



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
THIRTIETH LEGISLATURE, 2019**

ON THE FOLLOWING MEASURE:

S.B. NO. 557, RELATING TO LAW ENFORCEMENT.

BEFORE THE:

SENATE COMMITTEES ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND
MILITARY AFFAIRS AND ON JUDICIARY

DATE: Friday, February 8, 2019

TIME: 10:05 a.m.

LOCATION: State Capitol, Room 016

TESTIFIER(S): Clare E. Connors, Attorney General, or
Lance Goto, Deputy Attorney General

Chairs Nishihara and Rhoads and Members of the Committees:

The Department of the Attorney General ("the Department") submits the following comments.

The purpose of this bill is to prohibit, except in certain circumstances, state and county law enforcement agencies from assisting or cooperating with federal government efforts to enforce immigration laws.

If enacted, this bill may subject the State to closer scrutiny by the federal government, result in loss or delay in federal grant funding, and increase the risk that the State will become a party to litigation, either in defense of actions brought by the federal government, or in state efforts to enjoin actions by the federal government. None of these impact the legality of this bill, but are raised for your consideration.

These issues revolve around state compliance with federal grant requirements, including title 8 United States Code section 1373, which reads:

- (a) In general
Notwithstanding any other provision of Federal, State, or local law, a Federal, State, or local government entity or official may not prohibit, or in any way restrict, any government entity or official from sending to, or receiving from, the Immigration and Naturalization Service information regarding the citizenship or immigration status, lawful or unlawful, of any individual.

- (b) Additional authority of government entities

Notwithstanding any other provision of Federal, State, or local law, no person or agency may prohibit, or in any way restrict, a Federal, State, or local government entity from doing any of the following with respect to information regarding the immigration status, lawful or unlawful, of any individual:

- (1) Sending such information to, or requesting or receiving such information from, the Immigration and Naturalization Service.
- (2) Maintaining such information.
- (3) Exchanging such information with any other Federal, State, or local government entity.

It is the position of federal authorities that federal grantees commit to following all relevant federal laws when they sign for their grant awards. This includes compliance with section 1373. The federal government currently requires states to certify compliance with section 1373, before being able to draw down grant awards. This bill could lead the federal Department of Justice (DOJ) to investigate or accuse the State and the counties of failing to comply with section 1373 with respect to grants already accepted and could affect the ability of the State and the counties to certify compliance for future grants.

Last year, the DOJ attached two new conditions to the Edward Byrne Memorial Justice Assistance Grant (Byrne JAG) and several other programs. The Byrne JAG is a primary provider of federal criminal justice funding to state and local governments. DOJ required state and local governments to: (1) allow the Immigration and Customs Enforcement (ICE) agency to access prisons and jails; and (2) provide ICE forty-eight hours notice of the release of a person of interest. Although some lower courts have ruled against DOJ regarding these conditions, courts have generally been limiting the effect of their injunctions to the parties in each case and have been reluctant to apply their injunctions nationwide. The litigation is still pending in the federal courts and the outcome is not clear.

The federal criminal justice funding that the State and the counties receive each year are used for important law enforcement projects statewide. Rather than risk jeopardizing these funds, it may be preferable to wait until the pending federal court challenges are resolved before enacting legislation.

The Department appreciates the opportunity to provide comments on this measure.

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813
TELEPHONE: (808) 529-3111 · INTERNET: www.honolulu-pd.org



KIRK CALDWELL
MAYOR

SUSAN BALLARD
CHIEF

JOHN D. McCARTHY
JONATHAN GREMS
DEPUTY CHIEFS

OUR REFERENCE MC-JK

February 8, 2019

The Honorable Clarence K. Nishihara, Chair
and Members
Committee on Public Safety,
Intergovernmental, and Military Affairs
The Honorable Karl Rhoads, Chair
and Members
Committee on Judiciary
State Senate
415 South Beretania Street, Room 214
Honolulu, Hawaii 96813

Dear Chair Nishihara, Chair Rhoads, and Members:

SUBJECT: Senate Bill No. 557, Relating to Law Enforcement

I am Acting Major Mark Cricchio of the Central Receiving Division, Honolulu Police Department (HPD), City and County of Honolulu.

The HPD opposes Senate Bill No. 557, Relating to Law Enforcement. While the HPD supports the principle that a relationship of trust and cooperation among members of the immigrant community and local law enforcement is essential, we do not believe that this bill will accomplish that goal. It will instead hamper police efforts to keep our community safe by threatening the local police department's ability to qualify for essential federal funding.

Senate Bill No. 557 is founded on the incorrect premise that local law enforcement acts at the request of federal immigration officials in the execution of its duties. Such a notion is incorrect and misleading. Further, Senate Bill No. 557 pits federal law enforcement against local law enforcement and places police in the difficult position of having to choose between obeying state law or federal law. For the foregoing reasons, the HPD respectfully objects to this bill.

