



The Effects of City Sweeps and Sit-Lie Policies on Honolulu's Houseless

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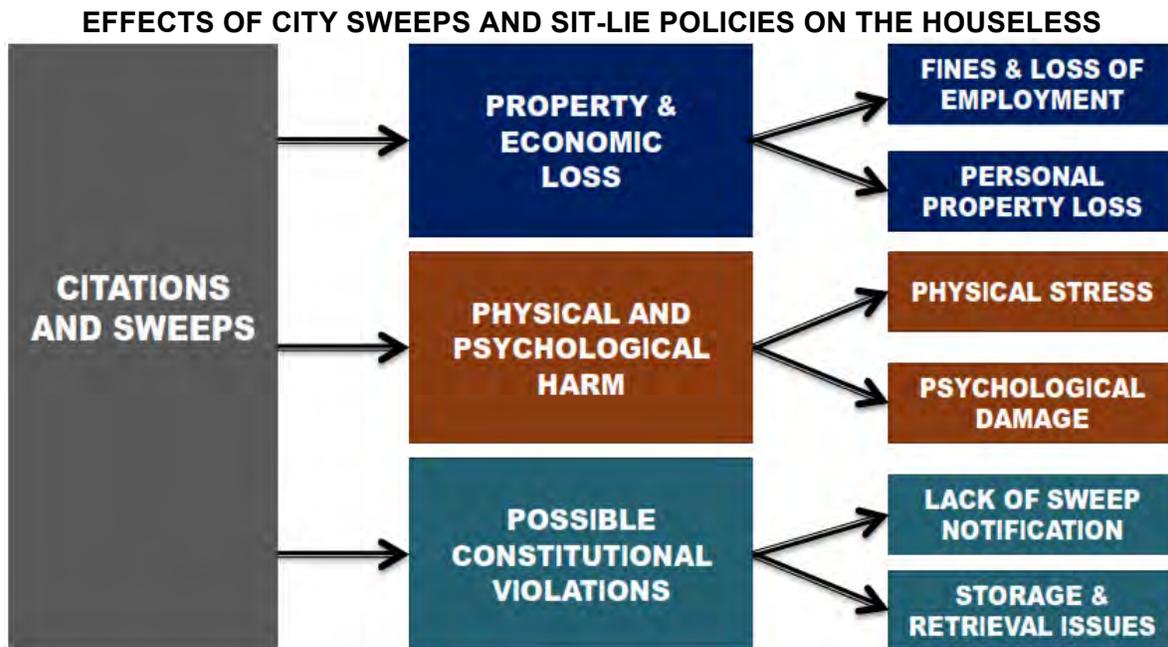
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I. EXECUTIVE SUMMARY

In 2014, the City and County of Honolulu joined what is now a long list of municipalities in adopting a prohibition on sitting and lying in business and commercially zoned public sidewalks. Proponents of sit-lie legislation support it as a balanced approach to issues of pedestrian safety and concerns over homelessness. The Honolulu Mayor’s “compassionate disruption” initiative began with the aim of getting homeless into shelters to receive much needed services. Critics argue that the sit-lie ban systematically stigmatizes a class of people and unnecessarily turns a social welfare issue into a matter of criminal persecution. In order to better understand sit-lie measures in the context of Honolulu, the co-authors studied the effects of city sweeps and sit-lie policies on the houseless as a part of graduate curriculum with University of Hawai’i’s Department of Urban and Regional Planning under the supervision of Dr. Karen Umemoto. The project examined whether such measures are reaching the goal of allowing people experiencing homelessness in Honolulu to access shelter and other services. The project also examined the overall effects of the policies on houseless individuals and families. Seventy survey interviews with the adult heads of households were conducted at three encampments—Kaka`ako, Kapālama Canal, and A`ala Park—which were heavily populated with people experiencing homelessness and the implementation of “compassionate disruption” policies.

Three main effects of city sweeps and sit-lie policies on the houseless emerged from the data: (1) property and economic loss, (2) physical and psychological harm, and (3) possible constitutional violations. The diagram below outlines these impacts:



Property & Economic Loss - It is clear from this study that the vast majority of the houseless population surveyed experienced significant property and economic loss due to sit-lie policies, including the loss of tents, clothing, medicine, food, children’s items, household items, and identification documents such as driver’s licenses and birth certificates. Petty misdemeanor charges and personal property replacement costs added financial burdens, making it even more difficult for affected people to get into positions to obtain adequate and appropriate housing. The

loss of property due to sweeps, as well as a criminal record from sit-lie fines and arrests, affected numerous individuals and their abilities to continue and/or seek employment and shelter.

Physical and Psychological Harm - The data show that a high proportion of those surveyed suffered significant physical stress and psychological harm resulting from sweeps, including anxiety, fear, anger, and sadness. Sweeps further compounded already vulnerable states of mental and physical health due to many people's traumatic experiences from becoming houseless. Not only did the sweeps themselves have emotional and psychological impacts, but also prevalent was the fear of impending sweeps. Over two-thirds (67 percent) of those surveyed stated that they were worried about future sweeps taking place.

Possible Constitutional Violations - The Fourteenth Amendment and Fifth Amendment of the U.S. Constitution provide every citizen both equal protection and the right to due process, respectively. Existing state laws and ordinances, as written, do not protect the houseless population from unwarranted confiscation of property. The data show a high frequency of sweeps wherein authorities may have violated the Constitutional rights of the houseless. The majority of those surveyed had not received any notice when personal property was seized. The high frequency of sweeps in which the houseless could not retrieve personal property without paying a substantial fine, suggests that existing laws may need to be further examined or repealed in favor of policies that ensure more adequate protection of the property and civil rights of the houseless.

Based on the serious impacts of the sit-lie bill and related ordinances, we make five recommendations that are more fully described in the full report. In brief, we urge lawmakers to consider the following:

1. The suspension of sweeps until adequate and appropriate temporary shelter is available for subjects of sweeps, given the three overarching negative effects noted above.
2. A review of the constitutionality of current sit-lie laws should be conducted in light of these and other investigative report findings.
3. Adequate training in trauma-informed care should be required for those who engage with the houseless population, including police officers, contracted personnel, City Facilities Maintenance personnel conducting sweeps, and others.
4. A moratorium on the expansion of sit-lie bans and other ordinances until further investigation is done on the physical, psychological and financial harms on the homeless.
5. A formal investigation of the alleged lack of prior notice stipulated in ordinances among those subjected to sweeps to monitor implementation according to law.

There is clear evidence that the sit-lie ban and related ordinances that comprise the policy approach of "compassionate disruption" cause multiple harms to one of the most vulnerable populations in the islands. Meanwhile, there is a shortage of both temporary shelter and affordable housing units in a high-priced and increasingly speculative real estate market. The problem of houselessness will not be solved through punitive policies that increase harm to this population. Adequate solutions are possible when all levels of governance including citizens and communities recognize homelessness as a significant problem in Hawai'i and prioritize resources to more adequately address it. This report clearly shows that short-range strategy will only lead to more serious long-term problems.

Is there any greater evil we can mention for a city than that which tears it apart and makes it many instead of one? Or any greater good than that which binds it together and makes it one?
– Socrates, *Plato's Republic*

*“Give me your tired, your poor,
Your huddled masses yearning to breathe free,
The wretched refuse of your teeming shore.
Send these, the homeless, tempest-tost to me,
I lift my lamp beside the golden door!”* – Emma Lazarus, *The New Colossus*

I. INTRODUCTION

Tana (pseudonym), a mother in her thirties with three young children, migrated to Hawai'i's shores in search of employment and other life opportunities. After being introduced to one of the interviewers, she sits down with a hesitant smile across the folding table under a tree offering shade. A child, one of Tana's children, runs up to the table, curious about what is happening between her mother and the interviewer. Unabashed, the child asks the interviewer for a pen and paper, and Tana scolds her to run along. Pen and paper in tow, the child joins other children nearby on a makeshift canvas blanket and begins drawing and coloring. The interviewer tells Tana that she too has three young children, which surprises her and seems to be the ice-breaker, putting her at ease. Tana says she arrived in Hawai'i in 1998. She was initially staying with family relatives, but she felt constricted and felt like a burden to her extended family, so she moved into public housing. Throughout this time, she held several jobs at fast food restaurants and as a caregiver. Rent, even in public housing at Kuhio Park Terrace, became too much. The interviewer also learns that Tana lost her I-94 certificate, a required document to secure legal employment. She estimates that replacing this certificate will cost over three hundred dollars. So, since July 2014, Tana has been living with her children at one of the several houseless encampments surveyed. Tana is one of many who have recently experienced the frequent sweeping of public sidewalks by the Honolulu Police Department and other contracted city “sweepers.”

The purpose of this research project was to examine the effects of the City and County of Honolulu's implementation of sit-lie policies on the houseless¹, specifically the issuance of citations and conduct of sweeps. Both within a national context across the continental United States as well as locally in Honolulu, there is much debate over whether or not these municipal laws curb homelessness. This study examines the following questions:

- 1) What are the effects of city sweeps and sit-lie policies on Honolulu's houseless?**
- 2) Are such measures effective in getting houseless households to access shelter and other services?**

This study examines the effects of current sit-lie policies to evaluate whether or not the laws are producing the intended result of helping the houseless find permanent housing and to shed light on how such policies affect the homeless from their points of view. Our overall aim is to help

¹ The terms “houselessness” and “homelessness” are used interchangeably, though houselessness is a term that acknowledges the fact that one's tent or temporary shelter is one's home.

government officials, business leaders and citizens address this problem in ways that are better informed and that consider the voices of houseless individuals and families directly affected.²

Sit-Lie Policies within a National Context

In attempts to curb homelessness, the United States in recent years has seen the proliferation of local measures to criminalize “acts of living” that prohibit sleeping, eating, sitting, or panhandling in public spaces. City, town and county officials are turning to criminalization measures in an effort to broadcast a zero-tolerance approach to street homelessness and to temporarily reduce the visibility of homelessness in their communities, often adopted at the request of commercial interests (United States Interagency Council on Homelessness [USICH], 2012). In Brave New Films’ series *Is Your City Over Criminalized?*, Washington state prosecutor Dan Satterberg states, “So many major social problems come to the criminal justice system to be fixed because there isn’t something else out there. But don’t ask the criminal justice system to do it all, because the only thing we really know how to do is send people to prison.” Many homeless end up in the criminal justice system because there are often no other alternatives.

Scholars suggest that city sweeps and sit-lie laws as written are legally unconstitutional and potentially violate individual civil rights (Bauman et al, 2014). Likewise, recent studies have shown that city sweeps and sit-lie laws have not improved services to the houseless population (Selbin et al, 2012 and Casella et al, 2012). Other scholars argue that the criminalization of the houseless adds to a complex of social stigmas that perpetuates the idea that those who remain homeless are somehow themselves completely at fault (Mitchell, 2011). Such researchers note that criminalizing the houseless is not only inhumane, but also costly and ineffective according to recent studies. For example, Salt Lake City’s Director of the Homeless Task Force, Lloyd Pendleton, notes that criminalization measures cost the state of Utah about \$20,000 per homeless person when factoring in jail time, EMT visits, EMT runs, and other expenses. However, housing the homeless costs anywhere between \$8,000 and 12,000.³ Likewise, the University of California at Berkeley’s Policy Advocacy Clinic asserts in its report on its city’s Measure S, an ordinance that bans sitting on public sidewalks during business hours in the city’s commercial districts, that there is “no meaningful evidence to support the arguments that Sit-Lie laws increase economic activity or improve services to homeless people.”⁴

Although individuals experiencing homelessness should be afforded the same dignity, compassion and support provided to others, sit-lie policies further marginalize an already vulnerable population, fuel condescending attitudes and may even unduly restrict constitutionally protected liberties. People who experience homelessness are subjected to legal actions that challenge their human rights. In a 2012 report, the United States Interagency Council on Homelessness (USICH) and the Department of Justice noted that the criminalization of homelessness may violate both constitutional and human rights treaty obligations. There is growing consensus among scholars and concerned citizens that the criminalization of homelessness is a harmful, ineffective and cost-inefficient policy that consumes substantial state and local resources and leaves irreparable damage. Sit-lie measures are only a temporary

² <https://www.planning.org/aboutplanning/whatisplanning.htm#2>

³ Salt Lake City Mayor’s Homeless Services Evaluation Commission. Briefing Materials. Jan 15, 2015. http://www.slcdocs.com/hand/Homeless_Services_Evaluation_percent20Commission_percent20Briefing_percent20Materials.pdf

⁴ <http://www.law.berkeley.edu/files/1023sit-lie2.pdf>

fix to the symptoms of homelessness, providing neither a permanent nor sustainable solution to the fundamental problem.

Sit-Lie and Related Policies in the City and County of Honolulu

From 2011 to 2014, the City and County of Honolulu passed numerous laws affecting the homeless population, most recently under the Honolulu Mayor's "compassionate disruption" initiative. These laws include "Stored Property," "Sidewalk Nuisance," "Park Closure," "Urination/Defecation" and "Sit-Lie," and each carry a criminal petty misdemeanor charge and penalties of up to 30 days in prison and a \$1000 fine. Such laws prohibit people from being in public parks and beaches after hours, urinating and defecating in public, and sitting, lying, or storing any personal property such as a tent on a public sidewalk. Such measures were intended to encourage the homeless to seek shelter and other social services. While such laws do not specify the homeless population as the target, it is widely acknowledged that these laws are designed to address the homeless. As Mayor Caldwell stated, the strategic aim is "to force people into shelters so they can get the services they need" (Grube, 2014). These ordinances have allowed the City to issue warnings and citations and to conduct "sweeps," in which city workers or contracted parties confiscate property belonging to houseless persons. The ordinances resulting from the passage of these bills are summarized In Table 1.

