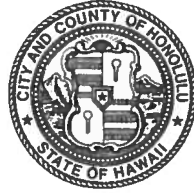


POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813
TELEPHONE: (808) 529-3111 · INTERNET: www.honolulu.org



KIRK CALDWELL
MAYOR

SUSAN BALLARD
CHIEF

JOHN D. McCARTHY
JONATHAN GREMS
DEPUTY CHIEFS

OUR REFERENCE **GO-KP**

February 13, 2019

The Honorable Gregg Takayama, Chair
and Members
Committee on Public Safety, Veterans,
and Military Affairs
House of Representatives
Hawaii State Capitol
415 South Beretania Street, Room 430
Honolulu, Hawaii 96813

Dear Chair Takayama and Members:

SUBJECT: House Bill No. 1499, Relating to Criminal Trespass

I am Gregory Osbun, Major of District 2 (Mililani/Wahiawa/North Shore) of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD opposes House Bill No. 1499, Relating to Criminal Trespass, which requires County police officers to remove criminal trespassers from State lands upon request from State departments and agencies.

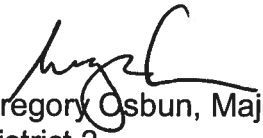
The HPD believes that addressing trespass violations on State lands should be the responsibility of State law enforcement agencies. Requiring HPD officers to take enforcement action simply based on a request from a State department or agency not only will dramatically increase an HPD officer's workload, but will be problematic. A "request" is simply too vague and broad. A landowner and/or authorized representative should be present to identify trespassers and request removal of an individual(s) from the property.

The Honorable Gregg Takayama, Chair
and Members
February 13, 2019
Page 2

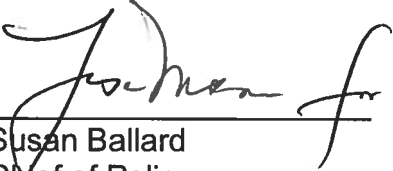
The HPD respectfully opposes House Bill No. 1499, Relating to Criminal
Trespass.

Thank you for the opportunity to testify.

Sincerely,


Gregory Osbun, Major
District 2

APPROVED BY:


Susan Ballard
Chief of Police

DAVID Y. IGE
Governor

JOSH GREEN
Lt. Governor



PHYLLIS SHIMABUKURO-GEISER
Acting Chairperson
Board of Agriculture

State of Hawaii
DEPARTMENT OF AGRICULTURE
1428 South King Street
Honolulu, Hawaii 96814-2512
Phone: (808) 973-9600 FAX: (808) 973-9613

TESTIMONY OF THE DEPARTMENT OF AGRICULTURE
BEFORE THE HOUSE COMMITTEE ON PUBLIC SAFETY, VETERANS, & MILITARY
AFFAIRS

FEBRUARY 13, 2019
10:00 A.M.
CONFERENCE ROOM 430

HOUSE BILL NO. 1499
RELATING TO CRIMINAL TRESPASS

Chairperson Takayama and Members of the Committee:

Thank you for the opportunity to testify on House Bill 1499 relating to criminal trespass. This Bill requires county police officers to remove criminal trespassers from state lands upon request from state departments and agencies. The Department of Agriculture strongly supports this measure.

The Department has a history of unauthorized persons entering agricultural lands and irrigation facilities. We have and continue to experience theft of crops and equipment; vandalism including bullet holes in trespass signs, fence cutting, reservoir liner destruction, ditch lining damage, graffiti, equipment damage, etc.; illegal dumping of abandoned vehicles, non-farm equipment, household appliances and furniture, etc.; and trespassing such as squatting, camping, partying, and sunbathing. Our employees are instructed to call the authorities whenever they witness these types of activities however the Sheriffs often lack the manpower to respond in a timely manner and our success with the County police departments is inconsistent. Often a police officer will give us a courtesy assist by showing up and talking to the trespassers once they are on the county street, however we are always informed that either they can't respond as it is



State land, or if they respond, they can't enter the property for the same reason. Most of the repeat trespassers know this and simply wait the officer out.

This bill will help the Department's farmers, and staff deal with the trespassers by giving the police departments authority to enter State lands and remove the violator.

Thank you for the opportunity to testify on this measure.