The Honorable Clarence K. Nishihara, Chair
and Members
The Honorable Karl Rhoads, Chair
and Members
February 8, 2019
Page 2

The HPD urges you to oppose Senate Bill No. 557.

Thank you for the opportunity to testify.

Sincerely,


Mark Cricchio, Acting Major
Central Receiving Division

APPROVED:


Susan Ballard
Chief of Police

SB-557

Submitted on: 2/4/2019 7:04:49 PM

Testimony for PSM on 2/8/2019 10:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Midwives Alliance of Hawaii	Testifying for Midwives Alliance of Hawaii	Support	No

Comments:

We strongly support SB557 and urge you to pass this bill. It is important to us that Hawaii maintains that they will not participate in cruel and inhumane federal immigration policies, and that our local law enforcement is not used to assist federal agencies to enforce these egregious immigration policies, except when required by law.

10:05 am, February 8, 2018

Testimony in support SB 557 Relating to Law Enforcement and Ho'okipa policy

Testimony submitted by Amy Agbayani, chair

Filipina Advocacy Network (FAN)

3432 B-1 Kalihi St. Honolulu, Hi 96819

Chair Nishihara, Chair Rhoads and Vice Chair Wakai:

I am representing, Filipina Advocacy Network (FAN) in strong support of SB557. FAN advocates for equity, non-discrimination, diversity, and inclusion. We support this law enforcement bill, providing equity and declaring Hawai'i to be a Ho'okipa (Welcoming) State. This bill expresses our shared values and our aspirations and our rejection of hate towards vulnerable people. FAN is very concerned that members of the Filipino community, many who are recent immigrants, will face even more barriers to equal and full participation and fair treatment.

In 1906 fifteen men left the Philippines and came to Hawai'i to work on the plantations. Since then thousands of Filipinos, their children and grandchildren have become citizens and residents of the state. Filipinos (26% alone and mixed) are now the second largest ethnic group in the state (after White/Caucasians). Since the 1965 major amendments to the US Immigration law, Filipinos continue to be the largest immigrant group arriving in the state annually. One estimate is that 40% of the undocumented people in our state are from the Philippines. Many are in mixed status households (a spouse or a child may be a US citizen or legal resident), most are Catholic and some are Muslims. They are our neighbors, colleagues, students, workers, caregivers and taxpayers.

Immigrants (both documented and undocumented) are “crucial” to the welfare of our nation and our state. The 3/9/17 Star Advertiser article based on the Pew Research Center research states that “America’s workforce will only grow over the next two decades if new immigrants arrive to replace retiring baby boomers...Pew projected that the US working-age (25-64) population will grow to 183 million in 2035 from 173 million in 2015, with new immigrants accounting for all the growth...Without them, the number of working-age Americans would drop to 168 million in 2035. As baby-boomers retire, the number of US born working age adults with US born parents will account for a smaller share of the working-age population: 66 percent in 2035, down from 74 percent in 2015. The Pew report echoes what many economist have been saying in various reports: the US NEEDS IMMIGRANTS TO REPLACE RETIREES.

SB557 is inclusive and acknowledges that the contributions of immigrants are part of the history and future of our state and nation. The federal government is responsible for immigration policy and enforcement. We should not use state or city resources to help enforce federal immigration laws that are based on hate and discrimination. This bill will keep families together, help our economy and keep us more secure. Please vote for this bill that calls for sensible law enforcement that is fair and welcoming (Ho’okipa). Maraming salamat.



Hawaii Women's Coalition

COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS

Senator Clarence K. Nishihara, Chair

Senator Glenn Wakai, Vice Chair

COMMITTEE ON JUDICIARY

Senator Karl Rhoads, Chair

Senator Glenn Wakai, Vice Chair

DATE: Friday, February 8, 2019

TIME: 10:05 a.m.

PLACE: Conference Room 016

STRONG SUPPORT FOR SB557 relating to immigration

Aloha Chair Nishihara, Chair Rhoads, Vice Chairs and members

The Coalition is in strong support of SB557 that would prohibit state and county law enforcement agencies from complying with federal immigration detainers or honoring requests for non-public information unless specifically required to do so by a warrant signed by a judge or provisions of federal, state, or local law.

The Ho'okipa (Welcoming) bill is designed to offset the cruel and inhumane policies of the Trump administration by limiting the assistance that state and local law enforcement agencies provide to federal immigration enforcement agencies.

It's a fact that an estimated 45,000 undocumented immigrants live in Hawaii. It's a fact that the great majority of them entered the country with a visa, but overstayed, which is not a crime. It's a fact that the majority are living peacefully in our communities.

