



Committee: Committee on Judiciary
Hearing Date/Time: Tuesday, January 29, 2013, 2:00 p.m.
Place: Conference Room 325
Re: Testimony of the ACLU of Hawaii in Opposition of H.B. 33, Relating to Public Order

Dear Chair Rhoads and Members of the Committee on Judiciary:

The American Civil Liberties Union of Hawaii (“ACLU of Hawaii”) writes in opposition to H.B. 33, Relating to Public Order, because of its effect on Honolulu’s homeless individuals.

H.B. 33 is poor public policy because it fails to address the underlying causes of homelessness. Treating homelessness as a crime only exasperates the problem as punitive actions like this bill serve only to make the lives of homeless individuals more difficult. H.B. 33 will push people away from services and turn them into criminals (just for not having access to bathroom facilities), both of which make it more difficult for them to obtain employment and housing. Rather than passing punitive measures like H.B. 33, we should look towards constructive alternatives to combating the underlying causes of homelessness and its consequences.

Thank you for this opportunity to testify.

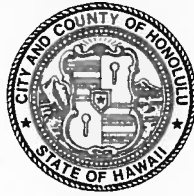
Sincerely,
Laurie A. Temple
Staff Attorney
ACLU of Hawaii

The American Civil Liberties Union of Hawaii (“ACLU”) has been the state’s guardian of liberty for 47 years, working daily in the courts, legislatures and communities to defend and preserve the individual rights and liberties equally guaranteed to all by the Constitutions and laws of the United States and Hawaii. The ACLU works to ensure that the government does not violate our constitutional rights, including, but not limited to, freedom of speech, association and assembly, freedom of the press, freedom of religion, fair and equal treatment, and privacy. The ACLU network of volunteers and staff works throughout the islands to defend these rights, often advocating on behalf of minority groups that are the target of government discrimination. If the rights of society’s most vulnerable members are denied, everyone’s rights are imperiled.

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POLICE DEPARTMENT
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OUR REFERENCE SN-DK

January 29, 2013

The Honorable Karl Rhoads, Chair
and Members
Committee on Judiciary
State House of Representatives
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Rhoads and Members:

Subject: House Bill No. 33, Relating to Public Order

I am Sean C. Naito, Major of District 1 of the Honolulu Police Department (HPD), City and County of Honolulu.

The Honolulu Police Department supports House Bill No. 33, Relating to Public Order. This bill makes permanent the prohibition against urination and defecation in public within the boundaries of downtown Honolulu.

Act 84, Session Laws of Hawaii 2004, as amended by Act 77, Session Laws of Hawaii 2008, as amended by Act 75, Session Laws of Hawaii 2010, was effective in deterring the conduct proscribed within downtown Honolulu. In 2009, thirty-nine citations were issued in the designated area. Eighty-six citations with one arrest were issued for this offense in 2010. Forty-two citations in 2011 and thirty-three citations were issued in 2012, with no arrests.

The Honolulu Police Department urges you to support House Bill No. 33.

Thank you for the opportunity to testify.

Sincerely,

A handwritten signature in black ink, appearing to read "Sean C. Naito".

SEAN C. NAITO, Major
District 1

APPROVED:

A handwritten signature in black ink, appearing to read "Louis M. Kealoa".

LOUIS M. KEALOHA
Chief of Police