

**Testimony of the Office of the Public Defender
State of Hawaii
to the House Committee on Judiciary**

March 3, 2011

H.B. No. 254: RELATING TO PUBLIC ORDER

Chair Keith-Agaran and Members of the Committee:

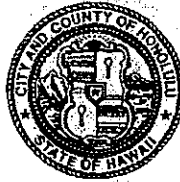
We oppose passage of H.B. No. 254 which creates a petty misdemeanor offense for urinating and defecating in public in Waikiki. First of all, this measure gives preferential treatment over other parts of the state to the Waikiki area. The offense will only apply to that area. Residents and businesses from other parts of the state will argue that this conduct is just as unsanitary and unpleasant for them to deal with as well.

Second, this measure is another in a line of legislation which would apply disproportionately to the homeless or needy population. It has often been lamented that Honolulu is in need of better public accommodations. Even in areas where public sanitary facilities are available, many of them are locked up during the evening hours. Meanwhile, Oahu's homeless population continues to grow. Tent cities have sprung up in Kakaako and other areas due to homeless being pushed out of many of the beaches and parks. The state is in dire need of more facilities to serve this growing sector of the population. Until that problem is solved, it would be extremely insensitive to criminalize persons who have no other choice but to relieve themselves in public areas.

Thank for the opportunity to comment on this measure.

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

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March 3, 2011

The Honorable Gilbert S.C. Keith-Agaran, Chair
and Members
Committee on Judiciary
House of Representatives
State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Keith-Agaran and Members:

Subject: House Bill No. 254, Relating to Public Order

I am John McEntire, major of District 6 (Waikiki) of the Honolulu Police Department (HPD), City and County of Honolulu. The HPD supports the passage of House Bill No. 254, Relating to Public Order, which proposes prohibiting urinating and defecating in public places in Waikiki for the following purposes:

- The HPD receives numerous complaints from our residents and visitors about how they are offended by the sight and odor of people urinating and defecating in the Waikiki area.
- The fecal matter and urine on the beaches, grass, and in public areas, create a health hazard for those people who are trying to enjoy the park and beaches in Waikiki.
- There are no existing laws that adequately address this problem.

Thank you for the opportunity to testify.

Sincerely,

APPROVED:




JOHN McENTIRE, Major
District 6

 Louis M. Kealoha
Chief of Police

Serving and Protecting With Aloha

March 3, 2011

The Honorable Representative Gilbert Keith-Agaran, Chair
The Honorable Representative Karl Rhodes, Vice Chair
Committee on Judiciary
Hawai'i State Capitol
Honolulu, HI 96813

RE: Testimony Supporting HB 254 Relating to Public Order

Chair Keith-Agaran, Vice Chair Rhodes and members of the committee.

My wife and I live across the street from a secondary gate to Waimanalo Bay Park (AKA Sherwood Forest). It is not only a gate to the park, but a makeshift outhouse without walls for countless people who have no problem relieving themselves near the trees and bushes next to this gate and small parking lot. Never mind that there is a public restroom in the park approximately 200 yards from the gate. That's too much trouble. So at all hours of the day and night we frequently are subjected to the highly objectionable site of people urinating and even defecating in full view of our home.

We are concerned, not only about the disgusting spectacle, but also the health threat it creates. This is a popular area where the public flocks to see and experience one of Hawaii's most beautiful beaches. That means hundreds of people, including families with small children park their vehicles and load/unload their belongings in the same areas where people are relieving themselves. Often the exact spots....next to the trees and bushes where human waste is left.

Long ago we learned that this horrible situation was not against the law so we don't even bother calling police. We do, however, confront the thoughtless jerks who do this...often challenging them with questions such as "Would you do that in front of your mother's house?" Of course we have taken a fair share of abuse and even threats for daring to confront these people. Does that seem fair?

It is time that Hawaii forbids this by law. We realize this legislation is targeted mostly at problems created by the homeless....and that it is Waikiki centered. But believe us....this kind of "crap" happens all over. And in a civilized society it is not tolerated—ANYWHERE!

Please pass this legislation and make sure it applies to all areas of the state.

Respectfully,

Bob and Debbie Loy
Waimanalo