President Trump signed an executive order on Jan. 25, 2017 that is designed to do the following: **(1) Deport all 11 million undocumented immigrants from our country; (2) Deputize local police to act as agents of federal immigration enforcement agencies; and (3) Withhold federal grants from jurisdictions that do not assist federal immigration enforcement agencies.**

So much for: "Give me your tired, your poor,
Your huddled masses yearning to breathe free,
The wretched refuse of your teeming shore.
Send these, the homeless, tempest-tossed, to me:
I lift my lamp beside the golden door."

A final point, immigration is a purely federal function. State and local governments need not assist federal agencies in implementing federal immigration law. Many cities, counties and even a few states realize that such assistance goes against our fundamental values and threatens community safety. Therefore they have adopted legislation that limits it.

Although these laws are referred to as "sanctuary" legislation, they provide no special protections to undocumented immigrants that are not available to anyone else.

Please pass this important bill out of committee. Mahalo for the opportunity to testify,

Ann S. Freed Co-Chair,
Hawaii Women's Coalition

To: Hawaii State Senate Committees on Public Safety, Intergovernmental and Military Affairs and Judiciary
Hearing Date/Time: Thurs., Feb. 8, 2019, 10:05 a.m.
Place: Hawaii State Capitol, Rm. 016
Re: Testimony of Planned Parenthood Votes Northwest and Hawaii in support of S.B. 557, relating to Law Enforcement

Dear Chairs Nishihara and Rhoads and Members of the Committees,

Planned Parenthood Votes Northwest and Hawaii (“PPVNH”) writes in support of S.B. 557. We support an immigration system that respects the dignity of all people, is based on compassion and common sense, and centers around reuniting families and providing a road map to citizenship for those who are undocumented. S.B. 557 will promote these values by preventing our local law enforcement officers from acting as immigration officers – a practice that causes fear in immigrant communities and prevents them from accessing the services they need.

Our current immigration system dishonors the legacy of freedom, diversity, and opportunity that our ancestors treasured and that made our nation strong. We stand with immigrants and believe that the goal of our immigration policy should be to protect immigrant youth and families, including their right to access health care without fear of local law enforcement.

Thank you for this opportunity to testify in support of this important measure.

Sincerely,
Laurie Field
Hawaii State Director



Testimony of Hawaii J-20+
Supporting SB 557
Senate Committee on Public Safety, Intergovernmental, and Military Affairs
Senate Committee on Judiciary
February 8, 2019 at 10:05 a.m. in Conference Room 016

Hawaii J-20+ is a grassroots organization committed to preserving constitutional principles and community values.

Our nation is sorely divided. However, Republicans and Democrats agree on one issue: The federal immigration system is broken and needs an overhaul.

We in Hawaii celebrate our immigrant heritage. One in six Hawaii residents is an immigrant. Many more of us have ancestors who immigrated to Hawaii, often from economically deprived regions, willing to work hard and make better lives for themselves.

Many of us view current federal immigration practices as cruel and inhumane. We recoil at reports of families separated at the border, and we sympathize with the families of immigrants who have been deported. Andres Ortiz, a coffee farmer in Kona and a pillar of the community, who was originally from Mexico, faced deportation and had to leave his wife and children in Hawaii, who are all U.S. citizens.

One in five immigrants to Hawaii is undocumented---either because they crossed the border without being processed, which is a misdemeanor, or they entered the U.S. with a visa and overstayed, which is not a crime. Most undocumented immigrants in Hawaii overstay their visas. Nevertheless, they live in fear because President Trump signed an executive order that seeks to deport them.

Immigration is a federal function, paid for by federal taxes. States, cities, and counties have no statutory role in immigration. Yet Trump's executive order seeks to deputize local police to act as federal immigration agents, without reimbursing the state or counties. The executive order, in effect, taxes us twice for immigration enforcement.

The executive order raises fear among undocumented immigrants because local police deputized as federal immigration agents can ask anyone for their immigration status and report them for deportation. Trust among police and undocumented immigrants has been severed. Undocumented immigrants are reluctant to report crimes and come forth as witnesses to crimes, making our communities are less safe for everyone.

The State Legislature has no influence on federal immigration policy, but this does not mean that state and local taxes should be used to deport people living lawfully among us. Hundreds of cities and counties across the country -- as well as several states -- have adopted "sanctuary" legislation. Such legislation does not provide undocumented immigrants with special protections, but simply limits the assistance that local law enforcement agencies provide to federal immigration enforcement agencies.

Sanctuary legislation is constitutional. The Tenth Amendment prohibits the federal government from coercing states or local governments to implement or enforce federal programs. Based on the Tenth Amendment, Trump's executive order has been ruled to be unconstitutional.

The great majority of undocumented immigrants behave as good citizens. Two-thirds of undocumented adults have lived here at least 10 years. Many have married American citizens. Many more have children who are American citizens by birth. They have jobs and they pay taxes. The crime rate of undocumented immigrants is far below that of native-born citizens.