DAVID Y. IGE
Governor

JOSH GREEN
Lt. Governor



JAMES J. NAKATANI
Executive Director

STATE OF HAWAII
AGRIBUSINESS DEVELOPMENT CORPORATION

235 S. Beretania Street, Room 205
Honolulu, HI 96813
Phone: (808) 586-0186 Fax: (808) 586-0189

TESTIMONY OF JAMES J. NAKATANI
EXECUTIVE DIRECTOR
AGRIBUSINESS DEVELOPMENT CORPORATION

BEFORE THE COMMITTEE ON PUBLIC SAFETY, VETERANS,
& MILITARY AFFAIRS
Wednesday, February 13, 2019
10:00 a.m.

HOUSE BILL NO. 1499
RELATING TO CRIMINAL TRESPASS

Chairperson Takayama and Members of the Committee:

My name is James Nakatani, Executive Director of the Agribusiness Development Corporation (“ADC”). The ADC provides the following comments on House Bill No. 1499, which requires county police officers to remove criminal trespassers from state lands upon request from state department and agencies.

The Honolulu Police Department (HPD) has provided critical support and outreach to address the community’s concerns regarding illegal squatters on State land in Whitmore Village. With HPD’s assistance, ADC staff were able to peacefully issue trespass warning and remove numerous individuals from ADC land. HPD, through their Community Policing Team went above and beyond our expectations by coordinating the enforcement efforts, as well as reaching out to local non-profits to join the enforcement and help provide outreach to any displaced individuals.

In addition, HPD provided knowledgeable Officers who are familiar to the community to investigate the reports of noise complaints, gambling, drug activities, and

prostitution allegedly occurring on State land. The community policing team and its Officers provided invaluable intelligence by scouting the area and relaying critical information to ADC staff to enhance its efforts to reclaim the land. Although the effort to remove criminal trespassers is still ongoing, the ADC staff would not have been able to make any progress without HPD's help and support. However, without a long-term solution to address the homeless crisis on Oahu, these individuals will keep on returning.

Thank you for the opportunity to testify.

HB-1499

Submitted on: 2/8/2019 3:25:16 PM

Testimony for PVM on 2/13/2019 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Victor K. Ramos	Individual	Comments	No

Comments:

Comments Only: Because it is state land, State LEO should be present and the lead in all said circumstances.

LATE

HB-1499

Submitted on: 2/12/2019 10:23:42 PM

Testimony for PVM on 2/13/2019 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Dawn Bruns	Individual	Support	No

Comments:

We are grateful for any assistance HPD's enforcement officers can bring to assist the state with enforcement trespass laws to protect public trust resources from degradation.

LATE

HB-1499

Submitted on: 2/12/2019 10:34:43 PM

Testimony for PVM on 2/13/2019 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jaylynn Asuncion-Rodriguez	Individual	Support	No

Comments:

Aloha, I'm writing to the regards of HB1499 bill being passed. My particular position is specific and so far, I havent had the help I so dearly need to resolve it. I've been denied help by HPD because the particular trespass is on state property. I live right next to Diamond Head Health Center (3627 Kilauea Ave). My address is 3619 Kilauea Ave, 3rd House. The windows on the left side of my house, both my kitchen and bedroom have the view of the staircase by the dumpsters near the parking lot and over the past year, the homeless have continued to move in to live- both in front of the actual clinic itself, in the parking lot and to my dismay, the staircase and the area the staircase leads to, a grassy covered area on the lower level.

It may be hard to imagine but because of this, my sense of privacy and peace has been taken away. There is a particular homeless woman who walks up and down the stairs at all hours of the night and day. Particually in the middle of the night at about 2AM- 5AM. She has access to bulk trash which has been laying there for months now including some mattresses that she carries up and down the stairs, again in the middle of the night. Myself and many of my neighbors own dogs and because of the disturbances, they bark all night. I have it the worst because my bedroom window is right in front of the staircase and my dog barks for security. I have not had a good nights sleep in months.

Some may say the fix is simple, call the police. But what no one knows is that they have informed me that they are not permitted to help me. The most I can do is call them for patrol and they cannot escort her out because it is state property. They can only by law, patrol drive in and out. This means she is free to live on state property and no one can tell her to leave. Not even HPD. Even though there are clear signs that say PRIVATE PROPERTY, NO TRESPASSING. The homeless continue to thrive at Diamond Head Health Center.

