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SECOND CIRCUIT
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27-OCT-2021
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Exhibit 1

IN THE CIRCUIT COURT OF THE SECOND CIRCUIT

STATE OF HAWAI'I

SONIA DAVIS, JESSICA LAU,
LAURALEE B. RIEDELL, and ADAM M.
WALTON,

Plaintiffs/Appellants,

v.

MICHAEL P. VICTORINO, County of
Maui Office of the Mayor, SCOTT
TERUYA, County of Maui Department of
Finance, and COUNTY OF MAUI,

Defendants/Appellees.

Civil No. 2CCV-21-0000305

Agency Docket/Case No. n/a

DECLARATION OF SONIA DAVIS

DECLARATION OF SONIA DAVIS

I, Sonia Davis, declare as follows:

1. I make this declaration based on my personal knowledge and if called to testify I could and would do so competently as follows.

2. I am 64 years old. I am a Native Hawaiian woman born and raised on Maui. I recently had surgery for breast cancer and have been going to the doctor to keep up with my health appointments. My brother and sister both passed away in the last year due to cancer.

3. I have been houseless for about 12 years. I have lost important documents and personal belongings in prior sweeps on Maui.

4. I rely on social security to maintain a living.

5. I filed a request for a contested case on September 20, 2021, arguing that I have a property interest in my shelter and belongings and must be afforded procedural due process before the County may permanently deprive me of that property.

6. I understand that the American Civil Liberties Union of Hawai'i Foundation ("ACLU of Hawai'i") is representing me in the ongoing agency appeal.

Before the Sweep

7. I have been residing at Kanaha Beach Park for about 4 to 5 years. In that period, I was living at a house on Kanaloa Avenue, Maui, for about a year. I afforded rent for that residence through the Family Life Center's "Shelter Plus" rental assistance program. However, my rental assistance through that program was terminated after one year, and I did not receive notice of the fact until I spoke to someone in person at the Family Life Center. Therefore, because I was unable to afford rent any longer, I returned to Kanaha Beach Park.

8. For decades, I was addicted to methamphetamine. I started using it in about 1987 as a coping mechanism when my mother passed away, and I was addicted for about 30 years. In December 2019, I was arrested for possession of drugs.

9. For about one year, I have been sober and drug-free. I checked myself into a rehabilitation program at Aloha House in April 2021. I attended classes for the intensive outpatient program and received my certificate of completion of the course.

10. I was rearrested in September 2021 for violation of my probation because I missed a phone call from my probation officer, even though I checked my phone for missed calls every day. Because I was in jail, I also missed receiving my monthly social security deposit.

11. I have been informed by my prosecutor that I need to go to drug court or I will be put in jail again. However, the prosecutor also told me that in order to attend drug court and the Maui "Sober Living" program, I need to have a residence. I am willing and able to attend drug court and the "Sober Living" program, do not want to risk relapse, and want to pursue continued treatment, but I am barred from doing so since I do not have a place of permanent residence. I would like to finish the Intensive Outpatient Program classes if given the opportunity. I am not able to take residence at the Sober Living program because, without my social security assistance, I am unable to afford the \$250 monthly rent. I also would need to bring my belongings, including my pet dog.

12. When I was arrested in September for missing my probation officer's phone call, I spent about three weeks in jail at the Maui Community Correctional Center. On or around September 15, 2021 I was released from jail. That same day, I learned that there was to be a sweep of Kanaha Beach Park planned for September 20 after I spoke with a police officer, who also handed me a physical notice about the upcoming sweep. Because I was in jail for those

weeks, this was the first time I had heard about the sweep. Although I asked the officer why the sweep was happening so soon when we thought we had more time to gather our belongings first, I was told by police that there was nothing that could be done and I would be arrested if I was still trying to get my belongings out of the area during the sweep.

13. Five days was not enough time for me to gather all of my belongings, as well as others' belongings that I was looking after and thus in my custody. I was unable to retrieve most, if not all, of the belongings of my sister (who was on Oahu at the time), my niece, and my friend who was in the hospital and therefore unable to get her things.

14. I was present at the meeting with Mayor Victorino and other Kanaha residents in September before the sweep occurred. We had asked the Mayor for more time to gather our things before the sweep, but he informed us that the clean-up equipment had already been scheduled so they could not move the date. He said to us that he would help to get people into shelters before the sweep, but that did not occur for everyone.

During the Sweep

15. On the morning of September 20, 2021, I observed the start of the sweep. However, after I saw the heavy-duty vehicles arrive, I decided to leave the area for fear of being arrested. I was particularly concerned given that I was already on probation.

16. On September 20, I saw trucks tow away cars that were still being used to store houseless people's items and/or were not abandoned vehicles.

17. I was able to gather some of my belongings before the sweep on September 20, but I could not find a way to move all of my belongings from the area before September 20. Therefore, I lost property during the sweep, including, but not limited to, pots and pans, tents, a canopy, folding tables, diapers, a stroller, a playpen, a baby's car seat, my sister's two vehicles,

and my niece's two vehicles. These vehicles were not abandoned. At least one vehicle still ran and was used for transport, while all of the vehicles were used to store my and my family's belongings.

