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SECOND CIRCUIT  
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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