The first "sit-lie" ban, Bill 42, was passed in September 2014 prohibiting people from sitting or lying on public sidewalks in the Waikiki. Exceptions to this law include persons experiencing medical emergencies, disabled persons operating wheelchairs moving about on sidewalks, persons engaging in expressive activities and persons viewing permitted parades or demonstrations. Violations may only be issued after an officer has given a warning notification to the offender. Three months later, this measure was expanded to specific areas of thirteen commercial zones with the approval of Bill 48. Additionally, Bill 43, the "urination/defecation" ban was approved, prohibiting persons from intentionally and knowingly urinating or defecating in a public place or a place where one may be observed within the Waikiki district. Exceptions include persons who fail to use the restroom due to verified medical conditions. Bill 46 passed with Bill 43, which established the same offense island-wide.

Prior to 2014, Ordinance 13-8 (Bill 7 "sidewalk nuisance") and Ordinance 1-29 (Bill 54 "stored property") were already in effect to reduce the amount of property on public sidewalks. Ordinance 13-8 prohibits maintaining and collecting personal property on public sidewalks. Ordinance 1-29 focuses on persons maintaining personal property in city parks. It calls for the removal of any stored personal property on public land for more than 24 hours attended or unattended, as well as personal property that remains in a park after park closure.

Table 1. Summary of city and county of Honolulu houseless-related ordinances

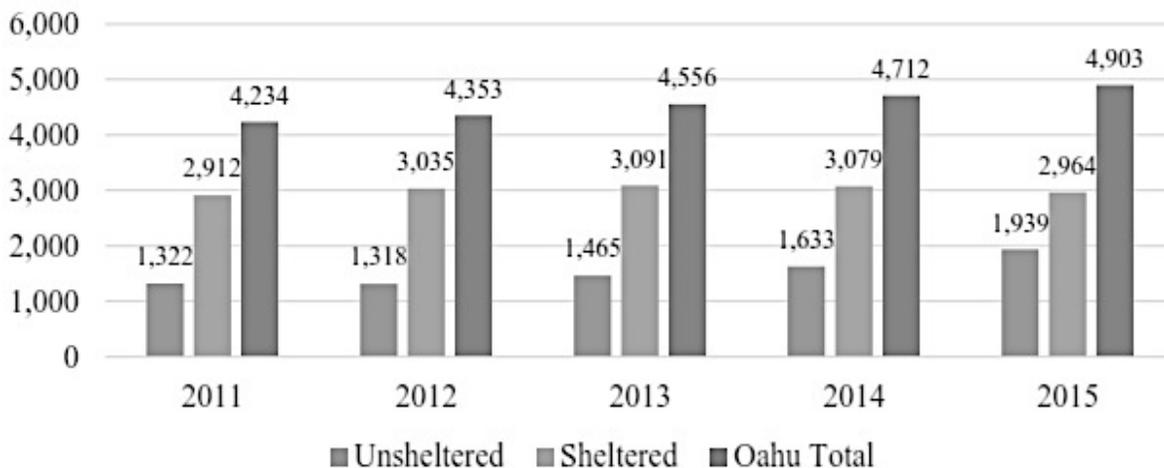
Ordinance/ Bill No. Date of Approval	Description	Penalty
14-35 / Bill 48 “Sit-Lie” 12/02/14	Prohibits sitting and lying from 5am to 11pm in specific areas of thirteen commercial zones	\$1000 fine or up to 30 days in jail for a petty misdemeanor Up to 30 days in jail for non-payment Up to 6 months of probation
14-26 /Bill 42 “Sit Lie” 09/16/14	Prohibits sitting and lying on public sidewalks in Waikiki	\$1000 fine or up to 30 days in jail for a petty misdemeanor Up to 30 days in jail for non-payment Up to 6 months of probation
14-27 /Bill 43 “Urination/ Defecation” 09/16/14	Prohibits urinating and defecating in public spaces in Waikiki	\$1000 fine or up to 30 days in jail for a petty misdemeanor Up to 30 days in jail for non-payment Up to 6 months of probation
14-28 /Bill 46 “Urination/ Defecation” 09/16/14	Prohibits urinating and defecating in public in all other parts of Oahu except the downtown-Chinatown area, which is covered by state law	\$1000 fine or up to 30 days in jail for a petty misdemeanor Up to 30 days in jail for non-payment Up to 6 months of probation
13-8 /Bill 7 “Sidewalk Nuisance” 04/19/13	Prohibits any object or collection of objects kept or operated on or over any sidewalk in all parts of Oahu	\$200 fee for city’s cost of removal, storage and handling
1-29 /Bill 54 “Stored Property” 12/09/11	Prohibits stored personal property on public property in pedestrian zones and in city parks after closing in all parts of Oahu	Removal, storage and handling fees paid at the owners’ expense

II. HOUSELESSNESS IN HAWAI‘I

Hawai‘i is experiencing a houseless crisis with a reported 14,282 households utilizing homeless services during the 2014 fiscal year (University of Hawai‘i Center on the Family, 2014). This represents a three percent increase from the 2013 fiscal year. The UH Center on the Family Homeless Service Utilization report states that of the total clients served in 2014, about 61 percent left the system of services and 39 percent stayed (UH Center on the Family, 2014, p. 4). Return clients who had exited the system in previous years and accessed homeless services again during the 2014 fiscal year made up 24 percent of the total client population, while new clients served by the homeless service system for the first time made up 38 percent of the population.

The number of homeless persons on Oahu has been steadily increasing. Figure 1 below depicts the five-year trends in sheltered, unsheltered, and total homelessness on Oahu. The figure portrays a gradual increase in the total number of homeless over the course of those five years, with increases in the total unsheltered over the last four years. Some of this increase may be due to more thorough counting over this time period. The sheltered total has remained relatively constant over the last five years, though it declined 4 percent when compared to 2014 (City and County of Honolulu, 2015).

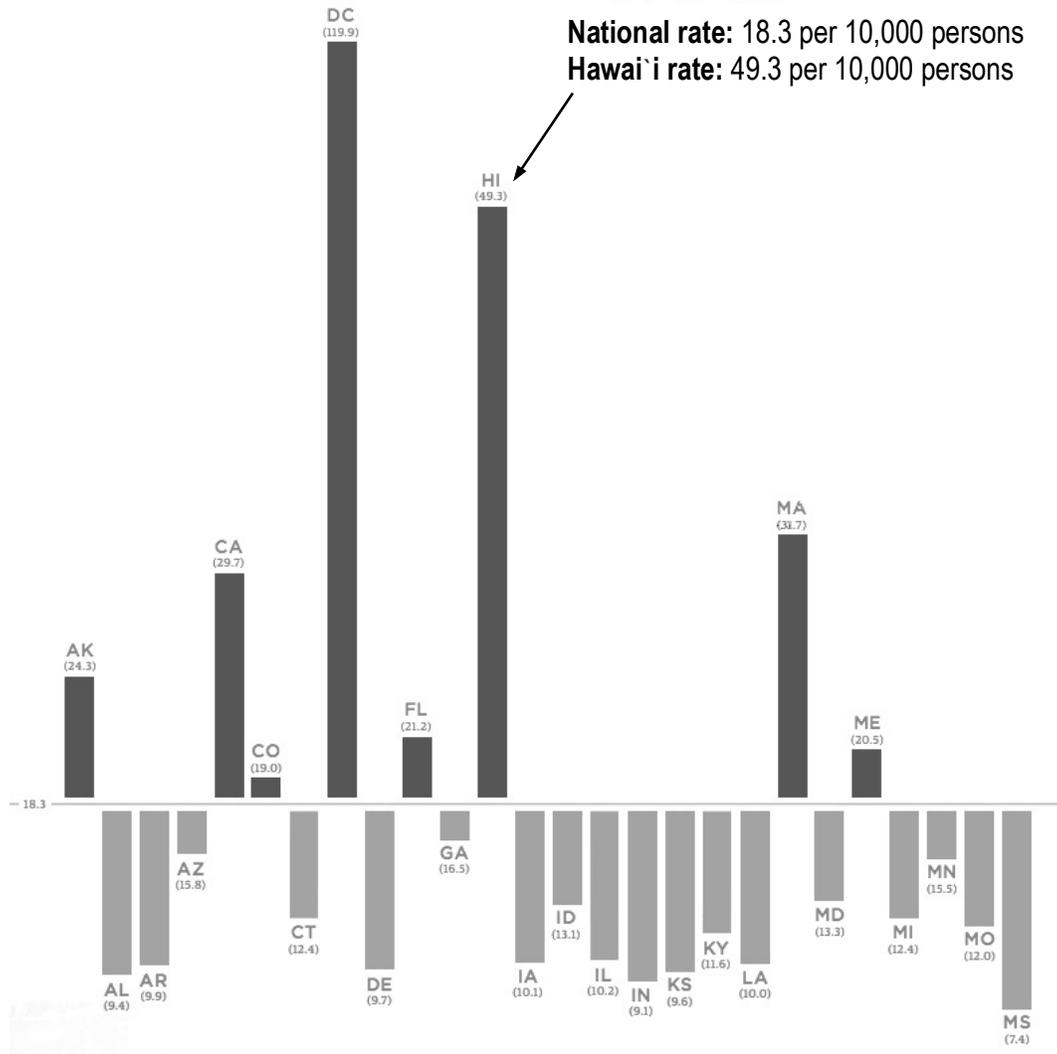
Figure 1. Oahu PIT (Point-In-Time) count summary 2011-2015



Source: City and County of Honolulu Homeless Point-in-Time Count 2015 report, April 2015

The rate of homelessness in Hawai‘i is relatively severe in relation to the rest of the United States. The annual State of Homelessness in America 2015 report cites a national rate of homelessness at 18.3 people per 10,000 people. Hawai‘i’s rate of homelessness in 2014 was 49.3 people per 10,000, **over 2.5 times higher than the national rate**, signifying a grim situation locally.

Figure 2. State rates of homelessness compared to national rate, 2014



Source: National Alliance to End Homelessness, 2015

III. METHODOLOGY

“Reality can be elusive and truth can be difficult to determine but describing reality and determining truth are the appropriate goals of scientific inquiry” (Patton, 2015).

In studying the effects of sweeps and sit-lie policies on Honolulu’s houseless, there were four steps taken: (1) study of the history of the city’s sit-lie municipal laws, (2) review of literature on homelessness and the proliferation of sit-lie and related policies, (3) interview of houseless heads of households, and (4) field observations on the effects of sweeps and sit-lie policies on the houseless.

Surveys were conducted among houseless heads of households in three locations – Kaka`ako, Kapālama Canal, and A`ala Park in urban Honolulu. These are among the larger encampments in the urban core. The main reason for choosing these three study sites was easy accessibility in meeting and enlisting individuals to be interviewed and the concentration of those likely affected by the ordinances. All three sites exist among centers for economic activity and development, creating political and public pressure on policy makers to deliver solutions to address the houseless problem at each location.

Surveys were conducted during the daytime hours on Saturdays during the months of February and March 2015. In Kaka`ako, 42 interviews were conducted at Kaka`ako Gateway Park on `Ohe Street, Olomehani Street, and Ilalo Street. On the day of the survey, there were over 100 tents. The second location was along Kapālama Canal near the intersection of Dillingham Boulevard and Kohou Street in the Kalihi neighborhood. A total of 18 interviews were conducted at the Kapālama Canal site. There were a total of 51 tents on Kohou Street along the canal on the day of the survey. The third study location was in the A`ala Park area of Chinatown near downtown Honolulu. There were 10 interviews conducted at A`ala Park. There were a total of 42 tents on streets surrounding the park on the day of the survey.

Surveys were conducted with adult heads of households in each of these three houseless encampments to understand the demographics of the population, their experiences with any of the aforementioned laws, and the effects of related sweeps or citations on their lives and on their access or reception to shelter and services. Interviews focused on: (1) the effects of the sweeps and sit-lie laws on the houseless and (2) whether the intent of such measures in moving the houseless to access shelter and services is being met.

One important limitation of the study is that individuals in transitional or shelter housing were not interviewed for this project. For future studies they would be a vital segment to survey for the effects of sit-lie policies on access to shelter.

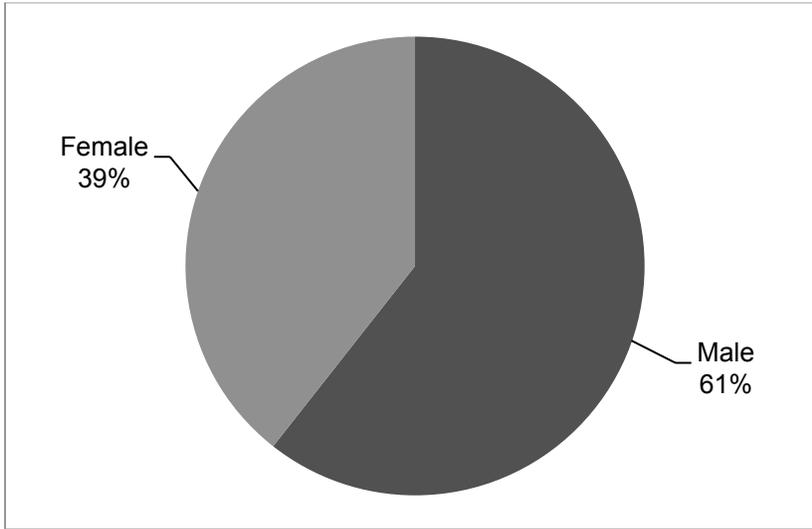
IV. DESCRIPTION OF THE STUDY POPULATION

The survey sample represents approximately 30 percent of the number of tents counted at the three encampments on the survey dates. While we believe the survey results are reflective of the cross section of those living in these three urban encampments, the sample may be missing those who are employed during weekend daytime hours when the surveys were conducted.