After the Sweep

18. I managed to salvage some of my personal belongings from the sweep, but lost much of my property and my family and friend's property because I was unable to retrieve it all before the sweep.

19. I thought about asking if there was a way to retrieve any of our taken belongings, but I did not see any information about that or contact information on the notice we received and I am afraid to ask the police for fear of being re-arrested.

20. Since the sweep, I have been sleeping in a parking lot by night and staying by the Kanaha Beach Park during the day.

21. I have anxiety and depression from needing to move around so much and for fear that at any moment I could be forced to move or be arrested. The sweep on the week of September 20 has exacerbated these problems.

22. I would have liked to have had more time to prepare to move my belongings before the sweep. I also would like to live in peace and not have to keep moving to avoid arrest.

23. The Mayor told us that pallets would be installed in the Kanaha Beach area, and I have noticed that, as of October 13, there appears to be construction on a lot in the area for that purpose. I hope some pallets, bathrooms, running water, showers, and a dumpster will be installed, as the Mayor promised, so that we can have a basic living situation and safe place to stay. Although I have felt stressed and anxious, this construction and possibility of such a place

has made me feel more optimistic. Although I would like permanent, non-emergency housing to stay in, this would make me feel much better in the short-term.

I, SONIA DAVIS, declare under penalty of law that the foregoing is true and correct.

DATED: Kahului, Hawai'i, OCT. 27, 2021.

Respectfully submitted,

Sonia Davis
SONIA DAVIS

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Exhibit 2

IN THE CIRCUIT COURT OF THE SECOND CIRCUIT

STATE OF HAWAI'I

SONIA DAVIS, JESSICA LAU,
LAURALEE B. RIEDELL, and ADAM M.
WALTON,

Plaintiffs/Appellants,

v.

MICHAEL P. VICTORINO, County of Maui
Office of the Mayor, SCOTT TERUYA,
County of Maui Department of Finance, and
COUNTY OF MAUI,

Defendants/Appellees.

Civil No. 2CCV-21-0000305

Agency Docket/Case No. n/a

DECLARATION OF JESSICA LAU

DECLARATION OF JESSICA LAU

I, Jessica Lau, declare as follows:

1. I make this declaration based on my personal knowledge and if called to testify I could and would do so competently as follows.

2. I am 52 years old. I am of Hawaiian, Filipino, and Chinese descent. I was born and raised on Maui but lived on the continent for a few decades. In 2015, I decided to return home to Maui.

3. I have been houseless since March 2020 and remain houseless today. This past year and a half has been the first time in my life that I have been houseless.

4. As of Friday, October 22, I have been staying (along with my 30-year-old son) at Ka Hale A Ke Ola emergency shelter.

5. In September 2021, I was living on Amala Place in the Kanahā Area when the Kanahā Sweep occurred. I was present in the area for most of the time that the sweep occurred.

6. I filed a request for a contested case around September 6, 2021, soon after I heard rumors that the County might be sweeping Pu‘uhonua o Kanaha in the near future. In my request, I argued that I have property interests in my shelter and belongings that must be afforded procedural due process before the County could permanently deprive me of that property.

7. While I was able to save most of my property—including my car, which is my life-line since it is my main form of shelter and transportation—I lost some of my personal property during the Kanahā Sweep.

8. I was also one of the Pu‘uhonua o Kanaha community members who attended the meeting with Mayor Victorino and his wife a few days before the Kanahā Sweep began.

9. I understand that the American Civil Liberties Union of Hawai‘i Foundation (“ACLU of Hawai‘i”) is representing me in the agency appeal lawsuit that was recently filed.

Before the Sweep

10. For about 3.5 to 4 months before the Kanahā Sweep, I was living on Amala Place in the Kanahā Area with my adult son.

11. I grew up on Maui, spent time away on the continent, and returned to Maui in 2015. For about 4 years after moving back, I was a driver and tour guide for Polynesian Adventure Tours and Roberts Hawaii, mainly taking tourists on the Road to Hana.

12. I became houseless in March 2020. At the time, I was in the process of changing occupations because of health problems I was experiencing from long days of driving. At around the same time, my 30-year-old son—who has a series of disabilities, including autism, OCD, anxiety, bipolar disorder, and schizophrenia—had an emergency situation and urgently needed money. He had nowhere to turn to. I gave him \$500 that I would have used to pay rent because I knew he desperately needed the money at the time, and I love my son. But that meant being short on rent for my unit at Harbor Lights Condominium Complex.

13. I was evicted by my landlord in early March 2020 for nonpayment of rent.

14. After being evicted, I became houseless for the first time in my life.

15. In the beginning, when I first became unsheltered, I was afraid because I'd never been houseless before. I also didn't know what to do. I started by sleeping in my car at Kahului Harbor. I stayed there for most of 2020. The police knew that there were houseless people living at the harbor but they mostly didn't harass us. They told us that that was because we cleaned up our mess (and other people's mess) and people weren't calling the police to complain about us. But at some point during the pandemic, the police began telling us we couldn't be at the Harbor.