It is time to enhance community safety and protect taxpayers. SB 557 limits the assistance state and local law enforcement agencies provide to the federal government. It is a solid piece of legislation modeled on the California sanctuary law, which was ruled to be constitutional.

Immigration created the multicultural society we enjoy in Hawaii nei. Let's extend aloha to undocumented immigrants who are living peaceably among us.

Hawaii J-20+ supports SB 557 and urges the committee to pass it.

SB-557

Submitted on: 2/7/2019 1:10:02 PM

Testimony for PSM on 2/8/2019 10:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Brett Kulbis	Testifying for Honolulu County Republican Party	Oppose	No

Comments:

SB-557

Submitted on: 2/7/2019 9:50:05 AM

Testimony for PSM on 2/8/2019 10:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	Testifying for O`ahu County Committee on Legislative Priorities of the Democratic Party of Hawai`i	Support	No

Comments:

SB-557

Submitted on: 2/1/2019 3:33:59 PM

Testimony for PSM on 2/8/2019 10:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Victor K. Ramos	Individual	Oppose	No

Comments:

Strongly oppose.

Federal, State and Local agencies work extremely well together in large part because "politics" is not inserted when enforcing respective laws.

SB-557

Submitted on: 2/2/2019 12:21:40 PM

Testimony for PSM on 2/8/2019 10:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Gaye Chan	Individual	Support	No

Comments:

My name is Gaye Chan. Undocumented immigrant are our families and our neighbors. They are contributing members to our society. Trump's executive order making local police function as ICE agents is brutal and divisive. It also makes all of us less safe because undocumented immigrants and their US families won't report crimes if they believe it runs the risk of deportation. Local police should be able to protect our communities, not act as federal agents. If someone is breaking into my home, I would like my neighbors to feel safe to call the police. I wholeheartedly support SB557 and urge you to do the same.

SB-557

Submitted on: 2/1/2019 4:40:47 PM

Testimony for PSM on 2/8/2019 10:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Joy Marshall	Individual	Support	No

Comments:

SB-557

Submitted on: 2/1/2019 3:05:25 PM

Testimony for PSM on 2/8/2019 10:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Michael Golojuch Jr	Individual	Support	Yes

Comments:

Aloha Senators,

The Federal Government has declared war on immigrants and Hawaii should not be complicit let alone compliant with this war on immigrants.

Mahalo for the opportunity to testify.

Michael Golojuch, Jr.

Testimony of Ellen Godbey Carson
In SUPPORT of SB557
February 8, 2019, 10:05am, Room 106

I am writing in SUPPORT of SB557.

Hawaii has many competing needs for our local law enforcement. Using our resources to aid in federal immigration activities should **not** be prioritized above our own more pressing local enforcement needs.

The inclusionary and peaceful culture of Hawaii has become threatened by inflammatory rhetoric and harsh federal policies that vilify immigrants, divide communities and families, and create fear and suspicion among different racial, ethnic, and ancestral groups. The federal administration seeks to deport all undocumented immigrants, including many in Hawaii who have committed no crime at all. Efforts have been made to render federal immigration law more humane, have failed.

The federal government seeks to involve state and local law enforcement agencies in federal deportation activities, by seeking to deputize local police to act as federal immigration agents. When that happens, however, the trust between undocumented immigrants and local police is severed. Undocumented immigrants are reluctant to report crimes and come forth as witnesses to crimes because they fear deportation. As a result, everyone in our communities is less safe. And our local police become less able to set their own priorities for our community's needs.

I ask that you approve this bill.

Ellen Godbey Carson
1080 S. Beretania Street
Honolulu, HI 96814

SB-557

Submitted on: 2/2/2019 7:53:02 PM

Testimony for PSM on 2/8/2019 10:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Mary Babcock	Individual	Support	No

Comments:

My name is Mary Babcock. I am testifying in strong support of Senate Bill 557 (SB557) - the Ho'okipa Bill.

SB-557

Submitted on: 2/2/2019 9:43:55 PM

Testimony for PSM on 2/8/2019 10:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Fidmetka	Individual	Support	No

Comments:

My name is Fidmetka Limani. Undocumented immigrant are our families and our neighbors. They are contributing members of our society. Trump's executive order making local police function as ICE agents is brutal and divisive. It also makes all of us less safe because undocumented immigrants and their US families won't report crimes if they believe it runs the risk of deportation. Local police should be able to protect our communities, not act as federal agents. If someone is breaking into my home, I would like my neighbors to feel safe to call the police. I wholeheartedly support SB557 and urge you to do the same.

SB-557

Submitted on: 2/3/2019 7:37:14 AM

Testimony for PSM on 2/8/2019 10:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Mary McNamara	Individual	Support	No

Comments:

My name is Mary McNamara. I am testifying in strong support of Senate Bill 557 (SB557) - the Ho'okipa Bill.

