

**DOWNTOWN NEIGHBORHOOD BOARD NO. 13**

c/o NEIGHBORHOOD COMMISSION • 530 SOUTH KING STREET ROOM 400 • HONOLULU, HAWAII, 96813  
PHONE (808) 527-5749 • FAX (808) 527-5760 • INTERNET: <http://www.honolulu.gov>

**Testimony of Thomas Smyth, Chair**

**Senate Committee on Judiciary and Labor**

**Tuesday, March 25, 2008**

**9:30 a.m. Room 016**

**On**

**HB 1978 HD1 Relating to Public Order**

**Chair Taniguchi, Vice Chair Hee, and Members of the Committee:**

**The Downtown Neighborhood Board strongly supports HB 1978 that removes the December 31, 2009 sunset from Act 84, SLH 2004.**

Act 84 declared that urinating and defecating in public in the Downtown Honolulu area between Nu'uuanu Stream and Ward Ave. was an offense against public order punishable by community service or a fine of not more than \$200.

Act 84 was vigorously debated in the House, but did pass in both bodies by more than two-thirds of the votes. There are certainly issues of fairness and the perception that this law was aimed specifically at our unfortunate homeless neighbors.

In the four years since its passage, it remains difficult to determine just how effective this prohibition has been. HPD has told our board that since the offense results in a "ticket", much like a traffic ticket, statistics are not readily available on the number of offenses ticketed. Our HPD officers do report that they have used the law and there seems to have been a reduction in the most obvious offensive public behavior.

We are very aware that there are insufficient public bathrooms in the Downtown and Chinatown areas. Merchants have been very reluctant to allow public use of their in-store facilities based on their experience with frequent vandalism. We have vigorously urged the City & County to establish open public facilities, even if they are only temporary. We are encouraged that the Mayor has formally proposed a temporary housing facility to help the homeless in our area in the near future that could include public bathroom facilities. In the meantime there is a lack of adequate facilities that leads to offenses covered by this law. But we who live and often work in the downtown and Chinatown area, along with the growing number of tourists who we actively urge to visit our neighborhood, should not have to be subject to public disorder.

We urge you to remove the expiration date of Act 84 and allow the law to be codified in Chapter 711, so that it can continue to be enforced when necessary. For our part we will continue to push for more public facilities.

Thank you for the opportunity to provide testimony.



**testimony**

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**From:** Marjorie Barrell [fromtherok@yahoo.com]  
**Sent:** Monday, March 24, 2008 12:22 PM  
**To:** testimony  
**Subject:** House Bill 1978 - State Committee on Judiciary and Labor

I recently become aware of the subject bill that will permanently make urinating and/or defecating on the streets in the downtown area illegal. I wholeheartedly support this bill and frankly can't imagine why anyone would oppose it. We require pet owners to clean up after their animals; why wouldn't we expect people to use restroom facilities.

A week ago, I encountered a homeless man urinating in a planter on Fort Street Mall and a few months ago, my husband and I witnessed a woman squatting and defecating on a sidewalk near Chinatown. Both of these incidents occurred during business hours and in full view of passers-by. As disgusting and shocking as I found this behavior, I can only imagine the effect on impressionable children and visitors. Our residents and visitors alike should not be subjected to the smells, health, and sanitation issues relative to public urination and defecation. I believe this bill should be extended to include the entire State. I can't think of any public place that it should be acceptable to urinate or defecate except in facilities designed for those purposes.

Officials must have the means to legally stop this unacceptable practice and HB 1978 will provide the enforcement capabilities required. I request you and the Committee on the Judiciary move Rep. Rhoads' bill through the legislature as quickly as possible.

Thank you.

Marjorie Barrell  
66 QueenSt., #1401  
Honolulu, HI 96813

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## testimony

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**From:** Timothy Choy [choyt001@hawaii.rr.com]  
**Sent:** Friday, March 21, 2008 9:41 AM  
**To:** testimony  
**Subject:** Testimony in support of House Bill 1978

Date: March 21, 2008  
To: Senate Committee on Judiciary and Labor  
Re: Hearing scheduled on Tuesday, March 25, 2008 at 9:30 a.m. in Conference Room 016, State Capitol

From: Timothy Y.C. Choy, Ph.D.  
Harbor Square #2001  
700 Richards St.  
Honolulu, HI 96813  
tel: 808-585-0128

Occupation status: Retired: Professor Emeritus, Minnesota State University System at Moorhead (1969-1999); retired Administrative Project Assistant to the Director George Ellis and Chairman of the Board Samuel Cooke at the Honolulu Academy of Arts(1999 - 2004); resigned Assistant to the President of Bishop Museum William Brown for Institutional Advancement (2004 - 2005 - [14 months]).

### Message:

I am writing in support of passage of House Bill 1978 which would make permanent the prohibition against urinating and defecating in public within the boundaries of downtown Honolulu.