16. At the beginning of the pandemic, the police had also been telling me that I should go down to Amala Place and that I would be "safe" (from being hassled) if I went there.

By the end of 2020, I was starting to get worried that, while I was at work during the day, police would tow my car and my belongings would be thrown away. So I decided to do what the police had specifically told me to do: I moved to Amala Place and began living at Pu'uhonua o Kanaha.

17. Despite all the challenges that being houseless has created, I have been working throughout the pandemic and almost this entire time that I have been houseless. In March 2020, I knew I needed to get my paycheck to get gas and pay bills and do what I need to do to get back on my feet. But around that time, the County had issued a stay-at-home order due to the COVID-19 pandemic, and a lot of businesses shut down. After the order was changed to allow businesses to operate in June 2020, I went to Jobline X-Press, which is a temporary worker staffing agency. Through Jobline, I worked first at the Maui YMCA as a program assistant, and then at a variety of other local businesses, including Uptown Chevron, Enterprise Rent-A-Car, and Kihei Rent A Car.

18. In fact, for most of the pandemic, I have been working 2 jobs at a time. About two months ago, however, things got so overwhelming for me, so I stopped working my jobs. That was around the time when my son was supervised released from jail into my custody and I had to help him get to his appointments and attend court dates.

19. I was in the Kanahā Area when the County started preparing to sweep us in early September. I saw the County install all the “no trespassing” signs. I asked the County workers what they were doing, and they would not explain what they were doing and why the signs were being installed. They also covered up the signs at some point with black trash bags. They did not explain why they did that, either.

20. I was also there about a week before the sweep when the police started handing out the flyers telling us about the sweep. On the day that the police were handing out flyers, I

saw them violating our rights. Some of the police were doing the right thing and handing the notices to people, and putting them on people's windshields and outside their cars. But several officers—without people's consent—were opening people's car doors and searching around the inside of their cars. I even saw police taking things from inside people's cars, including from inside people's glove boxes. Police were also opening tents, lifting up tent canopies, moving aside tarps, and looking and peeking inside people's living quarters. I knew that what they were doing was wrong and a violation of our rights, so I told them "you're not supposed to be doing that!" But they ignored me. And there was nothing I could do to stop them.

21. About a day after the police distributed the notices, they started patrolling and tagging our cars and belongings with "abandoned" stickers. One police officer walked into the area where I was residing and began tagging cars and personal property in the area. When I asked him what he was doing, he said that this was their way of marking things as abandoned and to be removed. He continued tagging people's stuff as he walked down Amala Place. Shortly after that, the same officer came back to my area and intentionally tagged both of my cars and marked my tires with yellow chalk, even though he knew that those were both my cars and they were not abandoned. I was very alarmed that the police were tagging vehicles and property that they knew were not abandoned.

22. Police also said that if we didn't leave by the date on the flyer, we would be arrested.

23. I also was one of the community members at the meeting with Mayor Victorino (and his wife) in September, a few days before the sweep began. We asked for more time. I personally asked him in front of everybody else whether it was true that he would give us another week, and he said "that is not true." I told him that it was not true that the houseless

people on Amala Place did not want shelter or housing. We wanted shelter but we had been told by shelter staff that we were ineligible for their services. The mayor also said that if we used duct tape or caution tape to mark our belongings, the County would not touch that property. He also promised that nothing would happen until all residents were settled into new accommodations. He said that he would find places where people could go to get into housing and that he would be setting up other pallet shelters inside a vacant lot. But he broke these promises.

During the Sweep

24. On the morning of September 20, 2021, I observed the sweep starting. At around 5:45 a.m., the police first came through with lights and sirens on. By around 7 a.m., they started making loudspeaker beeps and announcements. They told us that we needed to vacate the premises and, if we didn't, we were going to be arrested.

25. At some point that morning, the mayor actually showed up with coffee and donuts. As if that was going to make things better for us when he was the one who criminalized us and forced us to leave after breaking his promise.

26. As the police were coming through, I scrambled to get my stuff out of the sweep area. The first thing I took out was my main car with most of my belongings. After I got that out, I jumped on a bike and cycled up and down Amala Place to help others. But we just didn't have enough time to take our stuff out. My neighbor lost two whole dressers full of stuff. I also had to leave stuff behind, including my big portable water tank, fishing poles, and my Bluetooth speakers.

27. I also had another car that someone had donated to us that my son was using to sleep in (when we first became homeless, my son had anxiety about sleeping in the same car as his mom) and store his stuff in. It wasn't operable and we were waiting for replacement parts to

come through. It was clearly occupied. Yet it had been tagged by the County for removal. Thankfully, a friendly business owner near Hale Nanea helped me tow the car out before the County could take it away.