SB-557

Submitted on: 2/3/2019 10:00:21 AM

Testimony for PSM on 2/8/2019 10:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Wayne Levin	Individual	Support	No

Comments:

My name is Wayne Levin. I am testifying in strong support of Senate bill 557 (SB557) - the Ho'okipa Bill.

SB-557

Submitted on: 2/3/2019 10:47:03 AM

Testimony for PSM on 2/8/2019 10:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Arcelita Imasa	Individual	Support	No

Comments:

My name is Arcelita Imasa. Undocumented immigrants are our families and our neighbors. They are contributing members to our society. Trump's executive order making local police function as ICE agents is brutal and divisive. It also makes all of us less safe because undocumented immigrants and their US families won't report crimes if they believe it runs the risk of deportation. Local police should be able to protect our communities, not act as federal agents. If someone is breaking into my home, I would like my neighbors to feel safe to call the police. I wholeheartedly support SB557 and urge you to do the same.

TESTIMONY for Senate Bill No. 557, RELATING TO LAW ENFORCEMENT

Senate Committee on Judiciary and
Senate Committee on Public Safety, Intergovernmental and Military Affairs.
Room 016 10:05 am, February 8, 2019

Dear Sen. Karl Rhoads, Sen. Clarence Nishihara, Sen. Glenn Wakai, and Members of both Committees:

As an interested citizen, I fully support SB 557 that would prohibit local and state law enforcement agencies from conducting law enforcement for Immigration and Customs Enforcement (ICE) and the Customs and Border Protection (CBP).

Immigration enforcement is a federal government responsibility and federal law does not require state and local entities to cooperate with ICE and CBP. Our agencies do not receive any funding for this and we should not use our local and state law enforcement resources for this purpose. For the many reasons stated in the bill, hundreds of cities, counties and states have limited their law enforcement agencies from cooperating with ICE and CBP in this executive order.

Additionally, we could be liable for unlawful practices and detention. State and local agencies must adhere to the Fourth Amendment's prohibition on unreasonable searches and seizures.

Finally, participation by local law enforcement can cause immigrants to be more fearful of assisting law enforcement when crimes are committed or they are seeking to prevent crime in their community. Most importantly, our state is one where people have sought better lives and are contributing to our economy and communities. We should be welcoming to immigrants and this Ho'okipa bill will help us ensure that type of caring community.

I ask that you support S.B. No. 557. Thank you for the opportunity to testify.

Sincerely,

Nancy Marker

SB-557

Submitted on: 2/3/2019 6:05:45 PM

Testimony for PSM on 2/8/2019 10:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Wendy Kawabata	Individual	Support	No

Comments:

My name is Wendy Kawabata. Undocumented immigrant are our families and our neighbors. They are contributing members to our society. Trump's executive order making local police function as ICE agents is brutal and divisive. It also makes all of us less safe because undocumented immigrants and their US families won't report crimes if they believe it runs the risk of deportation. Local police should be able to protect our communities, not act as federal agents. If someone is breaking into my home, I would like my neighbors to feel safe to call the police. I wholeheartedly support SB557 and urge you to do the same.

SB-557

Submitted on: 2/3/2019 6:20:11 PM

Testimony for PSM on 2/8/2019 10:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Eileen M Gawrys	Individual	Support	No

Comments:

SB-557

Submitted on: 2/3/2019 6:30:08 PM

Testimony for PSM on 2/8/2019 10:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
SUSAN P HUGHES	Individual	Oppose	No

Comments:

SB-557

Submitted on: 2/3/2019 8:18:55 PM

Testimony for PSM on 2/8/2019 10:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Patricia Blair	Individual	Support	No

Comments:

SB-557

Submitted on: 2/4/2019 7:10:19 AM

Testimony for PSM on 2/8/2019 10:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Joanne Amberg	Individual	Support	No

Comments:

Please support SB 557. Undocumented immigrant are our families and our neighbors. They are contributing members to our society. Trump's executive order making local police function as ICE agents is brutal and divisive. It also makes all of us less safe because undocumented immigrants and their US families won't report crimes if they believe it runs the risk of deportation. Local police should be able to protect our communities, not act as federal agents. If someone is breaking into my home, I would like my neighbors to feel safe to call the police. I wholeheartedly support SB557 and urge you to do the same.

Thank you for considering my testimony,

Joanne Amberg

Testimony in supporting SB 557
Relating to Law Enforcement
February 8, 2019 at 10:05 in Conference Room 016

My name is Rev.. David Turner, and I am the pastor of The Church of the Crossroads, Hawaii's first intentionally multi-cultural church, founded in 1923. We have 200 members residing all over Oahu and have, as a congregation, unanimously adopted a position of supporting SB557 which "prohibits state and county law enforcement agencies from complying with federal immigration detainers or honoring requests for non-public information unless specifically required to do so by a warrant signed by a judge or provisions of federal, state, or local law."

