



HAWAII DISABILITY RIGHTS CENTER

HDRC

is a private non-profit public interest organization
established in 1977 as the
Protection and Advocacy Agency of Hawaii.

HDRC

is Hawaii's Protection and Advocacy System
for People with Disabilities,



as authorized in federal and state law
and designated by the Governor.

HDRC

protects and promotes the human, civil and legal rights
of people with disabilities
through the provision of information and advocacy.

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Photo by Sharon Smockhoffmann



HAWAII DISABILITY RIGHTS CENTER

PROTECTING YOUR RIGHTS TO
JUSTICE

CAPACITY

refers to an individual's ability to control his/her own life and make his/her own decisions. All people, including people with a disability, have the right to be presumed to possess capacity, unless determined by a court of law to lack capacity. And, people with disabilities who have been adjudicated to lack capacity, have a right to demonstrate and regain their capacity.

EQUAL PROTECTION

is the right of all people under the law. However, some people with disabilities may behave differently than most people, and thus be treated differently in their interactions with law enforcement. Under Section 1983 of the Civil Rights Act of 1964, it is illegal for anyone, acting under the "color of law," to deny the civil rights of any citizen, including a citizen who has a disability (including mental illness).

CRUEL AND UNUSUAL PUNISHMENT

is prohibited by the Federal and State constitutions. People with disabilities in jail or prisons who are denied treatment, particularly while they are pre-trial detainees, are arguably subjected to cruel and unusual punishment.

COMMITMENT & CONDITIONAL RELEASE

are the proceedings by which people with mental illness may be committed to a state institution for care and treatment, when a court has determined that due to mental illness they cannot be found guilty of a criminal action and sentenced to a prison term. Without a definite prison sentence they may be committed for care and treatment for lengthy and unspecified periods of time. Delays in either commitment or release proceedings may constitute a violation of their civil rights.

HAWAII DISABILITY RIGHTS CENTER JUSTICE ISSUES

- ▶ **Termination of Guardianship**
- ▶ **Lack of Equal Protection**
- ▶ **Inhumane Treatment in Detention Facilities (Pre-Trial)**
- ▶ **Delay of Process in Commitment and Release Proceedings**
- ▶ **Accommodations in Judicial Proceedings, Such as Sign Language Interpreters**

▼ **For More Information and Assistance**



Oahu Residents
Call (v/tty) 949-2922

Neighbor Island Residents
Call (v/tty) 1-800-882-1057