

PRESS RELEASE

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**HOUSELESS RESIDENTS FILE LAWSUIT CHALLENGING THE CITY & COUNTY
OF HONOLULU'S USE OF "SWEEPS"**

The lawsuit seeks to uphold the constitutional rights of houseless individuals who are frequently criminalized, displaced, and dispossessed due to anti-houseless enforcement actions.

HONOLULU, HI – Houseless residents have filed a lawsuit against the City and County of Honolulu today challenging anti-houseless laws and enforcement actions that violate their rights under the Hawai'i Constitution.

The five named plaintiffs, who are all involuntarily houseless and living unsheltered in Honolulu, are represented by the American Civil Liberties Union of Hawai'i (ACLU of Hawai'i) and Goldstein, Borgen, Dardarian & Ho. Through their class action complaint, the plaintiffs seek to represent the more than 2,000 other O'ahu residents who suffer similar treatment by the City.

The complaint, filed in the Hawai'i First Circuit Court, alleges that the City has violated the law by criminalizing houseless individuals simply for existing in public spaces, despite the lack of any realistic alternative for shelter. The lawsuit does not ask for money. Instead, it asks the court to stop the City's targeted enforcement actions—including sweeps, citations, and arrests—that disrupt and disenfranchise houseless people, unless and until there is adequate shelter.

Based on official numbers, on any given night, there are more than 2,300 unsheltered individuals on O'ahu, but fewer than 50 vacancies in shelters. Under these circumstances, the lawsuit asserts that the City's enforcement of criminal laws that prohibit sleeping, sitting, lying, and/or having possessions in public spaces constitutes cruel or unusual punishment. The lawsuit also alleges violations of plaintiffs' fundamental rights of free movement and due process rights.

"People experiencing houselessness have the same fundamental rights under the U.S. and Hawai'i Constitutions as those who are lucky enough to have housing and shelter, yet the day-to-day reality regarding the exercise of those rights is much different for our

houseless neighbors,” said **ACLU of Hawai'i Legal Director Wookie Kim**. “Our plaintiffs and houseless neighbors are denied these fundamental rights, and other constitutional guarantees, far more flagrantly and far more often than housed people. The City is essentially penalizing houseless people for their very existence.”

“The sweeps are stressful for me. It makes me feel awful to be singled out by the City and its police officers all of the time. These are things that we go through on a regular basis, and I am sad to report that interactions like these are my *normal*,” said one of the named plaintiffs, **Jared “Spider” Castro**. In the last three years, Castro has received citations for over 200 violations for actions like failing to comply with a park sign, sleeping on the sidewalk, and storing property in public spaces. Many of those citations also led to arrest and incarceration, which resulted in the loss of his personal property.

The City's seizure, confiscation, and destruction of personal property during sweeps negatively impact the lives of many houseless residents. The loss of personal belongings, including IDs, legal documents, medications, food, and personal hygiene products, causes further economic hardship. “People have things that are necessary to them. Shelter, work clothes, stuff like that. I have all those things out here. In the blink of an eye, it's gone. I can go to the store and come back and it's gone,” said another plaintiff in the case, **Faimafili “Fili” Tupuola**.

“Far from promoting safety and sanitation, criminalizing houselessness only perpetuates the cycle of poverty. Being needlessly thrown into the criminal justice system makes it more unlikely that houseless people will be able to finish school, find and maintain employment, access healthcare, and connect with service providers,” said **ACLU of Hawai'i Staff Attorney Taylor Brack**.

The ACLU of Hawai'i filed this lawsuit as part of its strategic campaign to decriminalize poverty and defend the basic human rights and civil liberties of all people living in Hawai'i regardless of their housing or socioeconomic status. “Protecting the rights of houseless people and reducing houselessness is in everyone's best interests. While the focus is currently on reducing the visible effects of houselessness, our limited resources would be better invested in cost-effective interventions for people experiencing housing insecurity,” said Brack.

Media attachments:

Copies of the filed complaint are attached and here:

<https://www.acluhi.org/en/cases/mahelona-v-city-and-county-honolulu>

ACLU of Hawai'i press conference recording is here:

<https://fb.watch/m1hp9K7oXY/>

ACLU of Hawai'i “Decriminalizing Houselessness in Hawai'i” Report is here:

www.acluhi.org/criminalizationofhouselessnessreport

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