28. Later in the day, the County brought very large heavy construction vehicles, including a backhoe and a forklift, to help remove property. They also had dump trucks that they were discarding people's stuff into. I saw the County staff throwing away a lot of my neighbors' personal property. In fact, one of my neighbors had covered her personal property with a tarp and marked it with an "X" and the County still threw all her stuff away. That property was all the stuff that she had, and it was gone just like that.

29. If County workers saw a vehicle with people's stuff inside it, they pried the doors open with crowbars, cleaned and threw out all of that property onto the ground so that the bulldozer could then pick it up. I tried to stop the County from throwing out stuff from cars that I knew were not abandoned. I tried to explain, for example, that the person who owned the car and the property inside wasn't here at the moment. But the County ignored me.

30. By the time it was 7:30am, basically everyone in Pu'u honua o Kanaha was gone and there were probably only 10 of us still on the strip.

31. Later in the week (I think it was the morning of Wednesday, September 22), the County brought in a bunch of tow trucks to tow out the cars that were still in the area. I saw several cars that I knew were not abandoned being towed out by the County. The County never said what they were doing with the cars.

After the Sweep

32. During the sweep, I moved my car and my son's car back to the harbor (where I'd stayed before). I've been living there since leaving Amala Place.

33. The sweep was very traumatic and disruptive, and I'm feeling overwhelmed with everything. In addition to doing whatever it is that I need to do, I'm currently taking care of my son and making sure that he gets to all of his doctor's appointments and court dates.

34. There is so much about the sweep that is so upsetting. I wish the County had given us more time before conducting the sweep. I wish they could see that we are people too. I wish the mayor and the County had held to their promise of finding us shelter before doing the sweep. There are so many things promised that were not met.

35. People keep saying that we (houseless people) don't want shelter. That's not true. I want to find some kind of housing. In fact, I had been calling the shelters (both Ka Hale A Ke Ola and Family Life Center) every day for the past three weeks and they weren't able to find shelter or alternative housing for me. They mentioned that they didn't have space. A big problem is that the shelter staff really have not been doing outreach to us. And even when we've inquired, we're told we're ineligible for their services. For example, the staff told me that I need somebody to verify that my son is homeless (with a "homeless verification letter") before we could even get into a shelter.

36. On October 22, 2021, Ka Hale A Ke Ola staff reached out and offered me and my son emergency shelter. We have been staying there since then. However, I'm only allowed to stay for 90 days. I don't know where I'll go once my time at the shelter runs out.

37. Staying in Ka Hale A Ke Ola has been very uncomfortable because staff have been treating my son like he is a criminal. It is not a very welcoming place.

38. It's extremely upsetting that the mayor and the County keep saying that they've found shelter for everyone who was swept from Amala Place. That's not true. Until a few days ago, I was unsheltered, even though I had been looking for shelter every day since being swept

out of the Kanahā Area. I also know several other people who are currently living at Kahului Harbor who came from Amala Place and they still do not have shelter or housing.

39. Things have been pretty rough, but I'm just trying to keep my head above water. I'm thankful that I have my paddle board. Some days I just go on my board and paddle out into the harbor to leave everything—all of my problems—behind.

40. Right now, I just try to stay focused and do what everyone asks me to do. Whatever the end of the road looks like, I thank God each and every day that I'm not a quitter.

41 I, JESSICA LAU, declare under penalty of law that the foregoing is true and correct.

DATED: Kahului, Hawai'i, October 27th, 2021.

Respectfully submitted,

Jessica Lau
JESSICA LAU

→ because I still do not have shelter that Mayor Victorino promised. I am living on the streets in fear of my son's dad. I am a domestic violence victim. He has busted my car windows, dented my car, and chased me in traffic.

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Exhibit 3

IN THE CIRCUIT COURT OF THE SECOND CIRCUIT

STATE OF HAWAI'I

SONIA DAVIS, JESSICA LAU,
LAURALEE B. RIEDELL, and ADAM M.
WALTON,

Plaintiffs/Appellants,

v.

MICHAEL P. VICTORINO, County of Maui
Office of the Mayor, SCOTT TERUYA,
County of Maui Department of Finance, and
COUNTY OF MAUI,

Defendants/Appellees.

Civil No. 2CCV-21-0000305

Agency Docket/Case No. n/a

DECLARATION OF LAURALEE B.
RIEDEL

DECLARATION OF LAURALEE B. RIEDEL

I, Lauralee B. Riedell, declare as follows:

1. I make this declaration based on my personal knowledge and if called to testify I could and would do so competently as follows.

2. I am a 48-year-old woman currently living in Maui, Hawai‘i. I identify as Native American and I’m part of the Mono people from the Big Sandy Rancheria. I have been with my partner, Adam M. Walton, for more than 10 years, and can fully attest to the statements in his declaration because I have personally observed and shared the experiences that he went through.

3. We’ve been houseless for the last 10 to 11 months, and have been staying in the Kanahā Area. We’d just moved back to Maui after being in Washington state, and we were staying with a hanai family as we transitioned back to island life. However, we did not want to overstay our welcome and felt that it would be easier for everyone if we lived elsewhere. But it’s too damn expensive here. Due to the inflated rent prices, finding a rental apartment that we can afford has been challenging.