Hawaii is justifiably proud of its rich immigrant heritage, which has woven many people into a tapestry of races, ancestral groups, religions, cultures, and languages from many parts of the world. Hawaii cultivates a culture of inclusion to ensure that all people in our communities receive equal protection of the laws and respectful treatment without regard to race, national origin, ancestry, or citizenship status.

A total of 250,000 immigrants live in Hawaii, of whom approximately 45,000 are undocumented. Immigrants are undocumented because they either crossed border into the United States without being processed, which is a federal misdemeanor, or they entered with visas and then overstayed the lengths of the visas, which is not a crime. It is likely that the majority of undocumented immigrants living in Hawaii have overstayed their visas.

The inclusionary and peaceful culture of Hawaii is now threatened by inflammatory rhetoric and harsh practices of the federal administration that vilify immigrants. The federal administration seeks to deport all undocumented immigrants, including many in Hawaii who have committed no crime at all. Various efforts have been made to render federal immigration law more humane, however those efforts have failed.

The federal government seeks to involve state and local law enforcement agencies in federal deportation activities. For example, the federal government seeks to deputize local police to act as federal immigration agents. When that happens, however, the trust between undocumented immigrants and local police is severed. Undocumented immigrants are reluctant to report crimes and come forth as witnesses to crimes because they fear deportation. As a result, everyone in our communities is less safe.

Immigration is a federal function. Based on the Tenth Amendment of the U.S. Constitution, the U.S. Supreme Court has ruled that the federal government may not coerce states or local governments to implement or enforce federal programs. States and local governments have significant discretion regarding whether and how to respond to requests for assistance with federal immigration enforcement agencies.

In light of the cruel and inhumane federal immigration policies, this bill does not allow state and local law enforcement agencies to assist federal immigration enforcement agencies, except when required by law. The bill will help to maintain peace, stability, and security in our communities, and I urge the committee to pass the bill.

SB-557

Submitted on: 2/4/2019 9:41:47 AM

Testimony for PSM on 2/8/2019 10:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Margaret ANN Renick	Individual	Support	No

Comments:

As the aunt whose niece is still traumatized from the Vegas shooting, during which she ran for shelter while her friends were shot, I STRONGLY URGE YOU TO SUPPORT THIS BILL TO AT THE VERY LEAST CURTAIL THE INFLUX OF EVER INCREASING CAPACITY TO DO LARGE SCALE HARM.

PLEASE PLEASE PASS THIS BILL.

MAHALO,

Ann Renick

SB-557

Submitted on: 2/4/2019 10:18:11 AM

Testimony for PSM on 2/8/2019 10:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Concetta DiLeo	Individual	Support	No

Comments:

Hawaii is justifiably proud of its rich immigrant heritage, which has woven many people into a tapestry of races, ancestral groups, religions, cultures, and languages from many parts of the world. Hawaii cultivates a culture of inclusion to ensure that all people in our communities receive equal protection of the laws and respectful treatment without regard to race, national origin, ancestry, or citizenship status.

A total of 250,000 immigrants live in Hawaii, of whom approximately 45,000 are undocumented. Immigrants are undocumented because they either crossed border into the United States without being processed, which is a federal misdemeanor, or they entered with visas and then overstayed the lengths of the visas, which is not a crime. It is likely that the majority of undocumented immigrants living in Hawaii have overstayed their visas.

The inclusionary and peaceful culture of Hawaii is now threatened by inflammatory rhetoric and harsh practices of the federal administration that vilify immigrants. The federal administration seeks to deport all undocumented immigrants, including many in Hawaii who have committed no crime at all. Various efforts have been made to render federal immigration law more humane, however those efforts have failed.

The federal government seeks to involve state and local law enforcement agencies in federal deportation activities. For example, the federal government seeks to deputize local police to act as federal immigration agents. When that happens, however, the trust between undocumented immigrants and local police is severed. Undocumented immigrants are reluctant to report crimes and come forth as witnesses to crimes because they fear deportation. As a result, everyone in our communities is less safe.

Immigration is a federal function. Based on the Tenth Amendment of the U.S. Constitution, the U.S. Supreme Court has ruled that the federal government may not coerce states or local governments to implement or enforce federal programs. States and local governments have significant discretion regarding whether and how to respond to requests for assistance with federal immigration enforcement agencies.

In light of the cruel and inhumane federal immigration policies, this bill does not allow state and local law enforcement agencies to assist federal immigration enforcement agencies, except when required by law. The bill will help to maintain peace, stability, and security in our communities, and I urge the committee to pass the bill.

