



## HAWAII DISABILITY RIGHTS CENTER

a private non-profit public interest corporation,  
protects and promotes the human, civil and legal rights  
of people with disabilities  
through the provision of information and advocacy.

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HDRC is Hawaii's  
**PROTECTION AND ADVOCACY SYSTEM**  
for People with Disabilities



and

**CLIENT ASSISTANCE PROGRAM**

**CAP**

as authorized in federal and state law  
and designated by Executive Order.

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<http://www.dreamstime.com/royalty-free-stock-images-exotic-tropical-flowers-image7316259#res13297758>

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HAWAII DISABILITY RIGHTS CENTER

A background image of several white plumeria flowers with yellow centers, covered in water droplets, set against a large green leaf.

**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 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, 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 or ruled unfit to proceed. 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**
- ▶ **Lack of Mental Health Treatment in Detention Facilities**
- ▶ **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