I've tried to speak to her, I've asked her to please just dont walk up and down from late night to early morning and I was met with swear words and threats to "be careful". During daylight hours, my windows fall so close to the staircase that she can peer into my home, taking my sense of privacy.

I've been emailing and calling various departments within the state and city & county only to be bounced around and referred several times over with no one wanting to address it. To date, I've been referred to Department of Health, Department of Transport, Office of the Governor and much more. Each saying they do not take responsibility for trespass on a state owned property.

I've spoken to a clinic worker who have said there is no property owner at the clinic at this time. They too have been frustrated with the homeless and trespass situation but there is no designated person responsible, leaving me over looked and ignored countless times. Again, no one to take responsibility.

To me, the fix is simple. When an individual is trespassing on a private state owned property past business hours, in the middle of the night and causing disturbance, I should be able to call HPD and they should be able to take the few steps down the stairs to remove them. But as it stands today, this is not the standard.

I'm truly empathetic to the homeless problem in Hawaii. The cost of paradise is so great. I cannot, however, let this situation go on much longer. As a medical worker myself, I'm appalled that that a state owned medical facility would allow this place to be a dumping ground for bulky items and also aid in protecting aggressive and law breaking trespassers. I'm appalled that this situation has been ignored despite my cries for assistance.

I humbly ask you to consider my testimony in your discussions and decision on this bill. I love my home and my neighborhood and I'm asking for a chance to take control of my security. Sadly, my situation is the very picture of this bill, my situation was made for this bill. Please hear me out.

Thank you so much for your consideration.

Sincerely,

Jaylynn Asuncion-Rodriguez

3619 Kilauea Ave, Unit E

Honolulu, HI 96816

808-312-0671

LATE

HB-1499

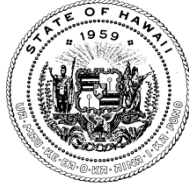
Submitted on: 2/13/2019 3:17:40 AM
Testimony for PVM on 2/13/2019 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
De MONT R. D. CONNER	Ho'omanapono Political Action Committee (HPAC)	Oppose	Yes

Comments:

WE STRONGLY OPPOSE THIS BILL, AS IT IS VAGUE AS TO WHAT IS DEFINED AS "REMOVED". DOES REMOVED MEAN ARREST AND/OR DETAIN OR DOES "REMOVE" SIMPLY MEAN TO ESCORT OFF OF THE STATE PROPERTY. WE ALSO SEEK TO CLARIFY WHERHER OR NOT THIS BILL PERTAINS TO NATIVE HAWAIIANS ON CEDED LANDS AND/OR TRUST LANDS UNDER DLNR, DHHL AND UH WHO HAS THE MASTER LEASE OF MAUNA KEA? WE ARE KÄËNAKA MAOLI, THESE TRUST LANDS ARE OUR LANDS HELD IN TRUST FOR US, "UNTIL SUCH TIME AS A FORMAL RECOGNITION OF A HAWAIIAN GOVERNMENT IS RECOGNIZED". WE BELIEVE THIS BILL IS BEING USED TO JUSTIFY USING HAWAII ISLAND COUNTY POLICE OFFICERS TO REMOVE KIA'I FROM OFF OF MAUNA KEA, WHERE THEY PREVIOUSLY HAD NO JURISDICTION. WE SEEK TO HAVE THIS COMMITTEE TO HOLD OR DEFER THIS BILL. Mahalo.

DAVID Y. IGE
GOVERNOR



TESTIMONY BY:

JADE T. BUTAY
DIRECTOR

Deputy Directors
LYNN A.S. ARAKI-REGAN
DEREK J. CHOW
ROSS M. HIGASHI
EDWIN H. SNIFFEN

LATE

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

February 13, 2019
10:00 a.m.
State Capitol, Room 423

H.B. 1499
RELATING TO CRIMINAL TRESPASS.

House Committee on Public Safety, Veterans, & Military Affairs

The Department of Transportation (DOT) **supports** this bill.

The DOT supports this measure in aiding the county police officers to remove criminal trespassers from state lands including our highways rights of way upon request from state departments and agencies. From time to time, homeless campers have set up camp on our highways rights of ways which creates health and safety issues for the motorists who traverse our highways. Our DOT staff have a difficult time in removing the homeless campers once they enter highways property. This bill will aid our staff to quickly remove the homeless campers and help prevent the homeless campers from entering our properties if it is not allowed in the future.

Thank you for the opportunity to provide testimony.