Demographic Background

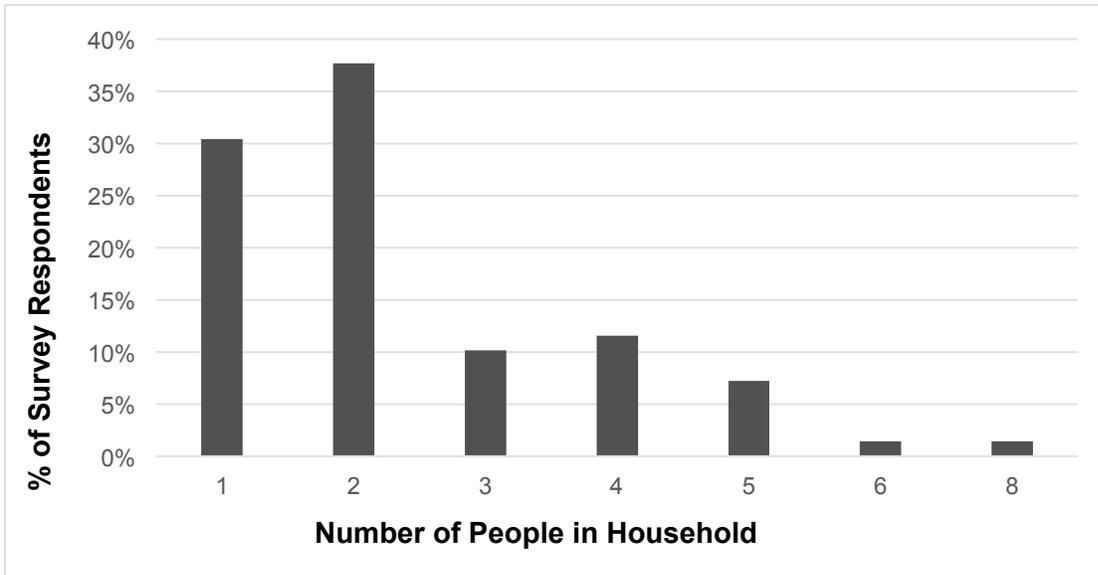
Over half (61 percent) of the houseless population surveyed was male with 39 percent being female (Figure 3).

Figure 3. Gender distribution



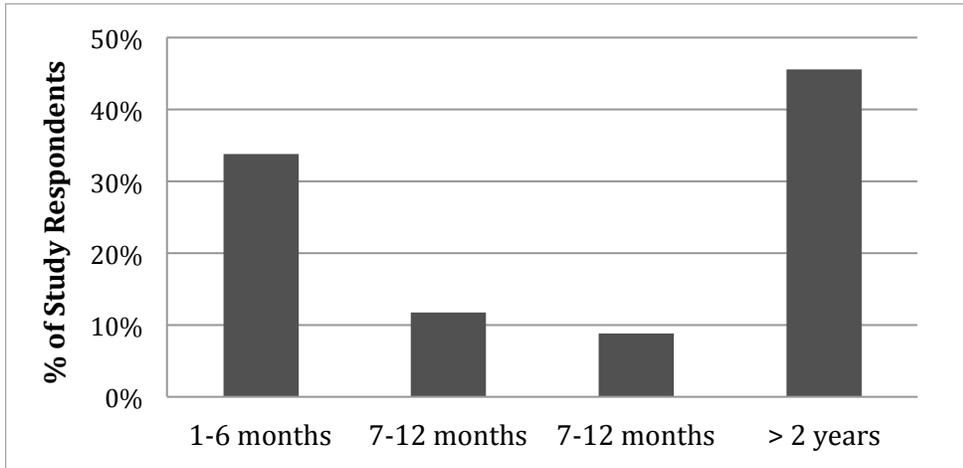
The most common household size was 2 persons followed by single person households. There were 38 percent of survey respondents reporting a household size of two people and 30 percent reported living alone. The remainder varied in household size, from three to eight persons (Figure 4).

Figure 4. Household size



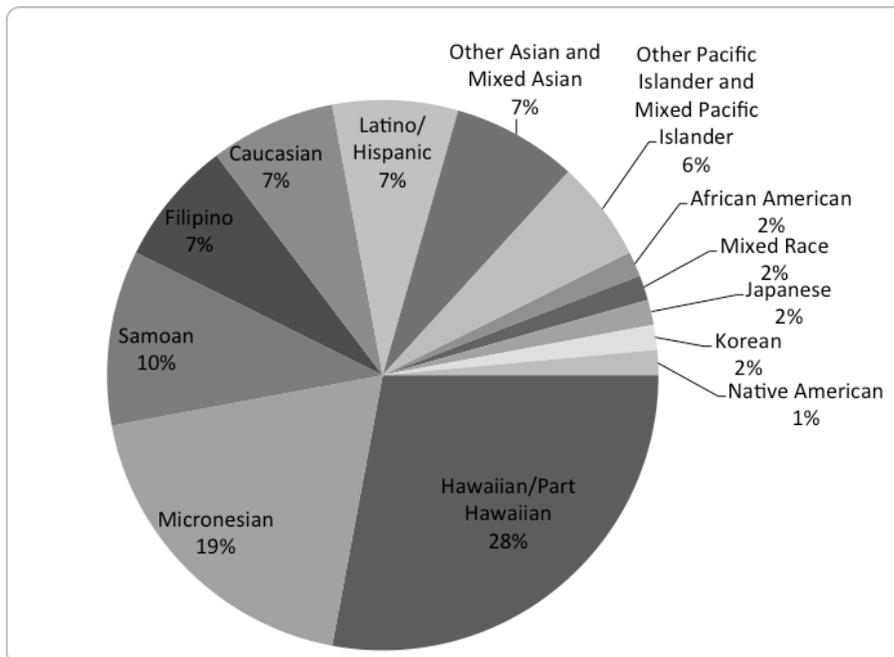
Close to half (46 percent) the houseless population surveyed reported being houseless for greater than two years while one-third (34 percent) reported being houseless for one to six months. The remainder fell between those time periods, with 12 percent being houseless for seven to twelve months and 9 percent for thirteen to twenty-four months (Figure 5).

Figure 5. Length of time houseless



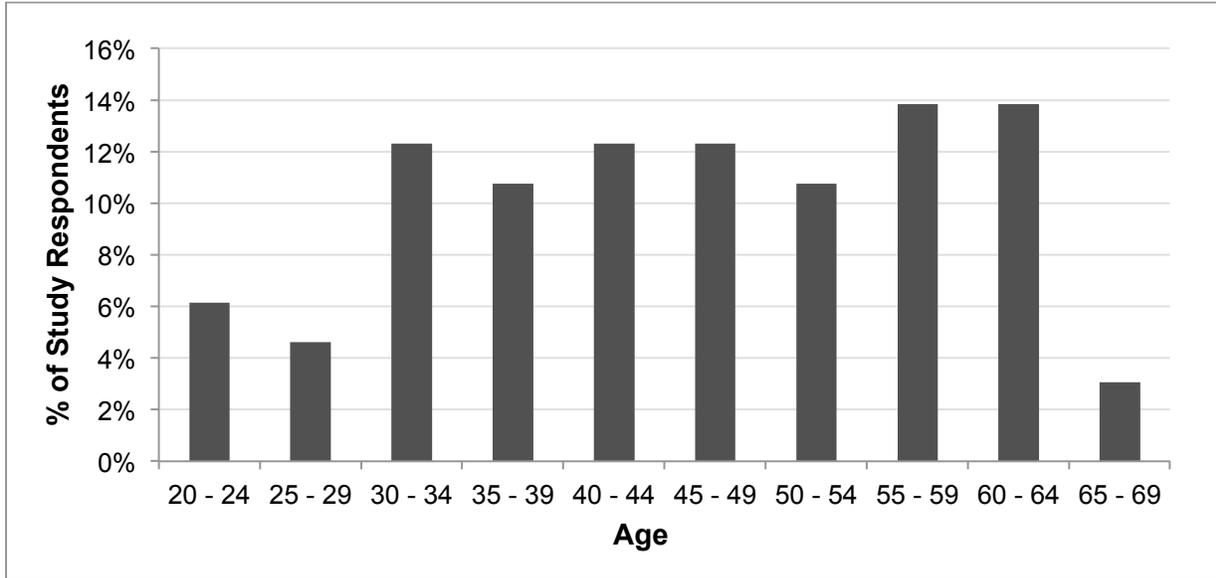
The ethnic composition of the sample included more than a dozen racial and ethnic groups. The largest groups were Hawaiian/Part Hawaiian (28 percent), Micronesia (19 percent), and Samoan (10 percent) (Figure 6). Four groups (Filipino, Caucasian, Latino/Hispanic and Other Asian and Mixed Asian) represented 7 percent each with Other Pacific Islander and Mixed Pacific Islander representing 6 percent of the survey respondents. The smaller ethnic groups included African American (2 percent), Mixed Race (2 percent), Japanese (2 percent), Korean (2 percent), and Native American (1 percent). These are self-reported ethnicities and only the first ethnicity that survey respondents stated was included for this report (See Exhibit 2 for a list of group categories).

Figure 6. Ethnic composition of respondents



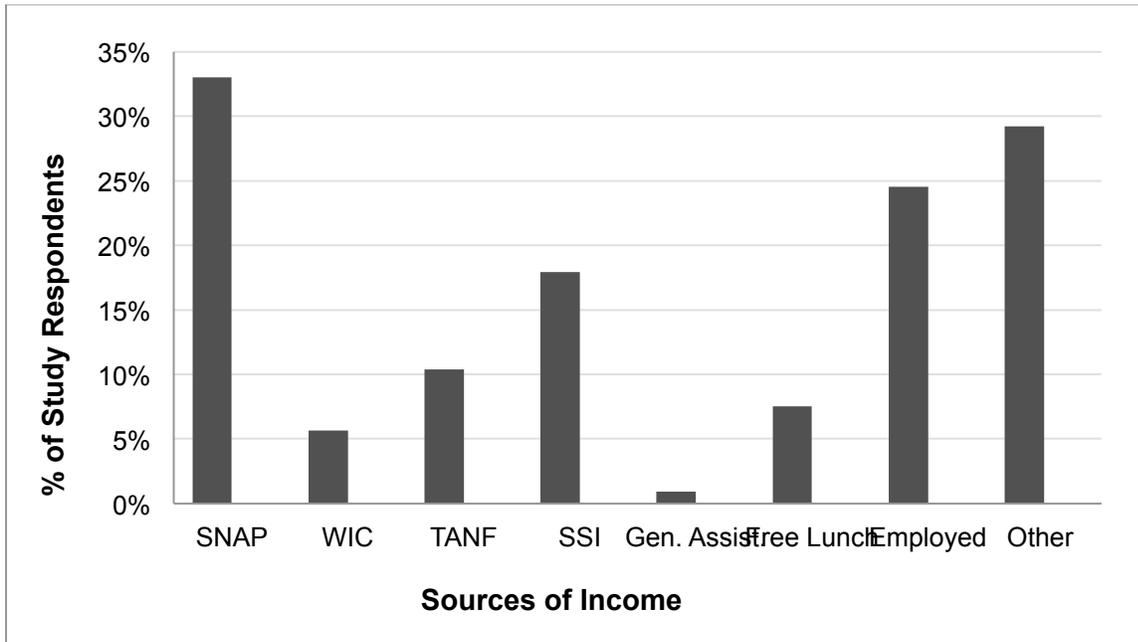
Survey respondents ranged in age from 20 to 69, with no more than 15 percent represented within a single age category. The largest cohorts were ages 55 to 59 (14 percent), 60 to 64 (14 percent), 45 to 49 (12 percent), 40 to 44 (12 percent) and 30 to 34 (12 percent) (Figure 7).

Figure 7. Age distribution



The majority of the survey respondents did not receive income from government programs such as Women, Infants, and Children (WIC), Temporary Assistance for Needy Families (TANF), Supplemental Security Income (SSI), General Assistance (GA), Unemployment Insurance (UI), or the National School Lunch Program (NSLP), except for those who received Supplemental Nutrition Assistance Program (SNAP) income (Figure 8). About half (50 percent) of the survey respondents received SNAP benefits. No one reported receiving assistance through unemployment benefits. Only one person reported receiving income from General Assistance. Over a third (37 percent) reported they are currently employed and earning income.

Figure 8. Income sources



The houseless population in Hawai‘i and elsewhere is often portrayed as a homogenous group. Indeed, a 2014 newspaper article portrayed the houseless as “chronically homeless campers, aggressive panhandlers, and people using sidewalks and parks as toilets” (Laird, 2014). However, survey results and observations show a diverse population with sub-populations within each houseless community studied. Social networks were visible among Native Hawaiians, Micronesian immigrants, single women with children, veterans, former prison inmates, and those involved in unregulated substances. An understanding of the heterogeneity of the population is important. Scholars assert that differences in race, gender, and other dimensions of difference shape a person’s houseless experience and that policies should be designed to address the needs of specific populations (Takahashi, 1996; DeVerteuil, May & von Mahs, 2009).

Citations Received and Sweeps Experienced by Survey Respondents

Over one-third (32 percent) of those surveyed reported receiving at least one citation, while 9 percent received two citations, and about 9 percent received between three and eight citations (Figure 9). Half of those surveyed received no citations.

A higher proportion experienced sweeps over citations. Nearly half (46 percent) reported experiencing at least one sweep, 11 percent experienced two sweeps, and 16 percent experienced three sweeps. One respondent reported experiencing more than ten sweeps (Figure 10).

