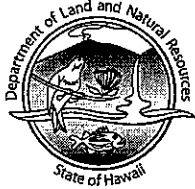


NEIL ABERCROMBIE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

Testimony of
WILLIAM J. AILA, JR.
Chairperson

Before the House Committee on
FINANCE

Thursday, February 23, 2012
11:00 AM
State Capitol, Conference Room 308

In consideration of
HOUSE BILL 2681
RELATING TO ELECTRIC GUNS

House Bill 2681 repeals the requirement that the Conservation and Resources Enforcement program of the Department of Land and Natural Resources receive accreditation or recognition from the Commission on Accreditation for Law Enforcement Agencies, Inc. prior to obtaining and using electric guns. The Department of Land and Natural Resources (Department) supports this measure.

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. This bill would allow our officers access to a valuable law enforcement tool now rather than later, enhancing workplace safety for our officers and public safety.

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



Committee: Committee on Finance
Hearing Date/Time: Thursday, February 23, 2012, 11:00 a.m.
Place: Conference Room 308
Re: Testimony of the ACLU of Hawaii in Opposition to H.B. 2681, Relating to Electric Guns

Dear Chair Oshiro and Members of the Committee on Finance:

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).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.

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.

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 Hawai'i
P.O. Box 3410
Honolulu, Hawai'i 96801
T: 808.522-5900
F: 808.522-5909
E: office@acluhawaii.org
www.acluhawaii.org

Chair Oshiro and FIN Members
February 23, 2012
Page 2 of 2

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

American Civil Liberties Union of Hawaii
P.O. Box 3410
Honolulu, Hawaii 96801
T: 808.522-5900
F: 808.522-5909
E: office@acluhawaii.org
www.acluhawaii.org

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 22, 2012 9:53 AM
To: FINTestimony
Cc: randyinmaui@yahoo.com
Subject: Testimony for HB2681 on 2/23/2012 11:00:00 AM

Testimony for FIN 2/23/2012 11:00:00 AM HB2681

Conference room: 308
Testifier position: Support
Testifier will be present: No
Submitted by: Randy DeCambra
Organization: Individual
E-mail: randyinmaui@yahoo.com
Submitted on: 2/22/2012

Comments:

House Bill 2681 repeals the requirement that the Conservation and Resources Enforcement program of the Department of Land and Natural Resources receive accreditation or recognition from the Commission on Accreditation for Law Enforcement Agencies, Inc. prior to obtaining and using electric guns. I strongly support this measure.

I believe that the Department of Land and Natural Resources 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. This bill would allow DLNR officers access to a valuable law enforcement tool now rather than later, enhancing workplace safety for our officers and public safety.

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 22, 2012 9:57 AM
To: FINTestimony
Cc: hjrodrigues048@gmail.com
Subject: Testimony for HB2681 on 2/23/2012 11:00:00 AM

Testimony for FIN 2/23/2012 11:00:00 AM HB2681

Conference room: 308
Testifier position: Support
Testifier will be present: No
Submitted by: Howard Rodrigues
Organization: Individual
E-mail: hjrodrigues048@gmail.com
Submitted on: 2/22/2012

Comments:

House Bill 2681 repeals the requirement that the Conservation and Resources Enforcement program of the Department of Land and Natural Resources receive accreditation or recognition from the Commission on Accreditation for Law Enforcement Agencies, Inc. prior to obtaining and using electric guns. I strongly support this measure.

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FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 22, 2012 10:00 AM
To: FINTestimony
Cc: cahillrc@hawaii.rr.com
Subject: Testimony for HB2681 on 2/23/2012 11:00:00 AM

Testimony for FIN 2/23/2012 11:00:00 AM HB2681

Conference room: 308
Testifier position: Support
Testifier will be present: No
Submitted by: Ronald Cahill
Organization: Individual
E-mail: cahillrc@hawaii.rr.com
Submitted on: 2/22/2012

Comments:

House Bill 2681 repeals the requirement that the Conservation and Resources Enforcement program of the Department of Land and Natural Resources receive accreditation or recognition from the Commission on Accreditation for Law Enforcement Agencies, Inc. prior to obtaining and using electric guns. I strongly support this measure.

