

**PRESS RELEASE**

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**HOUSELESS RESIDENTS ASK FOR COURT ORDER TO STOP SWEEPS IN HONOLULU**

*The motion for a preliminary injunction seeks immediate relief from irreparable harm caused by the City and County of Honolulu's targeted enforcement actions.*

**HONOLULU, HI** – The American Civil Liberties Union of Hawai'i (ACLU of Hawai'i), on behalf of five houseless plaintiffs, filed a motion for preliminary injunction on Friday in a [lawsuit](#) against the City and County of Honolulu challenging enforcement actions that violate the rights of houseless individuals under the Hawai'i Constitution.

The lawsuit filed last month in the First Circuit Court of Hawaii alleges that in the absence of sufficient shelter space for Honolulu's houseless community, the City's enforcement of anti-houseless laws—which include public sleeping bans, park closure rules, displacement laws, sit/lie bans, and restrictions on keeping personal belongings and animals—unjustly criminalizes innocent acts of survival that houseless people have no choice but to perform in public places.

The motion filed on Friday asserts that the City's use of sweeps constitutes cruel or unusual punishment under the Hawai'i Constitution and asks the court to order the City to immediately stop targeted enforcement actions—including sweeps, citations, and arrests—to prevent further irreparable harm while the merits of the case are being litigated. The motion is supported by written testimony from all five named plaintiffs and statements from other houseless and non-houseless declarants and service providers who expand upon the irreparable harm done to houseless residents during and in the aftermath of the City's sweeps and other enforcement actions.

*“Our plaintiffs and the thousands of other houseless individuals living unsheltered on O'ahu have suffered and continue to suffer extraordinary harms,” says **ACLU of Hawai'i Staff Attorney Taylor Brack**. “The personal stories we hear from our clients are heartbreaking and illustrate the irreparable and systemic harm caused by the City's anti-houseless campaign of criminalization, harassment, and displacement.”*

In her declaration, **Gina Mahelona, the lead plaintiff in the lawsuit**, describes the trauma of being targeted through sweeps, citations, and arrests: *“It is very stressful to live every day bracing for something bad to happen. The City has arrested me numerous times since I've been houseless. Most of the time, it was because the police had a warrant for me*

*based on a previous citation related to my houseless status. I can recall many times I was arrested when I was simply going about my life: cooking, spending time with my dogs, or even sleeping. I believe I was being targeted and profiled because of my houseless status.”*

Mahelona, a 51-year-old woman of Native Hawaiian and Puerto Rican descent who was born and raised in Kāne‘ohe, became involuntarily houseless after she lost her place in subsidized housing when her mom, whom she cared for, passed away eight years ago. She currently lives with her boyfriend and three dogs under a bridge in Kaimukī where they have no access to clean running water. *“This is not a good place to live: there is nowhere to shower or use the bathroom, and we have to sleep and cook within a few feet of a dirty waterway that sometimes floods. But [the City] basically forced us into this location through near-constant harassment when we tried to live elsewhere”*

“The City’s actions take a devastating toll on our houseless neighbors and do nothing to solve the problem of houselessness,” says **ACLU of Hawai‘i Legal Director Wookie Kim**. “Criminalizing houselessness destabilizes and makes houseless people more vulnerable while also undermining the mutual aid communities they depend on for survival.”

Kim says, “Despite attempts to resolve disputes with the City without litigation and given recent reports that they have [tripled their houseless enforcement efforts](#), this request for immediate injunctive relief is of great public interest.” The motion will be heard by the court on Oct. 4.

**Statements from plaintiffs and declarants are available at the ACLU of Hawai‘i website and are highlighted below:**

**Michael David Bryan (Plaintiff)** describes what it’s like to be constantly targeted by law enforcement:

***“I know that I have rights under the law, including a right to privacy, but the City does not respect those rights. Just because I am houseless, HPD officers seem to feel they are entitled to invade my space, interrogate me, go through my personal effects, take away my belongings, and order me to leave an area, even when they have no legitimate reason to believe I’ve engaged in any criminal activity. I want this harassment and cruelty to stop. I think I should be treated the same way as people who are housed.”***

**Faimafili “Fili” Tupuola (Plaintiff)** describes how interactions with police officers cause her immense fear and anxiety:

***“These sweeps and police encounters make me feel violated. The police have torn up my belongings right in front of my eyes, choosing to trash what I’ve built up and saved for. It is dehumanizing. I am already houseless, and the police sweeps add so much more to my struggle. At night, I have such a restless sleep because I am constantly listening and staying aware so that I do not lose my things again. The lack***

***of sleep makes it harder for me to take care of myself and stay vigilant to protect myself. The way the City and HPD have treated me is traumatizing.”***

**Jared “Spider” Castro (Plaintiff)** was one of the primary caregivers for his romantic and life partner, Georgette Preston, who had a disability and serious medical conditions that limited her mobility. He describes the City’s callous treatment of people with disabilities and the particularly harmful impact houseless sweeps had on his family:

***“The City confiscated a total of three wheelchairs (sized specially to fit Georgette’s frame) and two electric scooters from Georgette. During one sweep where I was present, we asked City staff to leave her scooter because it is her only means to move, yet they still took it. This significantly affected how Georgette could move around to the point where she was not able to go to [the] bathroom on her own. This was very shocking to our family, and I know that Georgette felt shame and guilt for the impact her dependence [had] on us.”***

Georgette died in August 2022 while in custody at Oahu Community Correctional Center. Castro’s family has never been offered an emergency shelter space ahead of an encampment sweep. ***“When I was caring for Georgette, we needed ADA compliant bottom floor shelter spaces which are extremely limited. Georgette and I were told by shelter workers that we were not eligible for emergency shelter space for a variety of reasons, including because the shelters would not accommodate Georgette’s disabilities. Now, I would be reluctant to go back to the shelters that previously turned Georgette away.”***

**Desmond Canite (Plaintiff)** suffers from an acute case of cellulitis (a bacterial infection) in both legs that causes severe, chronic pain and swelling when he stands for longer than twenty minutes at a time. He describes how the City’s frequent and severe harassment has displaced him from the community and services he needs to manage his condition making it difficult for him to access care:

***“I would rather live in town near my friends and community, and where more restaurants, grocery stores, medical services, and other services are located, but I am forced to live out on Sand Island just to get some peace and to be free of harassment.”***

Prior to living in Sand Island, he spent a little over a year at Hale Mauiola, a shelter consisting of converted shipping containers. ***“I was pleased to be living there. The containers offered privacy and safety, and appeared to be clean, which was good for my cellulitis. I was hopeful that the case workers would connect me to housing. I realized over time that [it] was not sanitary. There are lots of feral cats in the area that urinate and defecate all over the place, which made it difficult to keep my legs clean. My cellulitis got worse over time because the conditions were unsanitary. Eventually, I was kicked out of Hale Mauiola because I could not pay the required \$150 per month in rent. It is not possible for me to pay \$150 per month in rent because I cannot work due to my cellulitis.”***

**Miosoto Santiago-Miliatao (Declarant)** recounts one traumatic experience of being arrested while sweeping the pavilion at the Mō'ili'ili park where she was staying:

***"I was told that I was being arrested for violating park rules, but I still cannot figure out which rules I was violating. I was arrested around lunchtime when the park was open. I was in jail all night and then released right back onto the streets. The worst part is that the City took all my possessions away. That included a whole bundle of groceries I had just purchased and prenatal vitamins I had received at the PATH health clinic. Now, I am pregnant with no food, and I won't be able to get prenatal vitamins again until I go back to the health clinic."***

**Christopher "Paco" Fuentes Yasay (Declarant)** describes how police arbitrarily and selectively enforce anti-homeless laws:

***"I do my best to follow the rules. Sometimes the enforcement of the park rules and regulations don't seem fair or reasonable because the HPD officers tell us that the park rules apply only to people who look like they are houseless. For example, none of the officers I have talked to can explain to me why I am not allowed to hang my hammock during the daytime, but other people who look housed are allowed to hang hammocks."***

#### **Media attachments:**

Recorded media clips including statements from houseless residents:

<http://bit.ly/hnlsweepsmedia>

Copies of case documents including filed declarations:

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

Press release for case filing:

<https://www.acluhi.org/en/press-releases/houseless-residents-sue-hnl-over-sweeps>

ACLU of Hawai'i press conference recording:

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

ACLU of Hawai'i "Decriminalizing Houselessness in Hawai'i" Report:

[www.acluhi.org/criminalizationofhouselessnessreport](http://www.acluhi.org/criminalizationofhouselessnessreport)

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