4. I first experienced houselessness 10 years ago and during that time I also stayed in Kanaha. Back in the day it was a campsite and I often found myself spending a lot of time there.

5. I am currently employed as a house cleaner with my partner. I have my GET license and operated a cleaning business in the past. It’s quick and easy money to make given all the vacation rentals.

6. My partner and I are both currently staying at the Family Life Center pallet facility and our transition there has been quite difficult. While most of the staff are friendly, there is a security guard who has a reputation for harassment. From threats of eviction, reminding us to be “thankful that we are there,” and peeping incidents in the bathroom, the list goes on. It feels

like our safety is in jeopardy whenever this guard is present which would force us to stay indoors.

7. The FLC facility has reached capacity, which means the pallets are physically close to each other. Personally, I feel scared for our vehicle and other belongings. A neighbor of ours began parking her car a certain way for fear of her gas being stolen. In Kanaha we had our space, we were able to spread out a little bit and have a great system when setting up and taking down. There, we could move about freely if one spot became uncomfortable or unsafe for us; here, however, we're stuck in this one pallet, so we have no choice but to be involved if something happens around us.

8. When we checked in to our pallet, we were provided two twin bed air mattresses which did not work for us as a couple who prefer to share a bed and conserve space. We ended up replacing the twin mattresses with our existing bed we have. The way they had the twin bed air mattresses on the shelves almost reminds me of how they have it set up in jails. With the unclear rules and the constant harassment from security, it almost feels like jail in there.

9. Even with the park being closed, park rules are still being implemented. We are not allowed to use the benches, walk our dogs in the park, or even play basketball. All of these activities are prohibited and there is no reason behind it. This was not included in the rules that we initially received upon check-in. In fact, we learned about another set of separate documents with "house rules." The rules were supposed to be issued by FLC, but the security guard is the one who asked us to sign.

10. I was told that shelters were a safe place to be but after checking it out myself, it does not seem like a place I want to live in. Since I had the option to sleep in our van, I would rather give up my spot in the shelter for someone who truly needs it.

11. I filed a request for a contested case on September 20, 2021, arguing that I have a property interest in my shelter and belongings and must be afforded procedural due process before the County may permanently deprive me of use of those.

12. I understand that the American Civil Liberties Union of Hawai‘i Foundation (“ACLU of Hawai‘i”) is representing me in the ongoing agency appeal.

Before the Sweep

13. We were informed by a friend—and not by anyone from the County—about the upcoming Amala Place sweep. We were at work during the time the police distributed the notices and were later given one by the same friend who informed us. I believe the police only came out this one time to distribute the notices.

14. There were no other types of notices distributed. There were no follow-up announcements from the police regarding the upcoming sweep.

15. We woke up one day with the presence of police who were overseeing the installation of “No Trespassing” signs all along Amala Place. All of the police parked behind our car, and they didn’t say anything about what they were doing and why they were doing it. We were packing up for the day as usual and heading out to work and by the time we were back, all the signs were up.

16. Once we knew that the sweep was going to happen, other than talking with our peers, we didn’t really do anything other than just accept the fact that we were going to get moved out by the County. We didn’t even know there were options or steps we could take to ask for help, but eventually we learned that we could contest the County’s action by filing a request.

17. At some point later, I heard about the mayor's meeting with the community. I was not able to attend that meeting because I was at work. If I'd known, I would have taken the opportunity to speak with them.

18. We haven't had any real interaction with police officers before the Kanahā Sweep.

During the Sweep

19. On the day of the sweep, we knew that we needed to stay to stand up for the community. We got up early and waited for the police to arrive and begin the sweep. It was around 9:00 A.M. when police showed up and they came rolling down in a large group. They came through with a loudspeaker telling everyone to go or face arrest. After that they marched down the road, this was when Officer John Kawika said to us: "You know you got to go, right?" I told him I was sorry and that I was contesting the sweep, and that we were going to stay. He got upset and took down our vehicle information and immediately called it in to identify the owners because we refused to provide identification. I told him that I was officially contesting the sweep and that my request document had been turned in.

20. I had a separate, brief exchange with another officer and he immediately reported back to Officer Kawika. We decided to stay the night because we heard that the Mayor was giving us all more time. We left early the following morning for work and came back to Amala Place to stay another night.

21. On Wednesday, we spoke with staff from the Family Life Center about entering into the pallet facility. We made sure to correct their statement about us not wanting housing (we definitely *did* want housing) and informed them that they were not providing enough services to us. FLC and staff were under the impression that we did not want housing and I am confirming

that this is false. Not once did shelter staff ever come to me and ask if I needed a place to live. If staff had met with us houseless people regularly, things would have turned out much better.

Shelter staff still have no idea who's down there, who's not—they don't even know who we are.

