

## State of Hawaii • City and County of Honolulu

October 3, 2017

Mayor Kirk Caldwell  
City Hall  
530 South King Street  
Honolulu Hawaii 96813

Re: Disturbance at 975 Kapiolani Boulevard

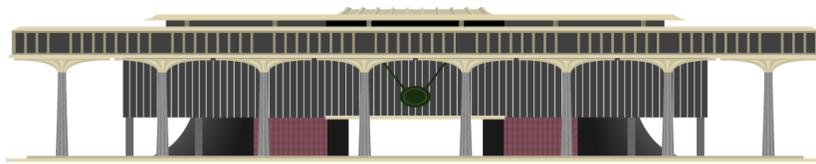
Dear Mayor Caldwell:

As you know, a block party consisting of up to 1,000 persons was held at 975 Kapiolani Boulevard on Saturday, September 23, 2017, and lasted into the early morning hours of September 24. Several Honolulu Police Department (HPD) officers were called to the scene throughout the night in response to noise and other complaints, but HPD took no action. An unofficial report indicates that HPD officers took no action because they were afraid that the crowd would turn on them.

We request that you investigate the reason(s) that HPD took no action. Specifically, HPD could have cited the property owner and partygoers for violation of the state disorderly conduct statute, which is found in Hawaii Revised Statutes §711-1101(1)(b). That provision provides that disorderly conduct occurs where a person intentionally or recklessly “makes unreasonable noise.”

Noise is “unreasonable” when it is not conducive to the time or circumstances in which it occurs. H.R.S. §711-1101(2). In 1979, the Legislature amended subsection (2) to facilitate prosecution by authorizing a police officer to subjectively determine if noise is unreasonable. The person’s failure to heed the officer’s warning is a violation of the statute.

There is legal precedent to apply the disorderly conduct statute to a party. The Ohio Supreme Court affirmed the conviction of a person who hosted an indoor Halloween party in a nonresidential building. The host ignored police officers’ repeated warnings and the music emanated and continued into the early morning hours, disrupting sleeping neighbors who resided ¼ mile from the party scene. The court found that the timing and location of the music constituted disorderly conduct. The host did not assert a defense that the noise was permissible under local zoning standards. *State v. Carrick*, 965 N.E.2d 264 (Ohio 2012).



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We hope that the owner of 975 Kapiolani Boulevard will voluntarily agree to cease and desist from holding similar events in the future. To date, the owner has not made such a commitment. We would appreciate your office contacting the property owner to make this request to avoid the reoccurrence of a similar situation.

Because this matter has intensified, we request that you make an immediate inquiry to the HPD and inform us of any response you receive.

Thank you for your time and attention to this matter.

Sincerely,

BRICKWOOD GALUTERIA  
State Senator  
District 12

SCOTT K. SAIKI  
State Representative  
District 26

ANN KOBAYASHI  
Councilmember  
District 5

CAROL FUKUNAGA  
Councilmember  
District 6