

LINDA LINGLE  
GOVERNOR



STATE OF HAWAII  
**DEPARTMENT OF PUBLIC SAFETY**  
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No. \_\_\_\_\_

TESTIMONY ON HOUSE BILL 941  
A BILL FOR AN ACT RELATING TO  
CONTROLLED SUBSTANCES

by

Clayton A. Frank, Director  
Department of Public Safety

Committee on Public Safety  
Representative Faye P. Hanohano, Chair  
Representative Henry J.C. Aquino, Vice Chair

Community on Labor and Public Employment  
Representative Karl Rhoads, Chair  
Representative Kyle T. Yamamshita, Vice Chair

Wednesday, February 18, 2009, 2:00 PM  
State Capitol, Room 309

Representative Hanohano and Rhoads and Members of the Committees:

The Department of Public Safety would like to request that House Bill 941 be amended to include investigators of its Narcotics Enforcement Division (NED) to the list of law enforcement officers authorized to utilize the taser. The Department of Public Safety presently has two law enforcement Divisions, the Sheriff Division and the NED. The measure as it is currently written would prevent NED from utilizing tasers.

The Department therefore requests the following amendments to House Bill 941, on page 1 lines 10 through 18 and on page 2 lines 1 through 9 to read as follows:

"(c) This section shall not apply to law enforcement officers of county police and [sheriff departments] the department of public safety of this State, and county liquor authority

investigators, or vendors providing electric guns to those entities; provided that electric guns shall at all times remain in the custody and control of the county police or ~~[sheriff departments.]~~ law enforcement officers of the department of public safety or county liquor authority investigators.

(d) The county police and ~~[sheriff departments]~~ law enforcement officers of the department of public safety of this State, and county liquor authority investigators shall maintain records regarding every electric gun in their custody and control. ~~[Such]~~ The records shall report every instance ~~[of usage of the]~~ in which an electric ~~[guns; in particular, records]~~ gun is used and shall be maintained in a similar manner as for those of discharging of firearms. The county police and ~~[sheriff departments]~~ law enforcement officers of the department of public safety and county liquor authority investigators shall annually report to the legislature regarding these records twenty days before the beginning of each session."

The Department also request that page 2 lines 14 through 19 be amended to read as follows:

"Law enforcement officers" includes a police officer employed by a county police department, law enforcement officers of the department of public safety and any investigator employed by a county liquor authority under section 281-17(a)(5)."

Thank you for the opportunity to testify on this matter.



**HAWAII GOVERNMENT EMPLOYEES ASSOCIATION**  
AFSCME Local 152, AFL-CIO

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**The Twenty-Fifth Legislature, State of Hawaii  
House of Representatives  
Committee on Public Safety  
Committee on Labor and Public Employment**

**Testimony by  
Hawaii Government Employees Association  
February 18, 2008**

**H.B. 941– RELATING TO  
ELECTRIC GUNS**

The Hawaii Government Employees Association supports the purpose and intent of H.B. 941, which would allow county liquor control investigators to possess electric guns (stun guns). The bill also defines “county liquor authorities” and “law enforcement officers.”

Stun guns are used by many police departments in the United States and are credited with decreasing police officer and suspect injuries and deaths due to use of force. However, law enforcement officers need to be thoroughly trained on how to use these devices. According to a recent GAO report, proper training is essential to help ensure its safe, effective and appropriate use.

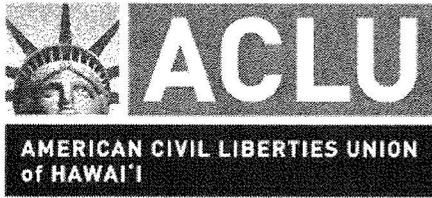
The proper deployment of these weapons requires establishing use-of-force policies, training requirements, operational protocols, and safety procedures. The various liquor control authorities should request training for their investigators by the respective county police departments and adopt their existing policies, protocols and safety procedures.

For example, electric guns need to be inspected on a regular basis. Safety procedures also suggest that electric guns not be used on children, pregnant suspects, or where there are nearby bystanders or flammable liquids. There may be instances when liquor control investigators confront dangerous situations where a suspect is armed and the investigator’s use of a stun gun would be an appropriate means of defensive protection.

Thank you for the opportunity to testify in support of H.B. 941.

Respectfully submitted,

**Nora A. Nomura**  
**Deputy Executive Director**



**BY EMAIL: [PBStestimony@capitol.hawaii.gov](mailto:PBStestimony@capitol.hawaii.gov)**

Committee: Committee on Public Safety and Committee on Labor and Public Employment  
Hearing Date/Time: Wednesday, February 18, 2009, 2:00 p.m.  
Place: Room 309  
Re: *Testimony of the ACLU of Hawaii in Opposition to H.B. 941, Relating to Electric Guns*

Dear Chair Hanohano and Members of the Committee on Public Safety and Chair Rhoads and Members of the Committee on Labor and Public Employment:

The American Civil Liberties Union of Hawaii ("ACLU of Hawaii") writes in opposition to H.B. 941, which seeks to permit county departments of liquor control investigators to possess electric guns.

The ACLU of Hawaii opposes this bill because of the increasing number of deaths associated with Taser use, the lack of independent studies on several critical safety issues, and the lack of policy governing the use of the weapon. Further, the ACLU of Hawaii urges this Committee to work with law enforcement agencies to impose regulations on current Taser use.

The ACLU of Hawaii recommends several policy reforms including the following:

***Pass Legislation.*** This Committee should pass a law that allows Tasers to be used solely as an alternative to deadly force. The British Government currently employs such restrictions. Tasers are certainly a safer alternative to firearms, but until more independent safety studies are completed, law enforcement agencies should be restricted from using Tasers in non-life-threatening situations.

***Adopt Stricter Policies.*** Local government and local law enforcement should each independently adopt Taser policies. If local law enforcement will not restrict its Taser use to life-threatening situations, 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, Taser policies should require more detailed reporting and mandatory medical treatment to those Tased, regardless of whether they were ultimately arrested.

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Hon. Rep. Hanohano, Chair, PBS Committee, Hon. Rep. Rhoads, Chair, LAB Committee  
and Members Thereof

February 18, 2009

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**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.

For more information, 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).

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 40 years.

Thank you for this opportunity to testify.

Sincerely,

Laurie A. Temple  
Staff Attorney  
ACLU of Hawaii

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