22. We were lucky enough to not have lost anything during the sweep.

23. At some point during the sweep, we learned about the option of staying in the FLC “pallet facility.” We submitted relevant paperwork and waited for staff to let us know whether we were approved. While we were waiting to transition to the pallet facility, our friends were gracious enough to let us stay with them for 3 nights.

24. At no point were we given official instructions about how to recoup any belongings taken during the sweep. We did hear that the cars that were taken would be placed into storage as long as the safety and registration were current and under the relevant person's name. We were told that we just needed to get ahold of the police to get our belongings, but I find that hard to believe because they seem to be unprepared and making up rules as they go.

25. There were several of us who stayed behind after the sweep. It was obvious that one of the others who stayed behind was related to the police chief. They had several conversations that seemed friendly and cordial. It was almost as if this individual was given special treatment because he was the last person to break down his encampment and even then did not have the adequate time and means to take everything with him. Had that been us, we would have not been given the same leniency. I am positive that the others had to leave stuff behind. There simply was not enough time to gather everything and leave in time.

After the Sweep

26. It has been a whirlwind few weeks. I am exhausted, I am emotional and I do not have the energy to go to work having gone through this ordeal. I feel like this terrible situation is far from over especially with the constant harassment from security at the FLC pallet facility.

27. It is not a comfortable situation at the pallet facility. It feels like jail. This place has so much potential, they could have made it more welcoming, but instead it's dirty and it's infested with ants. Things are not very well put together. There's leaks, and we get cuts from sharp edges of the pallet materials. I even lost a nail after getting my fingers trapped in a door. In Kanaha, we were settled and functioning and doing what we needed to do to try to find permanent housing.

28. Currently, I feel so exhausted and overwhelmed and that we've gone backwards. I witnessed 3 sweeps recently in the bushes nearby. There's a park and ride where a few people got swept – they were frantically packing up as they were being pulled out of the bush by the State and airport police. Everyday I've seen more and more of it, and I'm seeing other people having to go through what we all went through. It hurts me seeing tractors pulling aunties' possessions and throwing them into the trash. I see another group and we know they're there and they have their own situations that they're dealing with, and knowing that they're having to go through what we went through? It's heartbreaking. It's like your house is on fire and what do you grab? You're going to leave really special stuff behind because you have enforcers telling you "hurry up hurry up!" It's a situation that's truly making me mad.

29. It would be nice to have a safe place to park our car at night. Somewhere we feel safe and can get a break from police harassment. I truly believe that as humans, we have a right to certain things (e.g., air, water) and that we, as humans, have a right to peaceful sleep. If we don't sleep, we die. Personally, being able to sleep safely somewhere is a basic human right, if

REM is not reached, what starts happening to the body physically takes a real huge mental effect on you. It causes a lot of problems and this is something very frequent in the houseless community. If you're constantly being woken up in the middle of the night, how do you function properly the next day?

30. Acting humanely is important. What is the purpose of all these clean-ups? There have been people who've been there for months and why all of a sudden are airport security and state agents giving 24-hours verbal notices and insisting that people have to leave? Somebody is encouraging them to do these sweeps, and that just needs to be stopped.

31. I would like to see our County have safe parking lots where people can have a peaceful night's stay. The shelter program can also use an upgrade. It can be made more inviting and less rigid and structured. The County should consider utilizing the houses and hotels sitting empty for the majority of the time as temporary housing for houseless people.

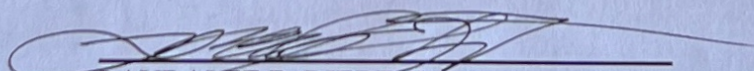
32. I want to help change the idea of what it means to be houseless. The stereotypes that have developed over the last 50 years around houselessness are incorrect. Not all houseless people are drug addicts, or whatever horrible stigma is associated with houseless people. We are people, just like you, who just happen to fall on hard times. The solution to houselessness is simple: house us.

33.

I, LAURALEE B. RIEDELL, declare under penalty of law that the foregoing is true and correct.

DATED: Wailuku Kahului, Hawai'i, Oct 27, 2021.

Respectfully submitted,


LAURALEE B. RIEDELL

WR
33. As I was meeting with my attorney⁷ to sign this declaration, FLC staff informed me that we would be required to leave the premises immediately and that we can no longer sleep at the pallet facility.

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Exhibit 4

IN THE CIRCUIT COURT OF THE SECOND CIRCUIT

STATE OF HAWAI‘I

SONIA DAVIS, JESSICA LAU,
LAURALEE B. RIEDELL, and ADAM M.
WALTON,

Plaintiffs/Appellants,

v.

MICHAEL P. VICTORINO, County of Maui
Office of the Mayor, SCOTT TERUYA,
County of Maui Department of Finance, and
COUNTY OF MAUI,

Defendants/Appellees.

Civil No. 2CCV-21-0000305

Agency Docket/Case No. n/a

DECLARATION OF ADAM M. WALTON

DECLARATION OF ADAM M. WALTON

I, Adam M. Walton, declare as follows:

1. I make this declaration based on my personal knowledge and if called to testify I could and would do so competently as follows.

