

Name of agency/organization: Hawaii Police Department

Contact person/phone/email: Capt Jelsma

Thank you for taking the time to answer these questions.

1. In your experience, how prevalent is the issue of squatting and adverse possession?  
a consistent issue that patrol officers deal with in the Puna District,

2. In what communities and districts do squatting and adverse possession appear most prominent?

It is prominent in Puna district but believed to be something occurring islandwide particularly with the increase in recent years of homeowners defaulting on loans and bank foreclosures

3. When you receive notice or a complaint about these situations, what is your normal course of action?

If the complaint came directly from the property owner of someone squatting on their property or home, officers would request documentation and/or confirm ownership. With proof of ownership of property, officers would then go down to the location and make contact with squatter. If squatters found within a residence with no documentation to show they had a legal right to be there this would be grounds to arrest for the offense of Burglary (or trespass dependant on the circumstances). If the complaint is from neighbors and owner is unknown or a mainland bank, more involved process potentially assigned to our Community Policing officers to follow up upon. Patrol officers would still go down and make contact with the alleged squatters, ID and run checks to determine if wanted.

4. What kinds of complications have arisen in the past that have prevented a successful resolution of the situation?

Foreclosures with a mainland bank holding ownership (or in the process of Foreclosure). The deed may have changed hands and sold several times between banks and determining who is the current owner may be time consuming. Then once we do determine owner finding a contact person and getting that individual or bank to respond is often a problem (without a victim willing to be named in a complaint we have no crime). We have sent out certified mail to the identified mainland owner notifying them of the squatter issue in a home under their name with no response back whatsoever. Private owners of a home under foreclosure may not be concerned that squatters are in the house as they expect to lose the house to the bank anyway.

5. For those situations that have been successfully resolved, please describe what happened.

Ideally these would be applicable to a homeowner who may live on the mainland or Oahu who has not been at property for an extended period of time returning to view property or stay there and discovering unknown person is at the house. Or off-island owner being notified by neighbors of a possible squatter situation, contacting police and providing property documentation. This would provide police with all they need to go down and

make an arrest. (No specific incidents to reference).

6. What happens when you contact or try to contact the owner of record?

At times no response (more often if this involves a mainland bank)

7. What solutions would you recommend?

Passing legislation requiring all banks owning property in Hawaii County to have an on-island representative that police could contact as needed who would have the authority to act on behalf of the property owner or put police in touch with a person with the authority to act on behalf of the property owner (example: name, phone number (with extension), address of a mainland bank's contact person for that specific property)

8. Are there any other comments you would like to make?

No