Figure 9. Number of citations received by respondents

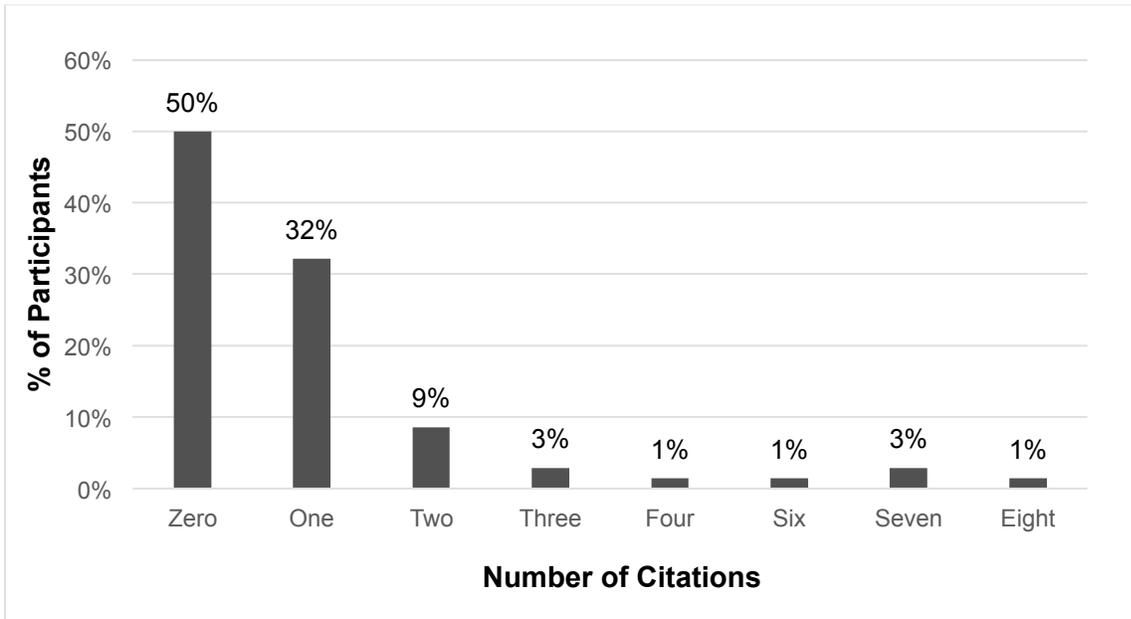
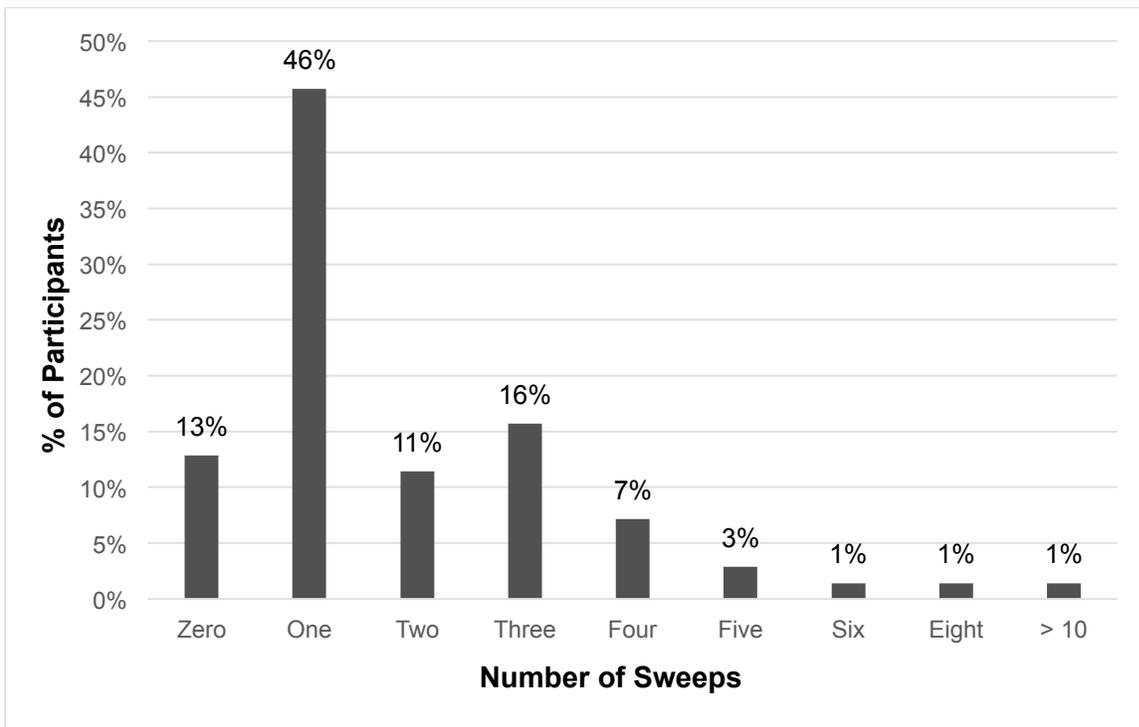


Figure 10. Number of sweeps experienced by respondents

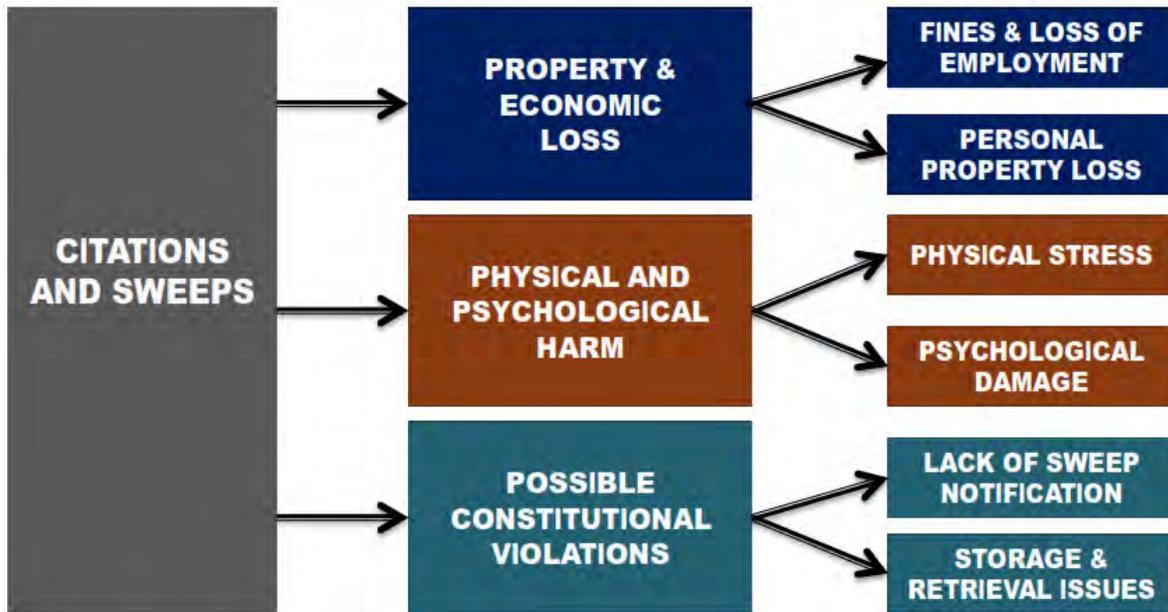


V. EFFECTS OF SWEEPS AND SIT-LIE POLICIES

In light of the survey respondents who experienced a sweep and/or received citations due to sit-lie and related policies, survey data suggests three overarching effects of ordinances and their manner of implementation (Figure 11):

- 1) Significant property and economic losses, with lost identification making employment and housing attainment even more difficult. Penalty fines, left unpaid, risks a criminal record and further criminal justice involvement.
- 2) Profound physical and psychological harm resulting in physical stress and psychological damage.
- 3) Possible constitutional violations concerning a lack of sweep notification and problems related to storage and retrieval of personal property.

Figure 11. Effects of city sweeps and sit-lie policies

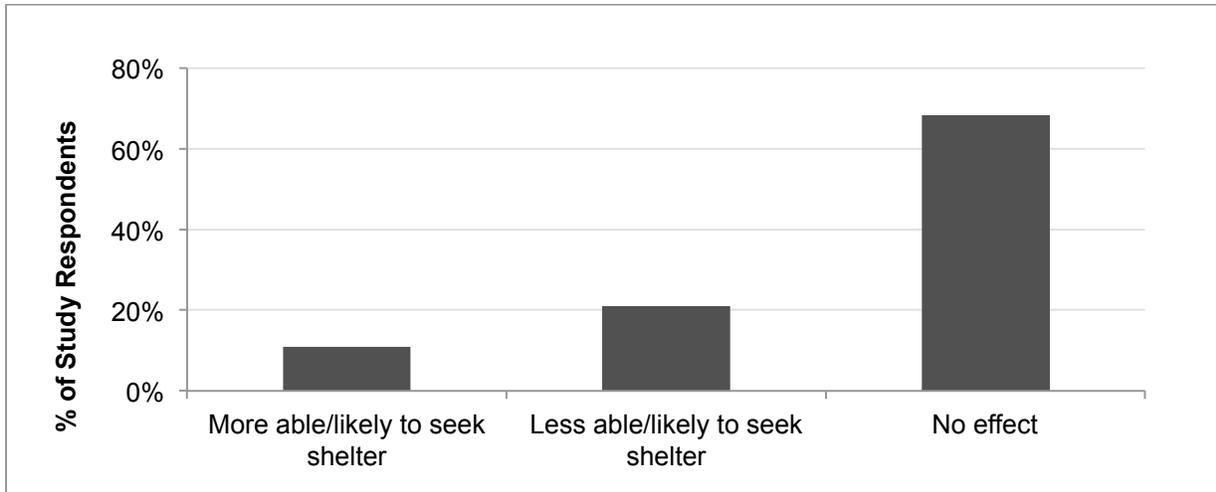


Impacts Related to Stated Policy Goals

Policymakers have stated that the central intent of sweeps and citations under “compassionate disruption” policies is to encourage houseless people into shelters where they can get needed services (Cocke, 2015). While this may be the outcome for some, the findings show that the laws may not be achieving this objective for the vast majority of those subject to the laws. In fact, they appear to be having serious harmful and negative consequences for many.

Ability and Likelihood to go to a shelter – Of the survey respondents interviewed, only 11 percent stated that they were more able or likely to seek shelter after a sweep, while 21 percent reported that they were less able and/or likely to seek shelter and 68 percent reported that sweeps had no effect on whether or not they sought shelter (Figure 12). Reflecting the sentiment of the overwhelming majority for whom sweeps had no positive effect on their seeking shelter, one survey respondent quipped, “How does a sweep work? This shit is not working. You guys wasting plenty money.”

Figure 12. Likelihood of survey respondents to seek shelter due to sweeps



Survey respondents shared various types of reasons why they were less able and/or likely to seek shelter or why city sweeps had no effect. The following is a sample of these responses:

- Unaffordability of shelter fees
“I have to pay for shelter here in Waikiki, so I don’t go there. I stay here [in Kaka`ako].”
- Not being allowed to be in the shelter during the daytime hours
“What does a shelter do? Would you want to go to a place that kicks you out in the morning? I didn’t want to be put in that situation.”
“I had too much trouble leaving early in the morning. Have to carry all my things and my newborn baby to a place for the day, so I left the shelter.”
- Shelter turned them away
“Once had a chance and lost it... complained to manager and manager worked against me... not qualified [for Housing First] because I got kicked out of the Shelter Plus program.”
“After three write-ups, get kicked out.”

- Less than desirable conditions: lack of privacy, unbearable conditions, and feeling of being treated as less than human

“The shelter has no privacy and other folks [and their] bad feelings affect you.”

“Sick, mentally ill, and kids running wild; adults that don’t shower; snorers; limited time for eating, showering; time out by 6:30am; you have to earn your pass to go out; 6:30-7 curfew; fee to get in; no visitors to stay over, even family; feels like a prisoner.”

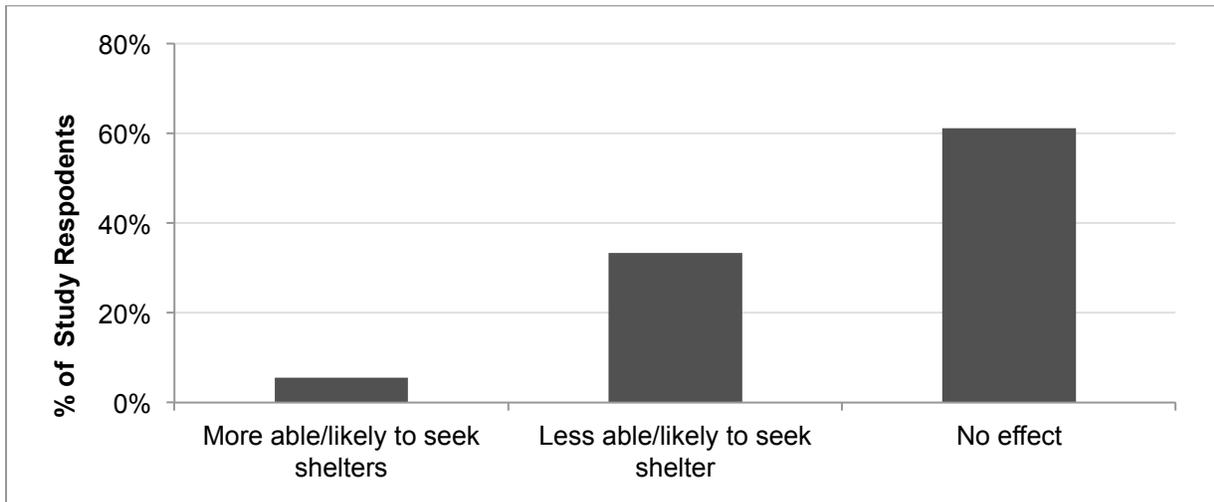
“Heard bad things. My father-in-law got infection there. Mattresses [at shelter] have bedbugs. His cardboard here is cleaner.”