I believe that the Department of Land and Natural Resources 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. This bill would allow DLNR officers access to a valuable law enforcement tool now rather than later, enhancing workplace safety for our officers and public safety.

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 22, 2012 10:02 AM
To: FINTestimony
Cc: natemaui@yahoo.com
Subject: Testimony for HB2681 on 2/23/2012 11:00:00 AM

Testimony for FIN 2/23/2012 11:00:00 AM HB2681

Conference room: 308
Testifier position: Support
Testifier will be present: No
Submitted by: Nathan Hillen
Organization: Individual
E-mail: natemaui@yahoo.com
Submitted on: 2/22/2012

Comments:

House Bill 2681 repeals the requirement that the Conservation and Resources Enforcement program of the Department of Land and Natural Resources receive accreditation or recognition from the Commission on Accreditation for Law Enforcement Agencies, Inc. prior to obtaining and using electric guns. I strongly support this measure.

I believe that the Department of Land and Natural Resources 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. This bill would allow DLNR officers access to a valuable law enforcement tool now rather than later, enhancing workplace safety for our officers and public safety.

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 22, 2012 9:58 AM
To: FINTestimony
Cc: jrezente@gmail.com
Subject: Testimony for HB2681 on 2/23/2012 11:00:00 AM

Testimony for FIN 2/23/2012 11:00:00 AM HB2681

Conference room: 308
Testifier position: Support
Testifier will be present: No
Submitted by: Joshua Rezentos
Organization: Individual
E-mail: jrezente@gmail.com
Submitted on: 2/22/2012

Comments:

House Bill 2681 repeals the requirement that the Conservation and Resources Enforcement program of the Department of Land and Natural Resources receive accreditation or recognition from the Commission on Accreditation for Law Enforcement Agencies, Inc. prior to obtaining and using electric guns. I strongly support this measure.

I believe that the Department of Land and Natural Resources 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. This bill would allow DLNR officers access to a valuable law enforcement tool now rather than later, enhancing workplace safety for our officers and public safety.

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 22, 2012 10:03 AM
To: FINTestimony
Cc: nightmenehune@yahoo.com
Subject: Testimony for HB2681 on 2/23/2012 11:00:00 AM

Testimony for FIN 2/23/2012 11:00:00 AM HB2681

Conference room: 308
Testifier position: Support
Testifier will be present: No
Submitted by: John Yamamoto
Organization: Individual
E-mail: nightmenehune@yahoo.com
Submitted on: 2/22/2012

Comments:

House Bill 2681 repeals the requirement that the Conservation and Resources Enforcement program of the Department of Land and Natural Resources receive accreditation or recognition from the Commission on Accreditation for Law Enforcement Agencies, Inc. prior to obtaining and using electric guns. I strongly support this measure.

I believe that the Department of Land and Natural Resources 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. This bill would allow DLNR officers access to a valuable law enforcement tool now rather than later, enhancing workplace safety for our officers and public safety.

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 22, 2012 3:17 PM
To: FINTestimony
Cc: hmanlapao@hotmail.com
Subject: Testimony for HB2681 on 2/23/2012 11:00:00 AM

Testimony for FIN 2/23/2012 11:00:00 AM HB2681

Conference room: 308
Testifier position: Support
Testifier will be present: No
Submitted by: Hilbert Manlapao
Organization: Individual
E-mail: hmanlapao@hotmail.com
Submitted on: 2/22/2012

Comments:

I STRONGLY SUPPORT House Bill 2681 which repeals the requirement that the Conservation and Resources Enforcement program of the Department of Land and Natural Resources (DLNR) receive accreditation or recognition from the Commission on Accreditation for Law Enforcement Agencies, Inc. prior to obtaining and using electric guns.

I believe that the Department of Land and Natural Resources 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. This bill would allow DLNR officers access to a valuable law enforcement tool now rather than later, enhancing workplace safety for our officers and public safety.