Dear Committee Chair Gabbard, Vice Chair Berg, and Committee Members:

The American Civil Liberties Union of Hawaii (ACLU of Hawaii) writes with comments on Resolution 11-247. This Resolution would allow acceptance of a gift of $75,000 to the Honolulu Police Department (“HPD”) to address “various illegal activities on the public sidewalks in Waikiki along Kalakaua and Kuhio Avenues, connecting side streets, and the beach from the Kapahulu Pier to the Hilton Hawaiian Beach Resort and Spa.”

We respectfully ask that the Committee obtain—and make public—additional information as to what “illegal activities” the Honolulu Police Department intends to address with these funds. We have received numerous complaints about interference with protected First Amendment activities (and harassment of those engaged in protected First Amendment activities) on Waikiki’s sidewalks, and we hope that this Committee will ensure that this gift, if accepted, will be used appropriately (particularly with the upcoming APEC Conference, when the eyes of the world will be on Honolulu). We also have concerns that acceptance of this gift may indicate that HPD operates on a “fee-for-service” system, whereby those who offer “gifts” to HPD receive greater police protection, rather than a democratic system whereby police services are available equally to all; we ask that the Committee question HPD about this issue as well. See generally Stephen Coleman, When Police Should Say "No!" to Gratuities, CRIMINAL JUSTICE ETHICS, Wntr-Spring 2004.¹

The mission of the ACLU of Hawaii is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawaii fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawaii is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawaii has been serving Hawaii for over 45 years.

Thank you for this opportunity to testify.

Sincerely,

Daniel M. Gluck
Senior Staff Attorney
ACLU of Hawaii

¹ Available at http://findarticles.com/p/articles/mi_hb3009/is_1_23/ai_n29151329/?tag=content:col1