“I’m 56 years old. Got 9 grandchildren. You go in there [to shelter] and they control your life. Their power strong and they know it.”

“Would you want to stay in a shelter that is 100 percent backing the sit-lie bill?”

Like city sweeps, the overwhelming majority of survey respondents reported that sit-lie citations had no bearing on whether or not shelter housing was sought. In fact, 33 percent reported they were less likely to seek shelter as a result of sit-lie citations, while only 6 percent reported they were more likely to go to shelter (Figure 13).

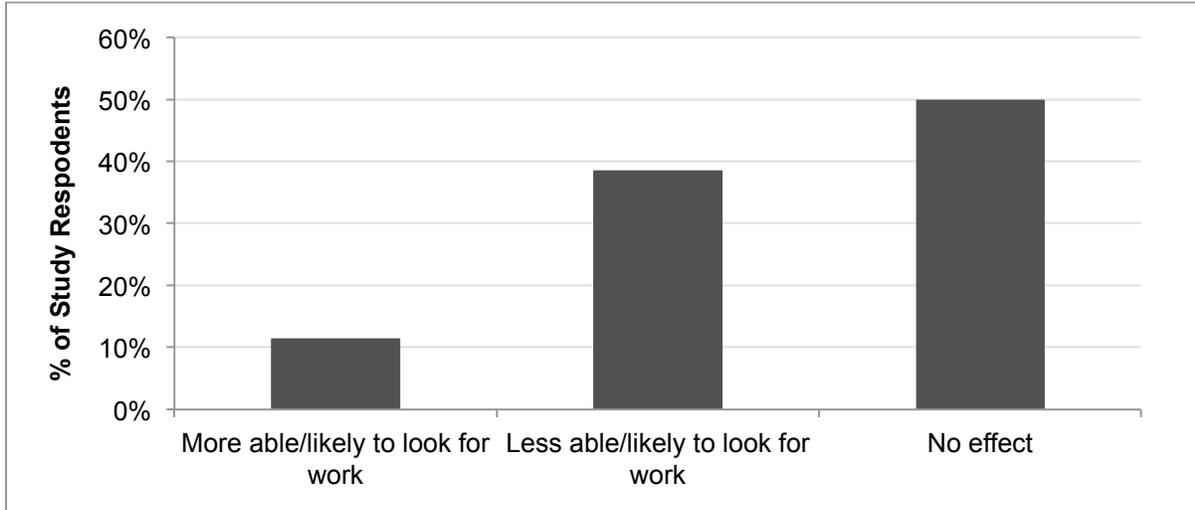
Figure 13. Likelihood of survey respondents to seek shelter due to citations



Ability and Likeliness to go to seek work – With respect to the effect of citations on whether or not a survey respondent was now more likely or able to look for work (or more/better work for those employed), 50 percent reported there was no effect on their likelihood or ability to seek work and 39 percent reported being less likely or able to seek work, compared to only 12 percent who reported being more likely or able to seek work (Figure 14). Pertaining to employment, several survey respondents stated how city sweeps and citations make it much more difficult to continue working. One survey respondent asked, “How do you work with no clothes?” Another survey respondent works as a cleaner, and noted that her cleaning equipment, which included a specialized window cleaning kit worth several hundreds of dollars,

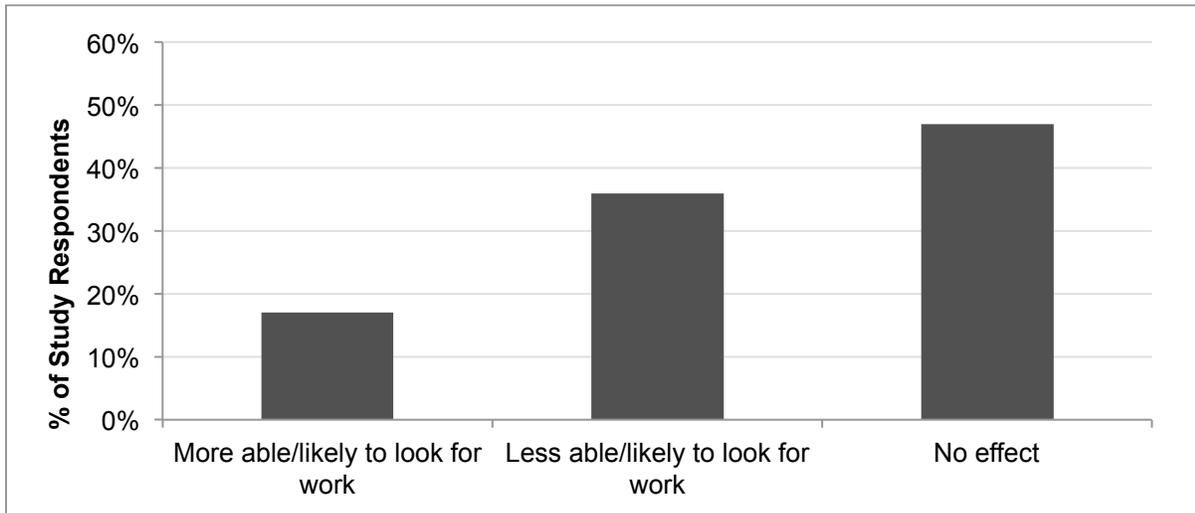
was lost in the sweeps. This has made it harder for her to work. When she had this valuable cleaning equipment, she could go to work directly on her own without relying on her boss. However, now she is “dependent” on her boss for access to the needed equipment.

Figure 14. Likelihood of survey respondents to look for work due to citations



Like citations, sweeps had a similar effect on the likelihood or ability to seek employment, with only 17 percent being more likely or able to seek work compared to 36 percent who were less likely or able to seek work and 47 percent for whom a sweep made no difference (Figure 15).

Figure 15. Likelihood of survey respondents to look for work due to sweeps

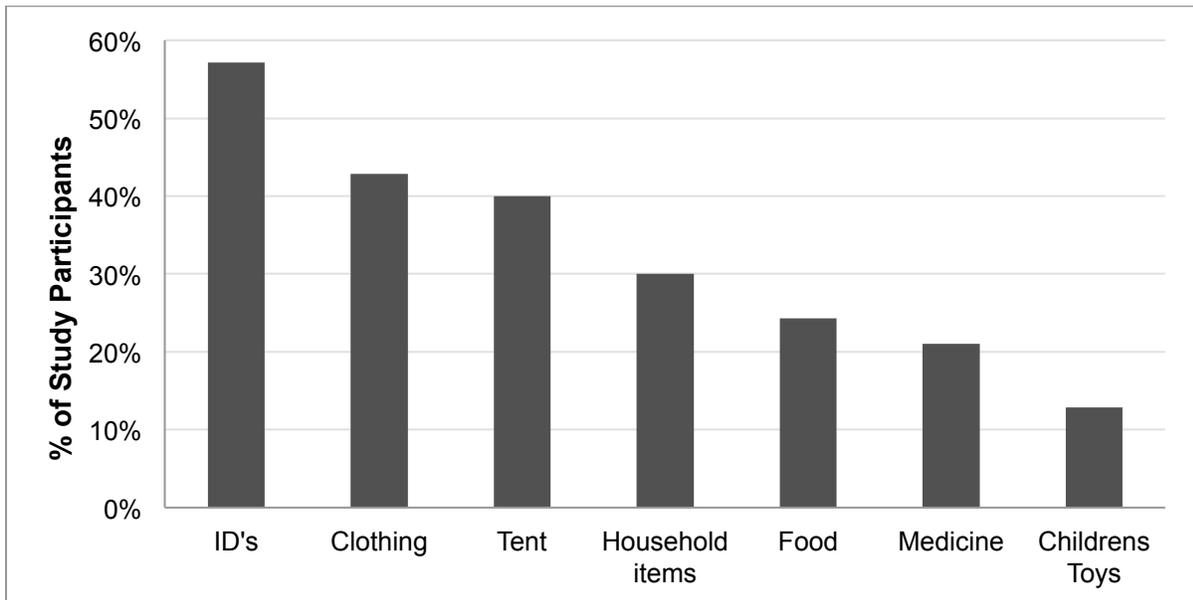


In sum, the intent of city sweeps and sit-lie policies to compel homeless individuals to seek shelter and services has not been realized for the vast majority of those currently houseless and affected by these policies. In fact, sweeps and citations appear to have a negative effect, making many less able or likely to seek shelter or employment.

Property and Economic Loss

There was a great amount of property and economic loss as a result of the sweeps conducted under “compassionate disruption” policies. The loss of personal property caused financial and emotional distress. Respondents reported losing personal identification such as a driver’s license or birth certificate (57 percent), clothing (43 percent), tents (40 percent), household items (30 percent), food (24 percent), medicine (21 percent), and children’s toys (13 percent) (Figure 16).

Figure 16. Property lost by survey respondents

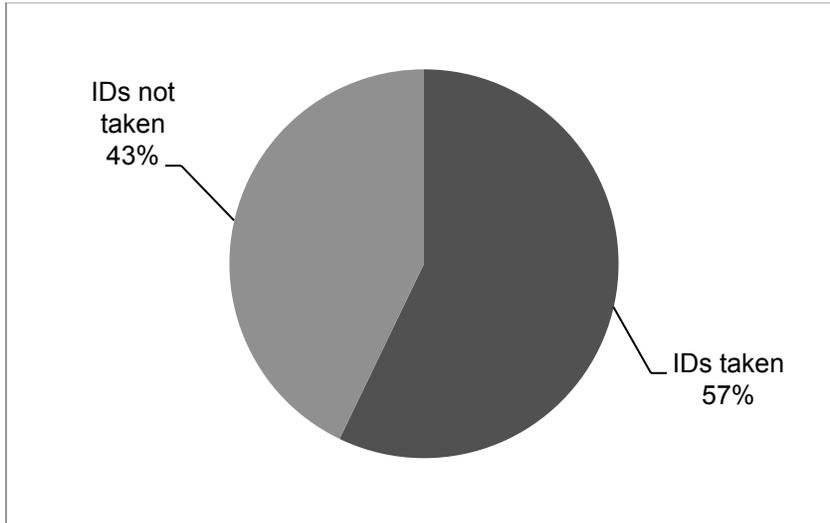


One respondent reported having lost at least 15 tents with a combined value of over \$900 as a result of sweeps. Other confiscated property items identified included: futon, foam bed, air mattress, sleeping bag, bedding, blankets, bicycles, electronics, portable TV, DVD players, iPod, radio, watches, jewelry, and tools. One survey respondent reported losing in a sweep personal letters from his wife who is currently incarcerated.

This same respondent also noted that her 5th grader’s schoolbooks were taken in a sweep and she has still had not had the money to replace them.

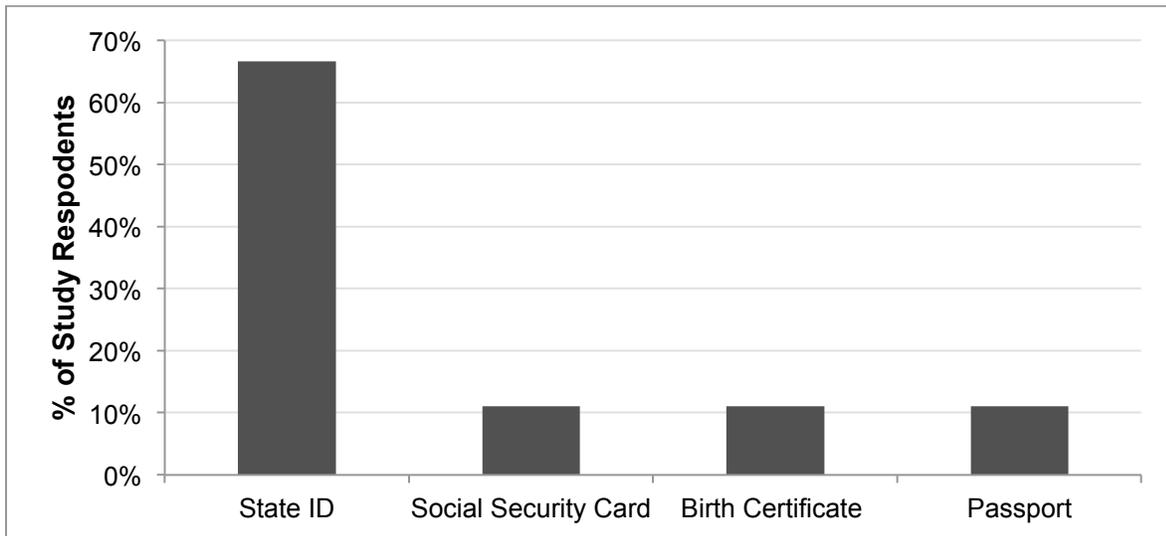
Of the survey respondents interviewed, the confiscation of identification cards and documents has had the most significant impact negatively affecting their lives. Approximately 57 percent reported their identification was confiscated during sweeps (Figure 17).

Figure 17. Percent of study respondents who had their IDs taken during sweeps



Of those losing an ID in a sweep, 67 percent of the respondents noted that their state ID was confiscated and/or lost, while some reported losing a passport (6 percent), birth certificate (6 percent) and/or social security card (6 percent) (Figure 18).

Figure 18. Types of IDs taken during sweeps



Among those whose ID's were confiscated in a sweep, only 16 percent reported being able to retrieve it, while almost half (45 percent) reported their ID's thrown away. A small minority (13 percent) reported their ID being stored and said they were given a claim check and instructions for how to retrieve it. One-fourth (26 percent) did not know what happened to their ID after the sweep (Figure 19). In sum, of the survey respondents who had their IDs confiscated, 81 percent reported not being able to retrieve them (Figure 20).

