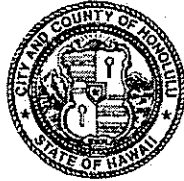
RELATING TO ELECTRIC GUNS

Report Title:

Permits county liquor authority investigators to possess electric guns. Establishes safety measures that must be observed by county liquor authorities and internal reporting measures. Requires an annual report to the legislature. Effective January 7, 2059. (HB551 HD2)

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

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CHIEF

DELBERT T. TATSUYAMA
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DEPUTY CHIEFS

OUR REFERENCE GS-SK

March 17, 2011

The Honorable Will Espero, Chair
and Members
Committee on Public Safety, Government
Operations, and Military Affairs
The Senate
State Capitol
Honolulu, Hawaii 96813

Dear Chair Espero and Members:

Subject: House Bill No. 551, H.D. 2, 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. 2. 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.

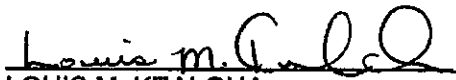
Without the use of a firearm as a backup to a failed electric gun deployment, this could cause a dangerous predicament to an already volatile situation. Police officers are trained in control and arrest tactics with and without the use of other equipment.


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.

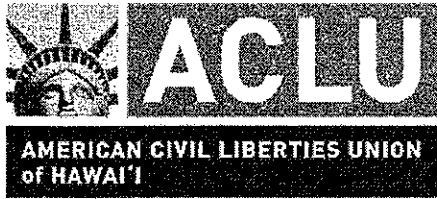
APPROVED:

Sincerely,


LOUIS M. KEALOHA
Chief of Police


GORDON SHIRAISHI, Captain
Training Division

Serving and Protecting With Aloha



Committee: Committee on Public Safety, Government Operations and Military Affairs
Hearing Date/Time: Thursday, March 17, 2011, 2:55 p.m.
Place: Conference Room 224
Re: Testimony of the ACLU of Hawaii in Opposition to H.B. 551, HD2, Relating to Electric Guns

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. 551, HD2, Relating to Electric Guns, which seeks to allow county liquor authority investigators 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

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
Public Safety, Government Operations and Military Affairs
March 17, 2011
Page 2 of 2

such restrictions. Although a TASER is generally a safer alternative to a 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

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 15, 2011 2:50 AM
To: PGM Testimony
Cc: Chris@hawaiiiccw.com
Subject: Testimony for HB551 on 3/17/2011 2:55:00 PM

Testimony for PGM 3/17/2011 2:55:00 PM HB551

Conference room: 224
Testifier position: support
Testifier will be present: No
Submitted by: Christopher Baker
Organization: Hawaii Concealed Carry
Address:
Phone:
E-mail: Chris@hawaiiiccw.com
Submitted on: 3/15/2011

Comments:

Members of the Legislature:

We are writing to encourage all members to vote YES for HB551. Investigators commonly run into problems while working in the field. Their work areas are, obviously, not normally located in those areas with pleasant conditions. Instead, they are usually high-crime laden and drug filled locations, where increased levels of danger to their persons are expected. It is absurd to send investigators out into dangerous situations unarmed. Tasers are an excellent tool for their duties.

PEPPER SPRAY AND HANDCUFFS ARE INEFFECTIVE FOR SELF-DEFENSE Having personally completed level 1 contamination training (direct spray), I can attest that the pepper spray (oleoresin capsicum) is not completely effective tool against a minimally determined attacker. The risk for self-contamination is also high; being contaminated by the irritant could prohibit the defender from even attempting to retreat.

Additionally, police response times are generally minutes away. Asking a person's assailant to momentarily cease his or her assault while the victim attempts to utilize a cellular phone (if one is even present, and in service), is a request that will obviously never be honored.

Additionally, we offer the following statements of facts for you to consider:

1. The police have no legal duty to render assistance. Warren v. District of Columbia, 444 A.2d. 1, D.C. Ct. of Ap. 1981.
2. Investigators, and citizens, have an individual constitutional right to keep and bear arms that is applied through the fourteenth amendment to the states. McDonald v. Chicago, 130 S.Ct. 3020, 3042 n.27 (2010)
3. Tasers are weapons in common use by the people for militia purposes, and as such, are protected under the second amendment. United States v. Miller, 307 U.S. 174 (1939).

We must stop sending people out to do dangerous jobs while being ill equipped to successfully defend their lives and property should an emergent and grave threat arise. Vote YES for HB 551. Hawaii Concealed Carry is a local grass group who seeks to restore the citizen's right to keep and bear arms, in accordance with the United States Constitution's Second Amendment.

Christopher Baker
Hawaii Concealed Carry
www.hawaiiiccw.com

LATE TESTIMONY

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 16, 2011 4:50 PM
To: PGM Testimony
Cc: larry.moises@hawaiiantel.net
Subject: Testimony for HB551 on 3/17/2011 2:55:00 PM

Testimony for PGM 3/17/2011 2:55:00 PM HB551

Conference room: 224
Testifier position: support
Testifier will be present: No
Submitted by: Lorenzo Moises
Organization: Individual
Address:
Phone:
E-mail: larry.moises@hawaiiantel.net
Submitted on: 3/16/2011

Comments:

Please support and pass this bill to provide myself and other county liquor control investigators with this defensive tool, and make it effective upon approval. Mahalo!