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
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 if you have any questions.

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

Louis M. Kealoha
Chief of Police

By
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Major
Legislative Liaison Office

APPROVED:

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