We require pet owners to pick up after their dogs, we establish policies concerning disposal of waste by cruise ships and residential buildings in an effort to create an environment that is safe and minimizes health hazards. To permit human beings to defecate and urinate on public streets and properties without being responsible for cleaning up after themselves is not a practice of civilized societies. We should hold our citizens to a standard of civilized behavior that respects the rights of other individuals as well as society as a whole. Defecating and urinating on public streets and property creates an unsightly and unhealthy situation.

Hawaii seems to have engaged in a downward cycle that is creating a society that does not even equal what exists in third world developing nations. Our infrastructure is crumbling and no one accepts responsibility or is held accountable. Our public schools physical conditions and results are deplorable; our public streets are in a perpetual state of disrepair and have become a challenge to drive; the homeless situation has spread like a cancerous tumor; and recidivism among our convicted criminals seems to be on the rise and rehabilitation ineffective.

Tourism and the military are a major source of Hawaii's economic strength. When these visitors to Hawaii witness and observe a deteriorating infrastructure and human behavior that is not responsible their views of Hawaii are not positive ones and they communicate these observations to their friends and family which ultimately results in a negative image of Hawaii. With such negative images, it is ultimately going to impact Hawaii as a future destination for visitors. Hawaii will soon lose out in the global market place as a tourist destination due to Hawaii's failure to create a venue that is civilized, clean, safe and pleasant.

Former students and their families who have come to visit me in Hawaii have expressed their shock at their observations and choose not to return but to go to other destinations.

It is time for our elected leaders to lead and not shift accountability and responsibility and take positive actions that will lead to a cleaner and safer and healthier environment.

Please pass House Bill 1978! It is a step in the right direction!

Thank you for your consideration and attention to this matter.

Timothy Y.C. Choy

3/22/2008

**testimony**

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**From:** Len [808.len@gmail.com]  
**Sent:** Friday, March 21, 2008 2:27 PM  
**To:** testimony  
**Cc:** Tim Choy  
**Subject:** Fwd: Hearing Scheduled on Tuesday March 25, 2008 at 9:30 a.m. in Conferece room 016, House Bill 1978

**Subject: RE: Hearing Scheduled on Tuesday March 25, 2008 at 9:30 a.m. in Conferece room 016, House Bill 1978**

To: Senate Committee on Judiciary and Labor

I am writing to support passing house bill 1978 that will make it illegal to urinate and defacate in downtown Honolulu.

I work in downtown and visit Chinatown frequently for dining, shopping and entertainment. I often bring my 2 year old daughter to the open market to buy vegetables and enjoy ethnic Asian foods.

It is necessary and definitely common sense that we have a law that will protect Hawaii's citizen's health.

It would be a hypocrisy that we do not pass house bill 1978 that is in the interest of public health and safety because we currently have the HPD standing on the streets in the numbers that they are and issuing traffic citations for such offenses such as jay-walking and illegal turns. It is very obvious that there are citation quotas although not in hard numbers, for these officers (because I have talked with them and many receive overtime for this duty) and the underlying purpose of these efforts are to generate revenue for the government.

If the true objective of having so many HPD deployed in downtown Honolulu is for the protection of our citizens, passing house bill 1978 will certainly just add additional protections efficiently using the enforcement we already have available there.

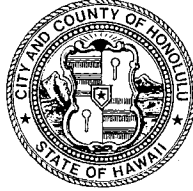
Len M. Fukushima

POLICE DEPARTMENT  
CITY AND COUNTY OF HONOLULU

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OUR REFERENCE  
CS-MLS

March 25, 2008

The Honorable Brian T. Taniguchi, Chair  
and Members  
Committee on Judiciary and Labor  
The Senate  
State Capitol  
Honolulu, Hawaii 96813

Dear Chair Taniguchi and Members:

Subject: House Bill No. 1978, H.D. 1, Relating to Public Order

I am Major Clayton Saito of District 1 of the Honolulu Police Department (HPD), City and County of Honolulu.

The Honolulu Police Department supports House Bill No. 1978, H.D. 1, Relating to Public Order. This bill would make permanent the prohibition against urinating or defecating in public or within the boundaries of downtown Honolulu by eliminating the repeal date of December 31, 2009.

This bill addresses an island-wide problem that is especially acute in the downtown Honolulu area where people frequently urinate and defecate in public areas. Since its inception in 2004, the Honolulu Police Department has cited under Act 84. We believe it provides the HPD with an additional option when dealing with this problem.

Thank you for the opportunity to testify.

Sincerely,

Handwritten signature of Clayton Saito in cursive.

CLAYTON SAITO, Major  
District 1

APPROVED:

Handwritten signature of Boisse P. Correa in cursive.  
\_\_\_\_\_  
BOISSE P. CORREA  
Chief of Police

For