Figure 19. "What happened to your confiscated IDs?"

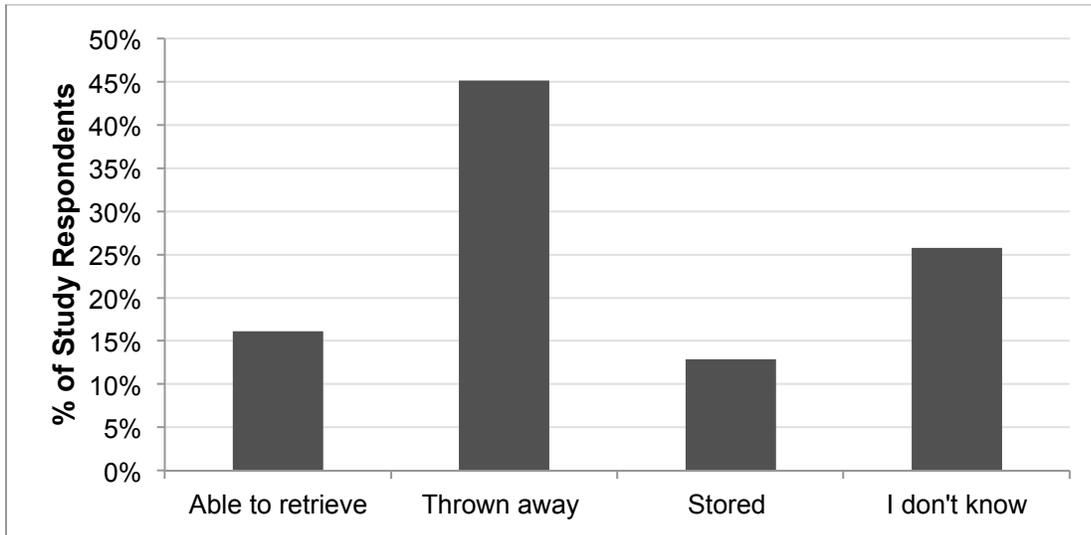
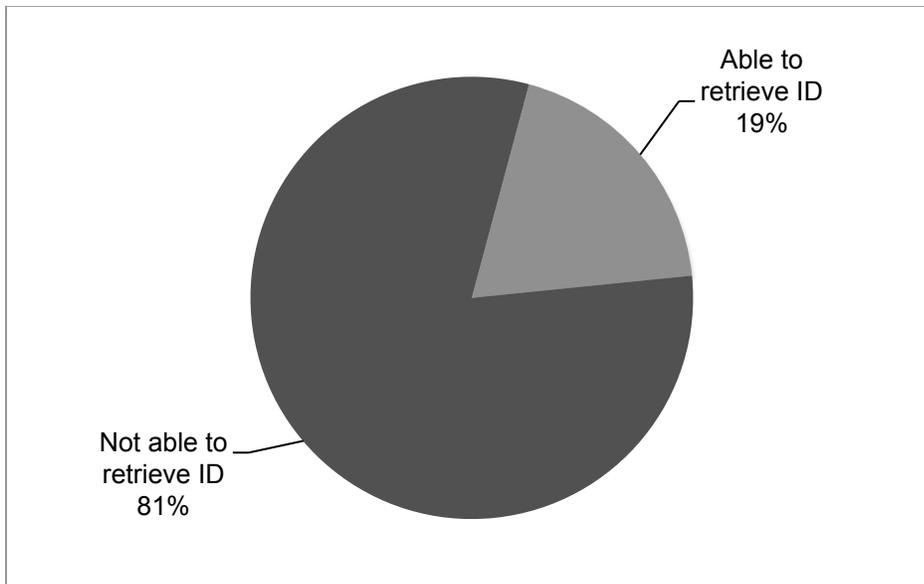


Figure 20. Ability to retrieve IDs



Several of the survey respondents interviewed who had IDs confiscated and thrown away discussed the difficulty in acquiring new identification cards and documents. One survey respondent mentioned that he tried to get a new ID, but he was told that he needed a mailing address receive a new ID. Additionally, he had no birth certificate or other form of ID for verification of who he was. Another survey respondent reported that the total time to get new identification was 4 months and involved multiple-step process and fees. Another survey

respondent said he has been unable to enter the federal building that processes identification cards and documents without his ID that was confiscated in November 2014⁵.

Several respondents despaired that sweeps take everything away and one has to keep starting over, which makes life much more difficult in an already difficult situation. Others noted that sweeps hindered their ability to work since property including identification is lost. As one survey respondent explained it:

"I don't have ID. [They] took ID and phone. I had to work so hard for that. How do I go to work if I gotta be scared I come back and my stuff be gone? I don't have ID to cash my check even if I did work. The hole just gets bigger and bigger. Just threw it away. To get ID, you know the line you gotta stand in? When it happens, something just comes over me. I'm [treated] like a fucking refugee. I was fucking born and raised here. I'm already down, brah."

Physical and Psychological Harm

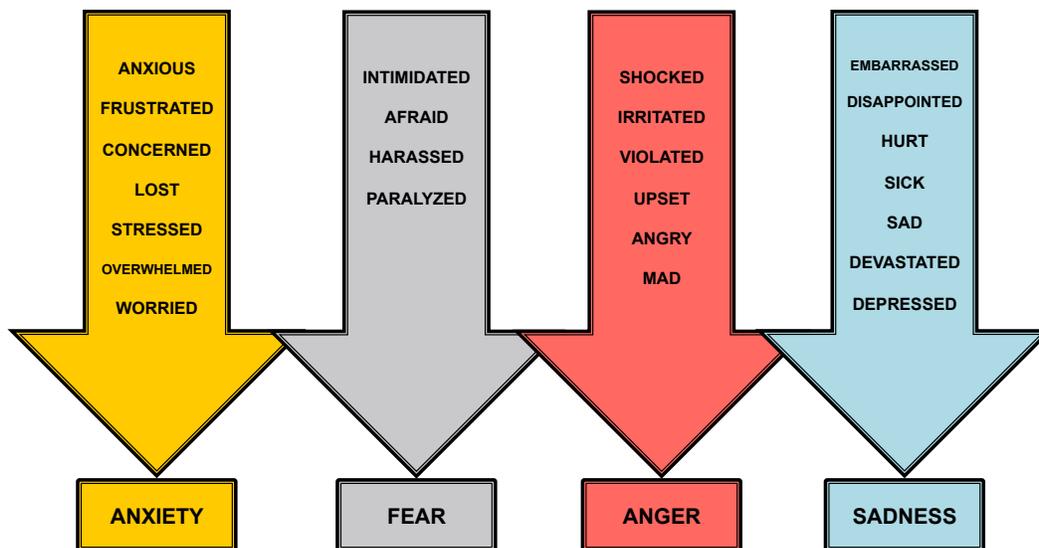
Survey data also showed significant physical and psychological effects of sweeps and citations under the "compassionate disruption" initiative, invoking physical stress and psychological harm as reported by survey respondents. One survey respondent reported feeling upset and discriminated because the homeless are cited but not others that do the same, i.e. lying in the park. Another survey respondent expressed frustration and was genuinely confused, wondering "why this is necessary." Likewise, a survey respondent felt "violated, dishonored, hurt, humiliated, [and] embarrassed because we were not treated like humans." Many surveyed conveyed feeling of being treated less than human during the sweeps and when sit-lie citations were issued. "I feel degraded, like I was lower than them [the sweep crews and police]. I guess they felt they was better than me," said a survey respondent. In another instance, a survey respondent stated, "We asked them [the sweep crews and police] where else to set up a tent and they had no answer, they were smart asses about it." There are numerous statements regarding the general negative feelings experienced before, during and after city sweeps.

One of the survey questions asked respondents about what and how they were feeling throughout sweeps they experienced. Below is a sample of quotes that are representative of the survey responses.

⁵ Houseless advocacy entities note that the federal building allows people without ID to enter the building with an appointed escort available at certain hours in the day, but personnel do not advertise this service and the houseless community is generally unaware of this option.

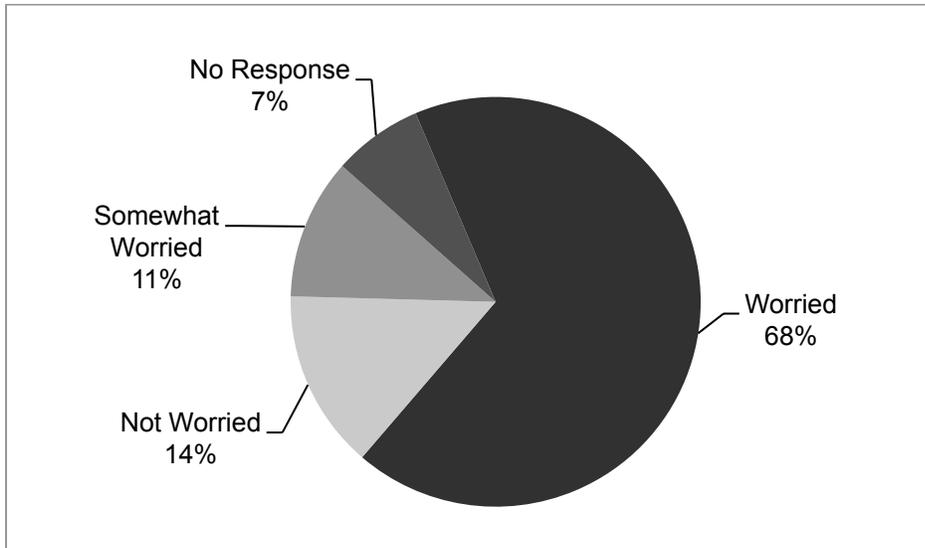
- How did you feel during and immediately after the sweep?**
- *Worst day of my life. Felt like they took us 800 steps back. Mentally it’s disturbing. You get this anxiety. It paralyzes you.*
 - *It feels like they stabbing me in the heart. I wanna stab them back. I can see why some people become terrorists. Police automatically assume you bullshitting.*
 - *Sad, my niece crying but police would not give back milk and bottle.*
 - *I never want to go through that. The chaos is horrendous.*
 - *Irritated, a little violated, inconvenienced especially when they [the sweep crews] take the kids stuff, frustrated, harassed.*
 - *My daughter has missed school because of the raid. The raid removed all of my children’s things including their school clothes and supplies.*
 - *In taking care of the kids and working, I am already on edge and the [experience of or anticipation of] sweeps makes me even more on edge.*
 - *Upset, irritated, cried because we worked so hard in recycling, felt violated, didn’t feel any respect or fairness*
 - *Sick. Worried, poor, my mind is struggling. I want a place to stay and a job. I try my best.*
 - *Major inconvenience, ineffective use of tax dollars, counter-productive as action likely spawned wave of theft of local stores.*
 - *Oh God. It was like I lost everything; like I lost my life.*

Figure 21. Feelings expressed by survey respondents due to sit-lie citations and sweeps



Significant fear about possible future sweeps was another psychological effect due to criminalization policies. An overwhelming 67 percent interviewed stated worries about sweeps, while 11 percent reported they were somewhat worried but expressed a sense of resignation that sweeps are part of houseless life (Figure 23). One survey respondent explained that they “are ready to take down the tent in 10 minutes.” Of the 67 percent who worried about sweeps, there were feelings of anxiety, stress, anger and depression due to their worries along with the fear of leaving tents and personal belongings unattended because of the possibility of a sweep.

Figure 22. “Do you worry about possible future sweeps?”



One survey respondent stated, “I have nightmares that they are here when they aren’t really here.” Another survey respondent said, “It’s stressful! Brah, bust my ass on the days of the sweep. By the end of the day, I’m exhausted. It’s burdensome to have that. It put me in a mood.” There is significant concern about leaving property unattended in the event there is a possible sweep. A survey respondent expressed that “you can’t leave. You worry about leaving for appointments. The money we get from can-hunting stops because we can’t go out to gather them.” Another survey respondent said he was “afraid to sleep hard and get a good night’s rest.” Such physical stress and psychological damage as a result of sweeps were significant effects felt by most of the survey respondents.

Possible Constitutional Violations

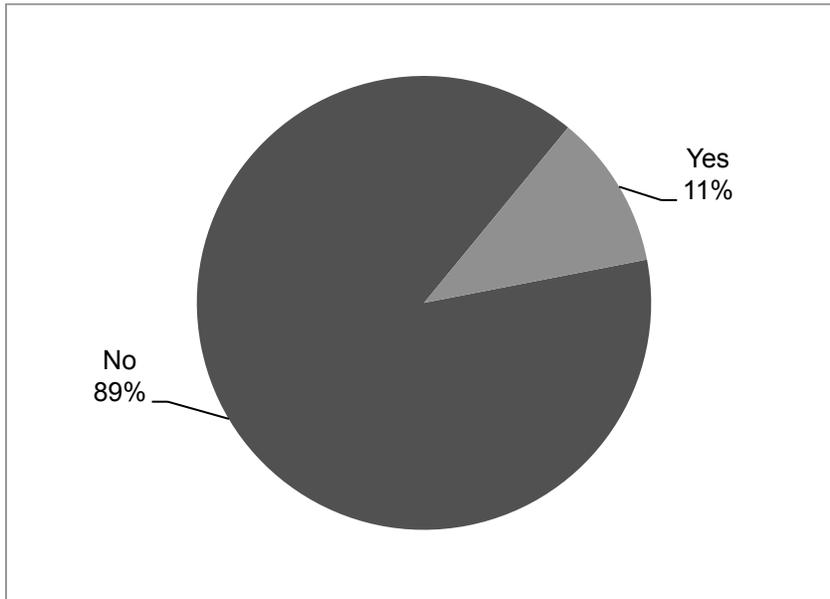
Honolulu City and County policy officials have stated sit-lie policies do not violate any person’s rights afforded to them under the U.S. Constitution. However, study findings suggest that the manner in which the law is being enforced may be violating the right to due process as well as the right to be free from unlawful seizures. At the time of the survey, many survey respondents did not seem to know which ordinance they were found to be in violation of. Also, it remains unclear if existing laws requires prior notification mandated under earlier legislation.

