

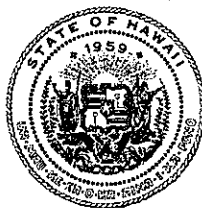
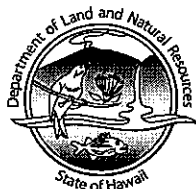
# HB 2681, HD 1

## **RELATING TO ELECTRIC GUNS**

*Description:*

Repeals the requirement that the Conservation and Resources Enforcement Program of the Department of Land and Natural Resources meet law enforcement accreditation or recognition standards of the Commission on Accreditation for Law Enforcement Agencies prior to using or obtaining electric guns, related equipment, and training. Effective July 1, 2012, and repealed on June 30, 2017. (HB2681, HD1)

NEIL ABERCROMBIE  
GOVERNOR OF HAWAII



**STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621  
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**Testimony of  
WILLIAM J. AILA, JR.  
Chairperson**

**Before the Senate Committees on  
PUBLIC SAFETY, GOVERNMENT OPERATIONS, AND MILITARY AFFAIRS  
and  
WATER, LAND, AND HOUSING**

**Thursday, March 29, 2012  
2:45 PM  
State Capitol, Conference Room 224**

**In consideration of  
HOUSE BILL 2681, HOUSE DRAFT 1  
RELATING TO ELECTRIC GUNS**

House Bill 2681, House Draft 1 proposes to temporarily repeal, for five years, the requirement that the Conservation and Resources Enforcement Program of the Department of Land and Natural Resources (Department) receive accreditation or recognition from the Commission on Accreditation for Law Enforcement Agencies (CALEA), Inc. prior to obtaining and using electric guns. While the Department remains committed to obtaining CALEA accreditation, the accreditation process has proven itself to be a lengthy and costly effort. In the interim, the Department realizes that the use of electric guns serves to increase the safety of its officers and the public. The Department prefers the original version of this measure which permanently repeals this requirement.

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, the Division of Conservation and Resources Enforcement (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.

WILLIAM J. AILA, JR.  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

GUY H. KAULUKUKUI  
FIRST DEPUTY

WILLIAM M. TAM  
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 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. The Department is committed to insuring the proper controls on the use of electric guns follow established policies, procedures and training which will be strictly managed in accordance with accepted national guidelines. House Bill 2681 in its original form would allow our officers access to a valuable law enforcement tool now and continuously thereafter, enhancing workplace safety for our officers.



Committee: Committee on Public Safety, Government Operations & Military Affairs  
Committee on Water, Land and Housing  
Hearing Date/Time: Thursday, March 29, 2012, 2:45 p.m.  
Place: Conference Room 224  
Re: Testimony of the ACLU of Hawaii in Opposition to H.B. 2681, H.D. 1,  
Relating to Electric Guns

Dear Chairs Espero and Dela Cruz and Members of the Committees:

The ACLU of Hawaii opposes any attempts to reduce the amount of training that law enforcement officers must receive before using lethal weapons such as TASERS or other electric guns. The Ninth Circuit Court of Appeals recently concluded that Maui Police Department officers used excessive force in using a TASER on a domestic violence victim, *see Mattos v. Agarano*, 661 F.3d 433 (2011) (available at <http://www.ca9.uscourts.gov/datastore/opinions/2011/10/17/08-15567.pdf>); by lessening training and accreditation standards, the State is exposing itself to liability for excessive force (not to mention putting the safety of the community at risk).

Electric guns (“TASER”) 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).<sup>1</sup> 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.

Because of a lack of clear policies and inadequate training, TASERS are frequently used by law enforcement officers in situations where deadly force would never be contemplated. Law enforcement officers need more training and better policies, not less. The Department of Land and Natural Resources is no exception.

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<sup>1</sup> 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](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](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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Chairs Espero and Dela Cruz and PGM/WLH Members  
March 29, 2012  
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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:** Saturday, March 24, 2012 12:38 PM  
**To:** PGM Testimony  
**Cc:** mendy@fair-wind.com  
**Subject:** Testimony for HB2681 on 3/29/2012 2:45:00 PM

Testimony for PGM/WLH 3/29/2012 2:45:00 PM HB2681

Conference room: 224  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Melynda Dant  
Organization: Individual  
E-mail: [mendy@fair-wind.com](mailto:mendy@fair-wind.com)  
Submitted on: 3/24/2012

Comments:

I do not believe repealing this law is a prudent decision. we should always be in support of the most education, and training in the area of electric guns, and related equipment. These officers need to be made to understand their accountability for their actions when it comes to using any electric gun or related equipment on the public. They should not be allowed to forgo training that other professionals in public service are required to receive. This is not the place to try to save money. Education and training should always be put as a priority in the area of safety for the public.