SB-557

Submitted on: 2/4/2019 10:22:55 AM

Testimony for PSM on 2/8/2019 10:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Nicholas Chagnon	Individual	Support	No

Comments:

My name is Nick Chagnon. Undocumented immigrant are our families and our neighbors. They are contributing members to our society. Trump's executive order making local police function as ICE agents is brutal and divisive. It also makes all of us less safe because undocumented immigrants and their US families won't report crimes if they believe it runs the risk of deportation. Local police should be able to protect our communities, not act as federal agents. If someone is breaking into my home, I would like my neighbors to feel safe to call the police. I wholeheartedly support SB557 and urge you to do the same.

SB-557

Submitted on: 2/4/2019 10:30:21 AM

Testimony for PSM on 2/8/2019 10:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Millicent Cox	Individual	Support	No

Comments:

Aloha,

Undocumented immigrant are our families and our neighbors. They are contributing members to our society. Trump's executive order making local police function as ICE agents is brutal and divisive. It also makes all of us less safe because undocumented immigrants and their US families won't report crimes if they believe it runs the risk of deportation. Local police should be able to protect our communities, not act as federal agents. If someone is breaking into my home, I would like my neighbors to feel safe to call the police. I wholeheartedly support SB557 and urge you to do the same.

Mahalo.

SB-557

Submitted on: 2/4/2019 10:31:28 AM

Testimony for PSM on 2/8/2019 10:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Nathalie Rita	Individual	Support	No

Comments:

My name is Nathalie Rita. I am a PhD Candidate at the University of Hawaii, where my research focuses on international migration.

It is critical that we dispel the lies promoted by the presidential administration. Vast research has shown that undocumented migrants are less likely to commit crimes than US citizens. Instead, undocumented immigrant are our families and our neighbors. They are contributing members to our society. Trump's executive order making local police function as ICE agents is brutal and divisive. It also makes all of us less safe because undocumented immigrants and their US families won't report crimes if they believe it runs the risk of deportation. Local police should be able to protect our communities, not act as federal agents. If someone is breaking into my home, I would like my neighbors to feel safe to call the police. I wholeheartedly support SB557 and urge you to do the same.

SB-557

Submitted on: 2/4/2019 10:51:50 AM

Testimony for PSM on 2/8/2019 10:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jonathan Boyne	Individual	Support	No

Comments:

I am testifying in strong support of Senate Bill 557 (SB557) - the Ho'okipa Bill.

Undocumented immigrant are our families and our neighbors. They are contributing members to our society.

Trump's executive order making local police function as ICE agents is brutal and divisive. It also makes all of us less safe because undocumented immigrants and their US families won't report crimes if they believe it runs the risk of deportation.

Local police should be able to protect our communities, not act as federal agents.

If someone is breaking into my home, I would like my neighbors to feel safe to call the police. I wholeheartedly support SB557 and urge you to do the same.

SB-557

Submitted on: 2/4/2019 11:11:34 AM

Testimony for PSM on 2/8/2019 10:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Javier Mendez-Alvarez	Individual	Support	No

Comments:

SB-557

Submitted on: 2/4/2019 1:44:35 PM

Testimony for PSM on 2/8/2019 10:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Cynthia J. Goto	Individual	Support	No

Comments:

February 4, 2019

To: **PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS COMMITTEE**
Senator Clarence Nishihara, Chair
Senator Glenn Wakai, Vice Chair

Re: **SB557 — RELATING TO LAW ENFORCEMENT — hearing on Friday, Feb 8, 2019**

STRONG SUPPORT

Aloha Chair Nishihara, Vice Chair Wakai and members of your committee,

The Ho‘okipa bill, SB557, responds in a thoroughly Hawaiian manner to the dangers posed to our local community by the activities of the federal government’s Immigration and Customs Enforcement agency. These dangers include, among other issues, the rending of local families; the intimidation of community members, dissuading them from reporting illegal activities to the police; and the wastage of local resources in our state’s fragile fiscal position.

Plain and simple, immigration matters are the kuleana of the federal government. That’s what the United States Constitution says. As shameful as it is, let the feds bust up local families and scare our neighbors if that’s what they want to do. But let us be no part of it — much less using our precious time and limited funds to bankroll this dishonorable pursuit.

SB557 mirrors what communities and states throughout America have felt compelled to do during our country’s current trying times. Despite threats, they have not suffered thereby. Let us act with pride and join them in doing what is right.

Mahalo nui loa.

Aloha,



Peter Gellatly

Corrections Population Management Commission, 2004-2011
Penal Code Review Committee, 2015



pgellatly@mac.com • 808.542.8880

PO Box 88022 • Honolulu, HI 96830

SB-557

Submitted on: 2/4/2019 5:57:08 PM

Testimony for PSM on 2/8/2019 10:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Megan Bent	Individual	Support	No

Comments:

My name is Megan Bent. I am testifying in strong support of Senate Bill 557 (SB557) - the Ho'okipa Bill

SB-557

Submitted on: 2/4/2019 7:02:29 PM

Testimony for PSM on 2/8/2019 10:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Lea Minton	Individual	Support	No

Comments:

I strongly support SB557 and urge you to pass this bill. It is important that Hawaii does not engage in cruel and inhome federal immigration policies.