Some of the city ordinances contained clauses requiring advance notice while others did not. For example, Ordinance 11-29 Section 29.4 (a)(5) (Bill 54) states that a required written notice “shall be deemed to have been served if a copy of the written notice is served on the person

storing the personal property or is posted prominently and conspicuously on the stored personal property. The written notice shall contain the following: (5) A statement that the personal property will be impounded if not removed within 24 hours.” However, Ordinance 13-8 does not include a requirement for the City to post notification about an upcoming sweep at the planned location.

Regardless of the laws, the vast majority of survey respondents stated that they did not receive any advance notice of an upcoming sweep and this caused tremendous hardship and worry. Nine out of ten respondents reported that their property was seized without any advanced notice (Figure 23).

Figure 23. “Was advance notice provided to you before the sweep?”



Regarding notification after a sweep, the City and County of Honolulu’s Ordinance 13-8 Section 2A (Bill 7) states: “Written notice of the city’s removal of the sidewalk-nuisance shall be *posted for three consecutive days following removal of the sidewalk-nuisance* on the public property where the sidewalk nuisance was removed. *If notice cannot be posted as provided, then it shall be posted on the internet website for the city for three consecutive days following removal of the sidewalk-nuisance.*” This particular ordinance may conflict with the *Lavan* ruling because online notification for those houseless (who are most likely without wifi connection) will not provide sufficient advance notice.

Many participants came back from work or showers only to find their property being carted away or thrown into trash dump trucks. In those instances where participants were told they could get their property back, doing so proved to be nearly impossible. The property was taken miles away from participants’ encampments and was often intermingled with other persons’ seized property. The \$200 cost to have property returned was prohibitive for most. Very few respondents were told or were aware of a fee waiver and how to obtain one.

When sweeps occurred, respondents reported a wide range of instructions that were given to them. Below are representative responses about what instructions were given during sweeps.

**What instructions were you given during the sweep
(where to stand, what to do, what items you could access before they were taken)?**

- *“Get your stuff and get out... That’s it, you’re not taking anymore and beat it... Tell it to the judge.”*
- *“Told we can get stuff within 30 days but have to pay.”*
- *November 2014 sweep: “Police came, told us to move, did not allow us to take things, received no tags or warning.”*
- *“Cannot go back in tent... grab one backpack.”*
- *“Told to get out of tent, only allowed two bags to be taken.”*
- *“Told where to stand and not to touch anything or you will be arrested or ticketed”*
- *“None [no instructions], they [sweepers] put tape down so that we couldn’t cross to get our stuff and placed a notice on tree about where to pick up items”*
- *“Go down to HPD.”*
- *“5 minutes to get your things.”*
- *“Don’t touch anything. They [sweepers] said if you don’t stay on the sidewalk, we’re going to arrest you. They threw my canopy all over and tore it. [I ask,] ‘Why you act like that?’ They said, ‘shut up.’”*
- *“Stand 15, 20 feet away.”*
- *“You got 15 minutes to get out.*
- *“No, they [sweepers] didn’t give me any instructions.”*
- *“Move your stuff or they [sweepers] will take it. Took down tent and things and brought to grassy area [in the park].”*

In conveying the manner in which sweeps are conducted by the police, one survey respondent said, “If you want a receipt you must stand there and list items. [But] then you start getting questioned by cops.” In another instance, a survey respondent stated “They [sweepers] take everything and throw it in a trash truck. They won’t let you go back there [to your tent] and get your stuff. They just throw your stuff. They already plan to throw your shit away.”

VI. RECOMMENDATIONS

As a result of the findings, we make the following recommendations assuming that preventing and ending homelessness is the long-term goal:

- **Suspend sweeps until a) adequate and appropriate shelter and services are available for subjects of sweeps, b) measures are in place to address physical, psychological, and financial harms, and c) an adequate review of the constitutionality of the laws is conducted.**

Adequate shelter and services for Honolulu's houseless individuals and families remain a significant challenge. Issues of availability, overcrowding, safety, cost, incompatible living preferences, and far travel distances to shelters prevent many from seeking and entering shelters. By reducing the areas where houseless individuals can lawfully stay, such bans leave entire houseless communities the choice of facing constant threat of sweeps and citations or leaving the urban core and moving further into residential and urban areas. In addition, the National Law Center on Homelessness and Poverty warn that these laws may be illegal where there are insufficient housing or shelter options. When cities impose criminal penalties on homeless people for performing necessary, life-sustaining activities in public places when there are no shelter alternatives, such actions may violate the cruel and unusual punishment clause of the Eighth Amendment (see *Pottinger v. City of Miami*, 810 F. Supp. 1551, 1571-1572 [S.D. Fla. 1992]).

- **Require adequate training in trauma-informed care for those who engage with the houseless population, including police officers, contracted personnel, facilities management personnel, and others.**

Among many homeless populations across the nation, there are many individuals with a history of hardship and trauma. Sweeps can lead to re-traumatization and psychological harm as findings show. Personnel interacting with homeless persons require training in trauma-informed care, including on how to approach people with the appropriate care, reading body language, and the importance of knowing one's own verbal and unspoken language⁶. This step is important to build trust between a vulnerable population like the houseless community and government personnel such as the Honolulu Police Department and the Department of Facilities Maintenance.

- **Place a moratorium on the expansion of sit-lie bans and similar ordinances until further investigation is done on the physical, psychological, financial, and legal harms on the homeless.**

Routine disruption through sit-lie and other related policies causes physical displacements that further enhance financial hardship and psychological damage on people experiencing homelessness. Isolation from the urban core also limits employment opportunities and mobility for the houseless. Greater demands would be placed on service providers to locate houseless populations and travel farther to reach those who are most in need. Expansion of these policies would only increase negative impacts of this short-term solution to a larger problem.

⁶ <http://www.downtownseattle.com/2015/01/mid-ambassadors-learn-manage-aggressive-behaviors/>

- **Conduct a formal investigation of houseless' complaints** (such as those expressed in this report) **and require 7 business days advance notification when sweeps are conducted. While enacted, ensure that these policies aimed at the houseless are implemented with respect to human dignity and according to law.**

Many survey respondents experiencing houselessness expressed how no advance notice was provided before sweeps occurred. There are differences in policies across the bills. It is unclear if all current and future sit-lie measures will be required to provide any advance notification. Some harm and loss can be avoided with adequate advance notice of sweeps.

- **Allocate adequate resources to more comprehensive strategies to address the growing problem of homelessness rather than further dispersing and criminalizing homeless individuals and families.**

These findings and recommendations point to the need to holistically address the problem of homelessness in Hawai'i as a priority at all levels – as individuals, neighborhoods, communities, municipalities, and a state. This means statewide collaborative, collective efforts to prevent and end homelessness and to provide affordable housing in Hawai'i. Existing studies point to the need for (1) collaboration across all sectors including the alignment and sharing of resources, (2) development and implementation of strategic plans to end homelessness, and (3) innovation as well as the implementation of proven and promising practices.

Part of the University of Hawai'i's quest is to serve with aloha its local communities. The university also takes as its historic trust the Native Hawaiian values embedded in the concepts of kuleana, `ohana, and `āina that serve to remind us of our responsibilities to family, community, and the environment.⁷ This houselessness class project seeks to fulfill the university's quest by examining the recent effects of city sweeps and sit-lie policies on the houseless population. This project also explored whether such measures get people experiencing homelessness to access shelter and other services. Indeed, the vision expressed in the City and County of Honolulu's 2014 Housing Oahu draft report dictates "Oahu – Hawai'i's gathering place – will provide housing choices that build community, strengthen neighborhoods, and fit family budgets. All people will have access to shelter on Oahu." This is easier said than done, as is apparent in the three main overarching effects found of city sweeps and sit-lie policies on people experiencing houselessness in Honolulu. Household families expressed economic and property loss, physical and psychological harm, and possible constitutional violations as a result of city sweeps and sit-lie measures. Indeed, overall families experiencing homelessness articulated that such sit-lie bans and related ordinances do not get them to access shelter and other services.

In a unique island setting like Hawai'i, there is a transformative, systemic change that must occur that is beyond the scope of this class project. This change includes shifting our development paradigm, establishing a living wage, and reforming our regressive tax system, which all demand political action (Grandinetti, 2015). Such a transformation must also include

⁷ University of Hawai'i at Mānoa 2011-2015 Strategic Plan: <http://manoa.hawaii.edu/vision/pdf/achieving-our-destiny.pdf>

how policy-makers address the problem of homelessness and how the public perceives homelessness. The overwhelmingly harmful effects of current city sweeps and sit-lie policies on vulnerable houseless individuals and families in Hawai'i are a travesty of justice.

Returning to Tana's interview, the interviewer asks Tana several questions about her experience with the sweeps. She says she has experienced the sweeps twice so far. Both times, she moved all her things to a grassy area so they were not on the sidewalk and would not be taken. Towards the middle of the interview, Tana has noticeably been wiping at her eyes, trying to mask any emotion. Tana is asked how she felt when the sweep occurred. There is an uncomfortable, deafening silence. Not wanting to coach or offer possible answers, again the interviewer asks how Tana felt during and immediately after the sweep. Tana finally though hesitantly says in simple but significant terms that portray the moral travesty of sweeps experienced by Honolulu's houseless, "It's not good, what they [the sweepers] did to us."

Four of five Oahu residents see homelessness as a "major" problem and a priority concern on the island (Hawai'i Appleseed, 2014). If we are to responsibly take care of present circumstances and successfully plan for the future welfare of this great aloha state, stakeholders, communities and human capacity at all levels of governance must recognize and prioritize homelessness as a significant topic agenda to prevent and end. Communities around the country have been working in partnership with the federal government to develop comprehensive systems of care that can effectively prevent and end homelessness. In an effort to address duplication of activities, gaps in service delivery and costly use of emergency systems as safety nets, many local partners have developed a host of combined housing and service programs. As the only U.S. state in Oceania and the only one composed entirely of islands, Hawai'i's people and communities have in the past creatively and innovatively overcome several of their obstacles and barriers faced. With this confident historical legacy in mind, along with political will, the people and communities of Hawai'i can certainly prevent and end homelessness.

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APPENDIX 1: Survey Site Descriptions

Site #1: Kaka`ako

The Kaka`ako Makai Parks area is in the Kaka`ako Community Development District (KCDD) of urban Honolulu. The Kaka`ako Makai Parks area includes the Kaka`ako Waterfront Park, Kaka`ako Gateway Park and Kewalo Basin Park. The area is situated between the Pacific Ocean, downtown central business district and Waikiki. Commercial, industrial, residential, retail and a flagship research center anchor this economically vibrant area. The houseless community was a mixture of families, children, middle aged adults and older males. Accommodations ranged in size from large tents, larger tarped living quarters and sleeping bags under tarps supported by sticks.



Tents lining Olomehani Street in Kakaako .

Source: Honolulu Civil Beat

Site #2: Kapālama Canal

The neighborhood is a multi-ethnic, working-class district located west of downtown Honolulu. Southern Chinese, Micronesian, Filipino and Korean families maintain a significant presence. Small family owned businesses, light industrial with a range of housing types support this established community. The area includes several educational institutions including Farrington High School and Honolulu Community College. Two large public housing complexes as well as the Oahu Community Correctional Center occupy significant land parcels. Rapid economic growth is expected to come to the area with the new High Capacity Rail Project. Kalihi will be home to three stations: Middle Street Transit Center, Kalihi, and Kapālama. Kapālama Canal runs between Kohou Street and Kokea Street, crossed by Dillingham Boulevard and North King Street adjacent to Honolulu Community College. Similar to Kaka`ako Gateway Park area, children were visible in their Saturday morning play activities. Directly across the street from the houseless camp site was a mixture of light industrial businesses, restaurants and convenience stores. Tent housing accommodations ranged in size from large tents, sleeping bags under tarps supported by sticks, and fully tarped residences while some of the houseless resided in their cars parked along the canal.



Houseless community along Kapalama Canal.

Source: khon2.com

Dillingham Boulevard and North King Street adjacent to Honolulu Community College. Similar to Kaka`ako Gateway Park area, children were visible in their Saturday morning play activities. Directly across the street from the houseless camp site was a mixture of light industrial businesses, restaurants and convenience stores. Tent housing accommodations ranged in size from large tents, sleeping bags under tarps supported by sticks, and fully tarped residences while some of the houseless resided in their cars parked along the canal.

Site # 3: A`ala Park

Honolulu's Chinatown is one of the oldest Chinatowns in the United States with a rich history of culture and commerce. Historically, Honolulu's Chinatown has served as a gateway for Chinese, Vietnamese, Filipino and other immigration groups (Dyett and Bhatia, 2011). Honolulu's Chinatown neighborhood includes a vibrant mix of cultural institutions, commercial centers, small family owned businesses, residential and open spaces. A`ala Park is located between Beretania Street, King Street and adjacent to the Nu`uanu Stream, which provides recreational and open space as well as a skateboard park for the neighborhood. Throughout the years A`ala Park has been used to host sport events, community festivals and even political events. Chinatown is also expected to receive an economic boost with the addition of a rail station at the intersection of Nimitz Highway and Kekaulike Street (Dyett and Bhatia, 2014).



Houseless tents in Aala Park.