2. I am a 40-year-old man currently living in Maui, Hawaii. I identify as indigenous. I have been with my partner, Lauralee B. Riedell (“Laura”), for more than 10 years, and can fully attest to the statements in her declaration because I have personally observed and shared the experiences that she went through.

3. We’ve both been here on Maui for over 20 years. I graduated from high school here. My son lives here and my children were born here.

4. We’ve been houseless for the last 10 to 11 months (though we were also houseless for about a year about 10 years ago), and have been staying in the Kanahā Area. We became houseless because we did not want to overstay our welcome with our hanai family, who we had been staying with after returning from the mainland (my father was having heart problems so we went to the mainland to take care of him). We have been looking for housing for the past 10 months but find it extremely difficult due to the current state of the rental market in Maui.¹

5. I am currently employed as a house cleaner. I work with Laura cleaning vacation rentals. We currently make about \$500 per month, which is not enough to get by or find housing here. We’d like to take on more jobs, but it’s hard to do that while we’re houseless because we are constantly on the move—we have to set up and break down, retrieve things from storage,

¹ See Chelsea Davis, *Renters left scrambling as more homeowners take advantage of hot market*, Hawaii News Now (Oct. 21, 2021), <https://www.hawaiinewsnow.com/2021/10/22/maui-renters-left-scrambling-more-homeowners-take-advantage-hot-market> (noting Maui County’s median sales price increased 25% in the last year to \$998,000 in September 2021 and describing how market rents have increased across the board).

watch our dogs, and have other similar obligations. We always feel frazzled and strapped looking for things.

6. Laura and I are both currently staying at the Family Life Center pallet facility. As I'll explain in more detail, our experience there has been horrible.

7. I filed a request for a contested case on September 20, 2021, arguing that I have a property interest in my shelter and belongings and must be afforded procedural due process before the County may deprive me of that property.

8. I understand that the American Civil Liberties Union of Hawai'i Foundation ("ACLU of Hawai'i") is representing me in the ongoing agency appeal.

Before the Sweep

9. We never received notice from any County official or police officer about the impending sweep. Instead, we learned about it from one of the houseless residents who had an extra copy and we learned then that we needed to leave the premises. There were no other days that I can recall where additional notices were distributed. So we found out about the sweep through our neighbor and not from an official County entity.

10. There were no other types of notices distributed. There were no follow-up announcements regarding the upcoming sweep.

11. The "No Trespassing" signs were also put up without notice. One day we woke up with a group of police officers overseeing the signs being put up all around us. We were not told what was going on.

12. I read the notice of the upcoming sweep. It provided no opportunity to contest what was about to happen. There was no contact information provided to ask questions or learn more about the process. We did not do anything, because the way the notice was written

indicated that there was nothing that could be done except accept the fact that our lives would be uprooted once more. Had we known that there were options, we most definitely would have gone through that process and asked for accommodations. We would have asked for guidelines or further instructions on where to find a safe place to sleep without being harassed by police or criminalized. We probably would have asked for more time.

13. I was not able to attend the meeting with the Mayor's a few days prior to the sweep due to my work obligations. Had I known that the Mayor and his wife were coming, I would have made time to listen and get the opportunity to speak with them.

14. I prefer to lay low on the radar and consider myself lucky to have little to no interaction with law enforcement officials besides on the day of the sweep when they ran our plates. Nothing has come of it thus far and we hope to keep it that way.

During the Sweep

15. We decided to stay in our spot in the Kanahā Area during the sweep. We made sure to wake up early and be ready for what was to come. Around 9:00 AM on September 20, 2021, a large group of police officers showed up and began informing everyone through a loud speaker that everyone needed to "leave or they will get arrested." Officer John Kawika came to our camp and informed us that "You know you got to go, right?" We informed him we understood and that we were contesting the sweep, so we were going to stay. He got upset and took down our license plate number and immediately called it in when we declined to identify ourselves. The other officers who were present also declined to identify themselves when we asked for their names.

16. We decided to stay that first night in our spot in the Kanahā Area because we heard from other residents that the mayor was allowing us to stay overnight. We packed up and left for work the following day but we came back Tuesday night as well.

17. At some point, we received information about moving into a temporary shelter at the Family Life Center (FLC) pallet facility. On Wednesday morning, we spoke with an FLC staff member who initially came down to Kanahā to gather paperwork from us. While our paperwork was being processed, we stayed with our friends as we were trying to figure out the logistics of moving into FLC. We finally moved in to the FLC on the following Monday (September 27, 2021).

18. We did not lose any property during the sweep since we packed up and left no trace every morning before we went to work. Our neighbors were not so lucky.

After the Sweep

19. It has been a challenging month; I am still in a haze from the whole sweep and transitioning into the FLC pallet facility has not been easy. I am still scrambling to get back to our routine, including our work.

20. Life at the pallet facility is terrible. It feels like we are being incarcerated.

21. Let me describe the facility for you. It's called the "pallet facility" because we live in temporary structures shipped on pallets that have been placed in the park next to Hale Makana. There are 23 units that have been set up, one is an office and the other is storage. Each unit is only 65 square feet. It's essentially a modular tiny home made of corrugated plastic.

