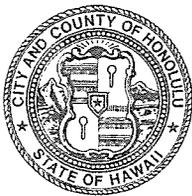


POLICE DEPARTMENT  
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813  
TELEPHONE: (808) 529-3111 · INTERNET: www.honolulu-pd.org



KIRK W. CALDWELL  
MAYOR

LOUIS M. KEALOHA  
CHIEF

DAVE M. KAJIHIRO  
MARIE A. MCCAULEY  
DEPUTY CHIEFS

OUR REFERENCE JC-SEB

October 3, 2013

RECEIVED  
CITY CLERK  
C & C OF HONOLULU  
2013 OCT -3 PM 12:15

The Honorable Carol Fukunaga, Chair  
Committee on Public Safety and Economic  
Development  
Honolulu City Council  
530 South King Street, Room 202  
Honolulu, Hawaii 96813

Dear Chair Fukunaga:

SUBJECT: Bill 58 (2013), Relating to Streets, Sidewalks, Malls and Other  
Public Places; Bill 59 (2013), Relating to Public Sidewalks; and  
Bill 60 (2013), Relating to Publication Dispensing Racks

Thank you for seeking the Honolulu Police Department's (HPD) input on  
proposed Bills 58, 59, and 60 (2013).

I am Janet Crotteau, Major of the Legislative Liaison Office, HPD. I work with the  
State Legislature and the Honolulu City Council to facilitate bills and information  
between them and the HPD. As a result, I have been assigned to assist you with this  
inquiry.

The HPD supports the intent of these bills to keep the streets of Honolulu clean,  
but we have some concerns with Bill 58, Relating to streets, sidewalks, malls and other  
public places, and Bill 59, Relating to public sidewalks. We are in support of Bill 60,  
Relating to publication dispensing racks.

First, Bill 58 (2013) proposes the addition of a new article to Chapter 29 of the  
Revised Ordinances of Honolulu (ROH) that prohibits the affixing of ALL personal  
property to City and County of Honolulu property. The intent of this bill is very similar to  
Bill 7, ROH Section 13-8, that was passed earlier in 2013. Both bills are administrative  
in nature and do not involve enforcement issues. As in Bill 7, the police officers will  
stand by for security issues but will not recover any property. We believe Bill 58 is too  
broad in scope and will place an undue burden on the City to recover and store these

DEPT. COM. 706

The Honorable Carol Fukunaga  
October 3, 2013  
Page 2

items pending the owner claiming them. The HPD will not comment on Bill 58 at the committee meeting.

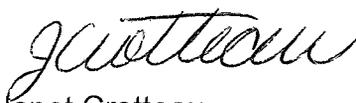
Second, Bill 59 (2013) prohibits people from lying down on the public sidewalks. It appears to criminalize the issue of lying down on the sidewalk which may lead people to conclude that the City is focusing on the homeless. If the bill is seen as focusing on the homeless, then the City will have to deal with many suits alleging constitutionality claims that the bill is violating the rights of the homeless. The HPD will not comment on Bill 59 at the committee meeting.

Finally, Bill 60 (2013) prohibits a person from climbing, sitting, standing, or lying on top of, inside of, or under any publication dispensing rack. The HPD supports Bill 60 because we have safety concerns when people sit, stand, or lay on top of publication dispensing racks. We do not know the structural integrity of the racks and are concerned that people may injure themselves if the racks collapse or if they fall off them. In order to support enforcement efforts for this bill, signs listing the prohibitions need to be posted to ensure that the public is aware of these restrictions. This raises monetary concerns that have not been funded. Could you help with the funding issue? The HPD will testify in support of this bill because of the safety concerns that we have about the racks.

Please contact me at 723-3771 or email me at [jcrotteau@honolulu.gov](mailto:jcrotteau@honolulu.gov) if you have any questions.

Thank you for this opportunity to discuss these issues with you.

Louis M. Kealoha  
Chief of Police

By   
Janet Crotteau  
Major  
Legislative Liaison Office

APPROVED:



---

Ember Lee Shinn  
Managing Director