Source: AECOM

APPENDIX 2: Definitions

Houseless versus Homeless: Among other processes used to identify the houseless, according to Hawai'i's state Homeless Coordinator, Colin Kippen, the Vulnerability Index-Service Prioritization and Decision Assistance Tool (VI-SPDAT) is a vulnerability index designed to help communities calibrate their response based on the individual, not merely the general population category into which they may fall (e.g. vulnerable, chronically homeless, etc.). For the purpose of this study, adult member(s) of a "tent" household size were interviewed if they were at their tent camp site, identified themselves as homeless, and were willing to be surveyed. Chronically homeless individuals were defined as unaccompanied adults with a disabling health or mental health condition and who have been homeless continuously for a year or more or have had at least four episodes of homelessness in the last three years (City and County of Honolulu, 2015). A chronically homeless family was defined as having a head of household who was chronically homeless. Also, the term "homeless" has been noted as a term with loaded negative connotations and meanings, so the term "houseless" is used often. However, this study uses both terms interchangeably.

Sit-lie: In this study, sit-lie refers to current municipal policies that prohibit sitting and lying on public sidewalks, urinating and defecating in public spaces, and storing property in public areas as well. Literature on the phenomenon of such policies has used terms like vagrancy and "acts of living."

Sweeps: Sweeps are the verbal and physical acts of clearing public sidewalks and parks by city crews and the police. The city sweeps experienced by the houseless are a result of enforcement regarding sit-lie policies. Dump trucks come by to pick up any stored items on public sidewalks, public parks and any other public domains. "Sweepers" include police officers and other contracted authorities by the City and County of Honolulu.

APPENDIX 3: Ethnicity Code

Category	Included racial/ethnic fields
African American	Black
Caucasian	Caucasian, Portuguese, Middle Eastern
Chinese	Chinese
Filipino	Filipino
Hawaiian/Part Hawaiian	Hawaiian, Mixed ancestry including Hawaiian
Japanese	Japanese
Korean	Korean
Latino/Hispanic	Cuban, Guatemalan, Jamaican, Mexican, Other Hispanic, Panamanian, Puerto Rican, Spanish, Mixed within Latino
Mixed Race	Mixed ancestry between (not within) African American, Asian, Caucasian, Native American, Pacific Islander, not including Hawaiian or Samoan
Native American	American Indian, Alaskan Native
Other Asian and Mixed Asian	Burmese, Cambodian, East Indian, Indonesian, Laotian, Malayan, Other Asian, Thai, Vietnamese, Mixed within Asian (including Chinese, Filipino, Japanese, Korean)
Other Pacific Islander and Mixed Pacific Islander	Fijian, Guamanian, Maori, Other Pacific Islander, Tahitian, Tongan, Mixed within Pacific Islander not including Samoan
Samoan	Samoan, Mixed ancestry including Samoan but not Hawaiian
Micronesian	Chuukese, Marshallese, Yapese, other FSM citizens

APPENDIX 4: Case Summaries and Constitutional Rulings Regarding Sit-Lie and Related Ordinances

The Fifth Amendment of the U.S. Constitution prohibits the federal government from depriving a person “of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.” The Due Process Clause of the Fourteenth Amendment applies this provision to states. Article I Section 5 of the Hawai‘i Constitution similarly provides, “No person shall be deprived of life, liberty or property without due process of law.”

The Fourth Amendment of the U.S. Constitution protects against unlawful seizures of property. In 1984’s *United States v. Jacobsen* (466 U.S. 109, 1131984), this occurs “when there is some meaningful interference with an individual’s possessory interests in that property,” regardless of whether the owner had a reasonable expectation of privacy in that property.

In *Lavan v. City of Los Angeles* (2011), the Ninth Circuit Court of Appeals found that similar conduct of seizing and destroying unabandoned legal papers, shelters, and personal effects belonging to houseless people interferes with Fourth Amendment protections, noting “the City meaningfully interfered with Appellees’ possessory interests in that property. No more is necessary to trigger the Fourth Amendment’s reasonableness requirement.” The court further held that the City of Los Angeles violated the Due Process Clause when it “failed to provide any notice or opportunity to be heard for Tony Lavan and other Appellees before it seized and destroyed their property,” regardless of whether Appellees violated a city ordinance.

The *Lavan* finding regarding the Due Process Clause applies to Honolulu’s current sweeps and sit-lie measures. Given the private interests involved, the likelihood of permanent deprivation, and the ease with which the deprivation could be avoided simply by providing notice, (see 1976’s *Mathews v. Eldridge*, 424 U.S. 319, 335), the City and County of Honolulu cannot lawfully seize property belonging to the houseless without providing advanced notice and a meaningful post-deprivation opportunity to regain seized property.

APPENDIX 5: HONOLULU HOUSELESS SURVEY QUESTIONNAIRE

Interviewer Name: _____

SECTION 1: PERSONAL INFORMATION

The first few questions are some general information about yourself and your family. We assure you that all responses are anonymous, meaning this information will not be linked to your identity.

1. Please list the friends and family who are currently part of your household (i.e., within your tent) by age and relationship to you:

	<u>Age</u>	<u>Gender</u>	<u>Relationship</u>	<u>Ethnicity</u>
(Self) 1:	_____	_____	_____	_____
2:	_____	_____	_____	_____
3:	_____	_____	_____	_____
4:	_____	_____	_____	_____
5:	_____	_____	_____	_____
6:	_____	_____	_____	_____
7:	_____	_____	_____	_____
8:	_____	_____	_____	_____

2. What is your primary language spoken? _____

3. How long have you been houseless?

- 1-6 months
- 7-12 months
- 13-24 months
- 25 months or greater

4. Do you mind telling me the ways you support yourself financially (i.e. work, benefits, family contribution...ask them NOT to mention anything illegal; what type of work you do and how many hours per week you do this):

5. Are you getting any help or support from any individuals or organizations assisting this community?

- No
- Yes

If yes, what type and from whom? _____

Are you receiving any of the following benefits? Please let me know all that apply.

- SNAP ("Food stamps")
- WIC (if it is a woman or child)
- TANF ("Welfare")
- Social Security Income benefits/Social Security Disability Income benefits
- General Assistance
- Unemployment Insurance ("Unemployment")
- Free/Reduced lunch (Please list the number of children in your house who receive FRL: _____)
- Other (Please describe: _____)

SECTION 2: EFFECTS OF HONOLULU'S "COMPASSIONATE DISRUPTION" LAWS

The next few questions are meant to understand the effects of the city's "compassionate disruption" laws that make it illegal for people to sit or lie on a sidewalk.

6. Have you received a citation, been arrested for sitting or lying on a sidewalk or related nuisance matter (i.e. public urination or defecation, sleeping in the parks past midnight), and/or experienced a sweep?

- No (*If no, please skip to QUESTION #23*)
- Yes

IF YES, we would first like to discuss the most recent incident.

INCIDENT 1

Please mark ONE: _____ CITATION _____ ARREST

Did the arrest or citation also involve a SWEEP where they took your belongings? ____ YES ____ NO

Approximate month and year: _____

Reason for citation/arrest: _____

Assistance offered by the police or city official: ____ YES ____ NO If yes, what type? _____

Did the police or city official tell you how you can get shelter or other services: ____ YES ____ NO

IF THE INCIDENT INVOLVED A SWEEP WHERE THEY TOOK YOUR BELONGINGS:

Did you have time to remove belongings: ____ YES ____ NO

If yes, how much advanced notice did you have? _____

How did you find out about the sweep? _____

List possessions taken: _____

Able to retrieve possessions: ____ YES ____ NO If not, why? _____

INCIDENT 2:

Please mark ONE: _____ CITATION _____ ARREST

Did the arrest or citation also involve a SWEEP where they took your belongings? ____ YES ____ NO

Approximate month and year: _____

Reason for citation/arrest: _____

Assistance offered by the police or city official: ____ YES ____ NO If yes, what type? _____

Did the police or city official tell you how you can get shelter or other services: ____ YES ____ NO

IF THE INCIDENT INVOLVED A SWEEP WHERE THEY TOOK YOUR BELONGINGS:

Did you have time to remove belongings: ____ YES ____ NO

If yes, how much advanced notice did you have? _____

How did you find out about the sweep? _____

List possessions taken: _____

Able to retrieve possessions: ____ YES ____ NO If not, why? _____

INCIDENT 3:

Please mark ONE: _____ CITATION _____ ARREST

Did the arrest or citation also involve a SWEEP where they took your belongings? _____ YES _____ NO

Approximate month and year: _____

Reason for citation/arrest: _____

Assistance offered by the police or city official: _____ YES _____ NO If yes, what type? _____

Did the police or city official tell you how you can get shelter or other services: _____ YES _____ NO

IF THE INCIDENT INVOLVED A SWEEP WHERE THEY TOOK YOUR BELONGINGS:

Did you have time to remove belongings: _____ YES _____ NO

If yes, how much advanced notice did you have? _____

How did you find out about the sweep? _____

List possessions taken: _____

Able to retrieve possessions: _____ YES _____ NO If not, why? _____

If there are additional citations, arrests and/or sweeps, how many more have occurred in addition to the ones you already shared?

_____ Citations

_____ Arrests

_____ Sweeps

SECTION 3: EFFECTS OF CITATIONS

I'M GOING TO ASK YOU QUESTIONS JUST ABOUT THE CITATIONS NEXT (not the sweeps).

8. How did you feel during and immediately after receiving the citation(s)?

9. Did you go to court because of any of them?

No

Yes

If you had to go to court, what was the outcome?

- Citation
- Conviction

If convicted, what was the sentence?

-
- Dropped charges
 - Other: _____

10. What effect did the citation(s) have on your life/your family's life?

- Positive. Please describe: _____
- Negative. Please describe: _____
- Neutral. Please describe: _____
- No effect

11. As a result of the citation(s), are you:

- More able or likely to go to a shelter (example: IHS or Next Step)
- Less able or likely to go to a shelter (example: IHS or Next Step)
- The citation(s) had no effect on my ability or desire to seek shelter (reasons below)
 - Already sought shelter beforehand
 - Shelter is overcrowded
 - Shelter is dangerous
 - Do not like shelter/not interested in seeking shelter
 - Other: _____

12. As a result of the incident(s), are you:

- More able/likely to look for work
- Less able/likely to look for work
- The citation/arrest had no effect on my ability or desire to seek work

Have you been trying to get work? If so, can you briefly describe how that's been going: _____

SECTION 4: EFFECTS OF THE SWEEPS/RAIDS (If they experienced one)

Since you mentioned that you have experienced a sweep within the last year, the next few questions are in regards to the details of the latest sweep you have experienced.

13. What instructions were you given during the sweep (where to stand, what to do, what items you could access before they were taken)?

14. Were you given a receipt or tag to get your items back?

- No
- Yes

If yes, when were you given the receipt? _____

Did you have to ask for the receipt?

- Yes
- No

Did the receipt list all items you saw taken?

- Yes
- No

Did the receipt include clear instructions about what you must to do get the items back?

- Yes
- No

Did the official giving the receipt provide instructions of how to get the items back?

- Yes

What were the instructions given? _____

- No

15. Were you told that the fee to get your things back could be waived (i.e. there is a way you could get your things back even if you couldn't afford to pay)?

- Yes. Please describe what/how you were told:

- No

16. Have you tried to get your things back?

- No *(If no, please proceed to QUESTION #17)*

- Yes, and I got my things back.

- Yes, but I did not get my things back.

a) Did you get back everything you saw taken?

- Yes

- No

b) How long did it take between the time of the sweep and when you got your things?

c) Did you have to pay to get your things back?

- Yes

- No

IF YES:

d) Did you apply for a fee waiver?

- No. Please describe why: _____

- Yes, but I was denied the waiver. Please describe why: _____

- Yes, and I received the waiver.

e) Approximately how long did it take for you to get the fee waiver approved?

f) Approximately how long did it take from the waiver approval to getting your things back? _____

17. How did you feel during and immediately after the sweep?

18. What effect did the sweep(s) have on your/your family's life?

- Positive (please describe): _____
- Negative (please describe): _____
- Neutral (please describe): _____
- No effect

19. As a result of the sweep, are you:

- More able/likely to go to a shelter (example: IHS or Next Step)
- Less able/likely to go to a shelter (example: IHS or Next Step)
- The sweep had no effect on my ability or desire to seek shelter. Please describe why:

20. As a result of the sweep, are you:

- More able/likely to look for (more/better) work
- Less able/likely to look for (more/better) work
- The sweep had no effect on my ability or desire to look for (more/better) work.

Explanation: _____

SECTION 5: CONFISCATION OF IDENTIFICATION DOCUMENTS

By “ID” we mean a Driver’s license, passport, state ID, Social Security card, green card or other ID you need to access work, school, and/or services.

21. Have you or your family member(s) had your IDs or other important document(s) taken in a sweep?

- No *(If no, please proceed to Question #23)*
- Yes

Please list which ID or document(s) was taken: _____

a. What happened to the ID/document?

- It was immediately returned to me
- It was stored and I was given a claim check and instructions to retrieve it
- It was thrown away
- I don’t know

b. Did you ask to get your ID/document back during the sweep?

- Yes and it was returned
- Yes but it was not returned
- No
- I don’t know/can’t remember

c. Have you tried to get a new ID?

- No
- Yes, but I did not get it/have not gotten it yet

How long ago did you start trying to get a new ID?

- Yes, and I got it

How long did it take you to get your new ID?

22. If an organization or group helped you get your new ID, please list their name(s) here:

SECTION 6: IMMEDIATE AND LONG-TERM NEEDS

The next few questions are meant to understand your immediate and long-term needs. We assure you that all responses are anonymous, meaning this information will not be linked to your identity.

23. Do you worry about possible sweeps? If so, how does knowing about that possibility impact you and/or your family?

24. Where did you live previously before moving to this area? What prompted you to relocate to the area?

25. What would be the biggest help to you and your family in finding a pathway to housing?
