

May 8, 2008

Ms. Pamela Burns
Executive Director, Hawaiian Humane Society (HHS)
2700 Waialae Avenue
Honolulu, Hawaii 96826

Dear Ms. Burns:

We are writing to request your assistance and input regarding a homeless person ("Cathleen") who is keeping cats and other animals within cages/traps/carriers, mounted on and attached to grocery carts. As you may know, Cathleen pushes and drags the carts, which she has chained together, along King Street roughly between Ward Avenue and Moiliili. Most recently, we have observed her living within the public right-of-way fronting the State Department of Health (DOH) building located at the end of Ward Avenue near Fisherman's Wharf.

We have been in consultation with one of the major U.S. animal advocacy organizations regarding Cathleen's activities, and they have opined that the situation, i.e., where cats are forced to live continuously in a small trap or carrying cage, is in "clear violation of Section 711-1109, Hawaii Revised Statutes (HRS)," and that "carrying such cats in a cruel or inhumane manner" is in violation of the law. First of all, we would like to say that we are not necessarily opposed to a homeless person having a companion animal, as long as the animal is cared for in conformance with the laws of the State of Hawaii and treated humanely. However, in our observations of Cathleen, we have seen and documented activities which we believe are in clear violation of Hawaii State law.

For example, on April 26, 2008, we observed Cathleen in front of the State DOH building, located at 919 Ala Moana Blvd., Honolulu, Hawaii, 96814. On that occasion, she had 9 carriers/cages, a number of traps (currently unoccupied), and 2 grocery carts. The cages were stacked one on top of the other on the grocery carts, some stacked 3 cages high. When a cat, confined in a carrier, tried to defecate in the uppermost carrier/cage, that cage started to rock back and forth because it was unstable. In one small carrier, we documented one adult cat and 2 kittens. The carriers/traps/cages in which the animals are confined have no protection from the elements (sun, wind, rain). The adult cat had great difficulty just trying to turn around in the cage, to find another position in which to lie down, stepping over, around, and on top of the sleeping kittens in the small carrier. Thus, the living conditions provided for these animals are not adequate, and do not provide adequate living space in accordance with Hawaii law.

We would like to point out that under Hawaii law, the definition of “necessary sustenance” includes, among other things, a requirement for “adequate space.” We submit that this situation, where animals are forced to live continuously in a small cage/trap/carrying case, is in violation of Section 711-1109, HRS (cruelty to animals in the second degree). We further submit that keeping such animals in a “cruel or inhumane manner” is also in violation of Hawaii law.

Moreover, as these carts are dragged by Cathleen from place to place, the animals are forced to endure the intense heat from the sun, which as you know can be quite oppressive here in Hawaii. And, because the cages are not cleaned out frequently enough, the animals are forced to lie in their urine and feces. Keep in mind that these animals must live continuously in these conditions. They are not allowed to walk or to run outside of this confinement. Again, we believe that this represents a clear violation of Hawaii law.

Another aspect of this situation which we find disturbing is the fact that Cathleen displays the classic symptoms of animal hoarding.

We observed that Cathleen has difficulty walking, and appeared to have labored breathing. We are concerned about the animals she hoards and keeps in a cruel and inhumane manner. The number of animals and cages has increased since we last observed her (a few months ago), and as we have said, the cages are stacked one on top of the other.

We are aware of the highly-publicized cases in Heeia (Kaneohe) and Hawaii Kai, where the HHS interceded to remove animals from hoarders/abusers. News coverage of those incidents revealed that a number of animals were being kept continuously in small cages, in dirty conditions. Aside from the fact that these violators had dwellings, we see no substantive difference between their behavior and that of the homeless woman, Cathleen. The fact that she has no dwelling means that she lives within the public right-of-way, and the pitiful plight of the animals in her possession is therefore highly conspicuous to the community-at-large. It is our understanding that a number of complaints are received by the HHS in this regard. We are concerned that, according to Cathleen, she obtains her traps and carriers from the HHS, and when kittens are born, the HHS comes and picks them up.

In summary, under Section 711-1100, HRS, *Definitions*, “Necessary Sustenance” means “care sufficient to preserve the health and well-being of a pet animal” and includes, but is not limited to, the following requirements: (1) Food of sufficient quantity and quality to allow for normal growth or maintenance of body weight; (2) open or adequate access to water in sufficient quantity and quality to satisfy the animals needs; (3) access to protection from wind, rain, or

sun; and, (4) an area of confinement that has adequate space necessary for the health of the animal and is kept reasonably clean and free from excess waste or other contaminants that could affect the animals health. From our research and observations, we believe that Cathleen is in violation of (at least) Items 3 and 4 of Section 711-1100, HRS.

Therefore, in light of the above facts, we ask for your assistance in removing the animals from Cathleen's possession. For the reasons stated above, we believe that Cathleen is clearly in violation of the law, and ask that you take action quickly to relieve the animals' suffering. We understand that it will likely be easy to have the kittens adopted through your facility; however, we are concerned about the adult cats and other animals in her possession. During our April 26, 2008 observation, she had a white duck confined in one of the carriers. We do not want any animals to be euthanized as a result of the confiscation. Therefore, we would like to work with you, and we are willing to take the adult animals or any of the animals (if they cannot be adopted through the HHS) and make sure that they receive a good home, each and every one.

If we can be of any other assistance, we would welcome the opportunity to work with the HHS in this matter. We hope to hear from you in the very near future, to alleviate the suffering of these unfortunate animals and to enforce the anti-cruelty statutes of Hawaii law.

Sincerely Yours,



Pamela Davis
President, Animal Advocate, Inc.
2464-A Pali Highway
Honolulu, Hawaii 96817

cc: City and County of Honolulu, Department of Customer Service
Humane Society of the United States
Animal Legal Defense Fund