



AMERICAN CIVIL LIBERTIES UNION
FOUNDATION

Hawai'i

FOR IMMEDIATE RELEASE
June 5, 2023

For Information, Contact:
Carrie Ann Shirota
(808) 380-7052
cshirota@acluhawaii.org

**ACLU OF HAWAII' I ISSUES DEMAND LETTER TO HAWAII' I COUNTY:
*Stop Planned Sweeps Until Adequate Shelter or Safe Spaces are Designated***

Honolulu, Hawai'i: The ACLU of Hawai'i issued a letter on June 2, 2023, to the County of Hawai'i demanding that it stop planned sweeps of houseless people and their possessions until the County either sets up emergency shelters that can adequately house Hawai'i County's unhoused community, or designates safe spaces where houseless community members can exist without being subject – every single day and every single second – to County enforcement actions.

The ACLU of Hawai'i learned that the County of Hawai'i conducted a sweep on May 24, 2023, forcibly evicting a group of houseless people from Hale Hālāwai beach in Kona. The County intends to conduct another sweep on June 7, 2023, near the Kona Community Aquatic Center, as well as future sweeps.

On the day of the Hale Hālāwai sweep, there were zero emergency homeless shelter vacancies on the Kona side of the island. On any given day, there are generally few if any vacancies.

In its demand letter, the ACLU of Hawai'i cited *Martin v. City of Boise*, a U.S. Ninth Circuit Court of Appeals decision in 2019 affirming the well-established principle that a municipality's enforcement of an ordinance "violates the Eight Amendment [to the U.S. Constitution] insofar as it imposes criminal sanctions against homeless individuals for sleeping outdoors, on public property, when no alternative shelter is available to them."

The ACLU of Hawai'i also reminded the County that it has challenged other unconstitutional enforcement actions on neighboring islands, including in the City and County of Honolulu and Maui County. The prior lawsuit against the City and County of Honolulu resulted in a legal victory for the ACLU. Also, in November, the Hawai'i Supreme Court decided to hear the ACLU of Hawai'i's lawsuit challenging the legality of

a September 2021 sweep by Maui County officials of a houseless encampment known as Pu'uhonua o Kanahā near Kanahā Beach Park.

Paul Normann, Executive Director of Neighborhood Place of Puna and co-chair of Community Alliance Partners explained why service providers have continuously asked the county to refrain from conducting sweeps. "When County Leadership orders police to conduct a sweep, they exacerbate the homeless crisis by making it harder for service providers to contact and help people. Beyond that, these sweeps waste taxpayer dollars by pushing people around without providing housing or shelter."

"If the County leadership really wants to end homelessness, they need to aggressively prioritize truly affordable housing and supportive services," said Normann. "Sweeps are cruel, and they don't work. That's the bottom line.

"Hawai'i County has a duty to protect the constitutional rights of the houseless community", said Carrie Ann Shirota, Policy Director of the ACLU of Hawai'i. "Forcing people to leave under the threat of arrest without access to alternative shelter or safe public spaces violates the Eight Amendment and results in cruel and unusual punishment. These policies are contrary to building safe, healthy, and equitable communities, and further exacerbate trauma experienced by houseless people at the hands of the County and Police Department. Hawai'i County can and must do better - by focusing on permanent affordable housing options, emergency shelter beds and alternative housing options, along with increased health and support services."

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Copy of the ACLU's demand letter is attached

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