

Name of agency/organization: State of Hawai Department of Public Safety / Sheriff Division Hawaii Island Section

Contact person/phone/email: Lieutenant Patrick K. Kawai / [REDACTED]

Thank you for taking the time to answer these questions.

1. In your experience, how prevalent is the issue of squatting and adverse possession?

The Sheriff's Office executes valid eviction orders from the Judiciary. Sheriff's are unaware of the circumstances that led up to the issuing of the eviction order, therefore, I could not comment on the prevalence of squatting and / or adverse possession. I can reflect that the Sheriff's Office have executed valid eviction orders upon defendant's who were squatting within dwellings or on property unlawfully.

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

Once again, I cannot not comment on which districts squatting and adverse possession cases are most prominent. I can reflect that the Sheriff's Office have executed eviction orders across all districts on Hawaii Island.

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

If a complaint of someone unlawfully squatting within a dwelling or upon property is made to the Sheriff's Office, they are referred to the County Police to follow-up on. The Sheriff's Office will not get involved in eviction cases if the person seeking assistance does not possess a valid eviction order from the Judiciary.

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

When the Sheriff's Office receives a request to assist someone with a valid eviction order from the Judiciary, an initial visit is made to the property as a courtesy to whomever is occupying that dwelling and / or property identified on the order. The Sheriff's Office informs any persons present that we have a valid order and intend on executing the order, and also that it would be beneficial to all parties involved that they voluntarily remove themselves as well as their personal property from the real property identified on the order. Uncooperative persons prevent successful executions of eviction orders. If the persons do not cooperate, a full eviction is planned and carried out at a later date.

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

All persons remove themselves as well as their personal property voluntarily.

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

Due to the fact that the Sheriff's Office has a valid order from the Judiciary, there is no requirement to contact the owner of record. Rather, the Sheriff's endeavor always to

execute the order.

7. What solutions would you recommend?

Much of what I have experienced with squatters occupying dwellings and / or property unlawfully, is when the Police are called by neighbors about people squatting, they cannot identify the owner or person who has lawful standing upon the property to make the complaint. Other times, the Police may have the owner or person who has lawful standing attempting to make a complaint about persons who are currently occupying their home or property. But the Officer has difficulty verifying if the person attempting to make the complaint is indeed the person who has standing to make the complaint. Many times these persons are referred to my office by the Officer who informs the owner that the case is a "civil matter". Subsequently, I inform the owner that we execute eviction orders and that they would need one for the Sheriff's to evict any persons from the dwelling and / or property. This understandably causes much frustration for the owner. Because many vacant homes that are being occupied unlawfully (squatting) are owned by persons not residing in the County, there needs to be a mechanism in place to assist Law Enforcement in being able to receive a valid complaint and act upon it. Otherwise, how does the Officer verify whether or not a person is in fact "squatting" in a home? In addition, I suggest there be clearly written and directed protocols in place for homeowners to gather all the documents necessary to make a valid complaint of persons unlawfully occupying their dwelling and / or property. Real Estate documents are very complex and if a person provides a stack of documents to the Officer attempting to take a complaint to verify their standing on the property, that will not only be time consuming but also confusing and if the Officer makes a mistake, the liabilities are more than any person would want to deal with. Perhaps a recognized standard form may be provided by the Bureau of Conveyances, or Property Tax office (or relevant government agency) to the owner of record verifying standing and that one form be provided to Law Enforcement to demonstrate that they do in fact have standing to make the complaint to Law Enforcement. This form should be enough for the Officer responding to the complaint to verify that persons within the dwelling are in fact squatting or occupying the dwelling and / or property unlawfully.

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

No other comments.