

Electronically Filed
SECOND CIRCUIT
2CCV-21-0000305
27-OCT-2021
06:51 PM
Dkt. 14 EXH

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.

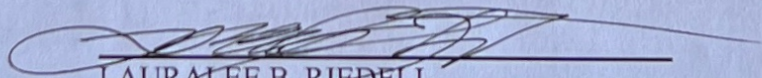
32. I want to help change the idea of what it means to be houseless. The stereotypes that have developed over the last 50 years around houselessness are incorrect. Not all houseless people are drug addicts, or whatever horrible stigma is associated with houseless people. We are people, just like you,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

WLR
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.