22. They're assembled very poorly. There's a leak in the beam so we get wet. We get cut on metal pieces that haven't been secured properly. Laura got her finger trapped in the door and lost a nail.

23. Inside each pallet unit, there are metal shelves with air mattresses with only a top sheet. The air mattress is dirty and grimy. It was so bad that we ended up bringing in our own mattress from our car.

24. It's not accurate to call this facility "shelter." There's no bathroom access (we use the bathrooms in the park, even though there's signage saying that the park is closed). We can't cook in the unit (we have to cook outside in the park). The conditions are very poor. In fact, there's one resident we know who actually sleeps in her car in the parking lot as much as possible because it's more comfortable than the pallets.

25. It's also my understanding that the pallet facility was originally set up as a quarantine location for houseless people who had contracted COVID or were at high risk of getting it. But now the County is cramming people who've been caught up in sweeps into the units.

26. The staff keep telling us that we need to clean our unit and the showers every day to follow the house rules, but they've never even given us any cleaning supplies to use, so we've had to use our own personal cleaning supplies.

27. There have been multiple times where we felt like leaving the Center due to an ongoing issue with a security guard, who has been harassing folks who live in the facility and have threatened multiple individuals with eviction. Some of the incidents that personally involved me were the following: (1) he followed me into the restroom and watched me as I used the facility, (2) I saw him near our van and he made the alarm go off, (3) he caused a commotion with the residents in the unit next to us. All in all, we do not feel safe with his presence.

28. Also, the facility is at full capacity and as a result the units are really close to each other. A lot of us have pets and we grow concerned about the safety of our belongings, especially

our vehicle. Our vehicle is our home, our safe haven, our storage, our kitchen. A neighbor of ours had to park her car a certain way because she believes that her gasoline is being siphoned. We feel confined in this facility because we are right in the middle of the action. In Kanahā, we were free to go about with our lives peacefully without interruption.

29. With the rules changing daily and the security constantly in our midst, living in the facility is similar to incarceration. Even though the park is technically closed, they are implementing park rules which determines the majority of the things we can and cannot do. We have been provided two separate sets of documents with house rules requiring us to wear badges at all times, even though that was not mentioned in the house rules. These rules were supposed to be issued by FLC, but the security guard is the one who asked us to sign. Some of these rules include: (1) not being able to walk dogs in the park, and (2) not being able to use the basketball and baseball field and picnic benches. But there are no signs saying that the park is closed or that these activities are prohibited inside the park. We have received conflicting sets of rules from the County and the service providers. It is confusing to not know what I am allowed and not allowed to do.

30. Ten years ago, I was told that shelters were a safe place to be but after stepping in the office and seeing how it is ran, it did not seem like a place I wanted to live in. Since I had the option to sleep in our van, I would rather give up my spot for someone who truly needs it.

31. Moving forward, I would like to see safe spaces or safe parking lots. I would also like to see a community resource center where people can find help with jobs, food, and a place to rest at night. I would also like to know what FLC is using with Housing First funding and why housing projects are stalling. Apparently, FLC has \$9 million which they claim will fix homelessness yet the situation remains unchanged.

32. I would also really like to see more of the FLC staff interact with the affected folks. The most I have seen them was probably a few hours out of a whole week. I was under the assumption that staying in the facility would allow increased contact with caseworkers but that has not happened at all. We almost never see caseworkers here.

33. At some point, FLC told us that they had just approved us for a program that would cover a rental unit for \$1,500. The staff told us "congratulations" and that we'd be able to get into a place now. But then they told us that we needed to find the rental unit ourselves and apply for it on our own. In other words, we're supposed to go out there and find the unicorn, and then they'll catch it for you. But there is no unicorn. It's not like we've been sitting around doing nothing for the past year. We've been looking on Craigslist, Zillow, etc., every day for the past 11 months looking for a rental and there's absolutely nothing affordable available on Maui—let alone for \$1,500. One-bedroom apartments are starting at \$2,500 and then can go as high as \$3,500. So we don't even bother applying to whatever comes up because they are well outside our budget.

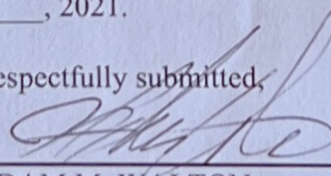
34. Our lives are more chaotic because of the Kanahā Sweep. We've lost all peace of mind. We were doing everything we could to get back on top of everything and the carpet got pulled out from underneath us and we're back to zero.

I, ADAM M. WALTON, declare under penalty of law that the foregoing is true and correct.

DATED: ~~Kahului~~, Hawai'i, 10-27, 2021.

Waialeale

Respectfully submitted,



ADAM M. WALTON

35. As I was meeting with my attorney to sign this declaration, FLC staff informed me that we would be required to leave the premises immediately and that we can no longer sleep at the pallor facility. *AMW*