SB-557

Submitted on: 2/4/2019 10:00:42 PM

Testimony for PSM on 2/8/2019 10:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Laura Margulies	Individual	Support	No

Comments:

My name is Laura Margulies and I am strongly in favor of the Ho'o'kipa bill, SB557.

Senator Clarence K. Nishihara, Chair
Senator Glenn Wakai Vice Chair
Senate Committee on Public Safety, Intergovernmental, and Military Affairs

Senator Karl Rhoads, Chair
Senator Glenn Wakai, Vice Chair
Senate Committee on Judiciary

Sweetie Sharmaine C. Tagudin
University of Hawaii at Manoa - Myron B. Thompson School of Social Work

Monday, February 04, 2019

Support for S.B. 557, Relating to Law Enforcement

Dear Senator Clarence K. Nishihara, Senator Glenn Wakai, Senator Karl Rhoads and committee members,

My name is Sweetie Sharmaine Tagudin and I am a student of the Myron B. Thompson School of Social Work at the University of Hawai'i at Manoa. As a bachelor's degree holder and current master's degree candidate in UH Manoa's social work program with a child and families specialization, I advocate for the overall well being of all people and their right to a better quality of life. With all things considered, I am testifying in strong support of Senate Bill 557, which prevents state and county law enforcement agencies from abiding by federal immigration detainers or distinguishing their appeals for non-public information without a signed warrant by a judge or provision of federal, state, or local law.

The right to privacy is a privilege that every person is entitled to, regardless of whether or not they are undocumented, an immigrant, or a citizen. To perform acts that involve an invasion of personal privacy is a direct violation the constitution of the United States of America. Hawaii is a state of microcosm on the foundations America is built upon— diversity and unity. For years, Hawaii has been recognized as the “melting pot” state, which follows that our state has and is currently immersed in various races, ancestral groups, religions, cultures and languages. Having such a diverse populace has substantially benefitted our state and country.

To pass this bill is a step closer to combatting discrimination and prejudice amongst those that call this country “home.” I believe that this bill speaks for itself in that it protects our country and the rights of the people inhabiting it. According to the American Immigration Council, six million citizen children under the age of 18, live with a parent or family member that is undocumented. The media has portrayed a very public and notorious image of the repercussions of federal immigration involvement in communities. Families are being torn apart, violence is becoming prevalent, and children are suffering from the loss of caretakers, whether it be from bullying or losing the breadwinners of their households. The American Immigration Council also puts emphasis on the risks that children face, such as, economic instability, depression and psychological distress. This bill ensures that allegations are inadmissible and do in fact, hold grounds for federal immigration detainer operations.

As a citizen of the United States of America that comes from an immigrant family that grew up on the foundation and importance of familial ties, I encourage the legislature to pass this bill. I

stand in strong support of Senate Bill 557 because of how it addresses the discriminatory flaws in which our country operates in some circumstances. These circumstances can lead to many inconsequential repercussions towards the people of our country. Senate Bill 557 gives our community a fighting chance to sever the perpetuated cycle of poor family outcomes. Passing this bill would build a foundation towards a justified and inclusion-focused community that will thrive. With that being said, I urge the committees to pass S.B. 557. Thank you for giving me the opportunity to testify.

SB-557

Submitted on: 2/4/2019 10:26:43 PM

Testimony for PSM on 2/8/2019 10:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Elizabeth c McDermott	Individual	Support	No

Comments:

I wholeheartedly support this bill. Hawaii has always been and should continue to be a place where all feel welcomed. Our police should not be functioning as ICE agents. This will increase crime and make our state LESS safe if people are scared to report on cases for fear of being deported.

SB-557

Submitted on: 2/5/2019 12:46:37 PM

Testimony for PSM on 2/8/2019 10:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Valerie Wayne	Individual	Support	No

Comments:

My name is Dr. Valerie Wayne, and I strongly support SB557.

In Hawaii we are justifiably proud of our state's rich immigrant heritage. Our state cultivates a culture of inclusion to ensure that all people in our communities receive equal protection of the laws and respectful treatment without regard to race, national origin, ancestry, or citizenship status.

250,000 immigrants live in Hawaii, of whom approximately 45,000 are undocumented. Immigrants are undocumented because they either crossed border into the United States without being processed, which is a federal misdemeanor, or they entered with visas and then overstayed the lengths of the visas, which is not a crime. It is likely that the majority of undocumented immigrants living in Hawaii have overstayed their visas.

The inclusionary and peaceful culture of Hawaii is now threatened by inflammatory rhetoric and harsh practices of the federal administration that vilify immigrants. The federal administration seeks to deport all undocumented immigrants, including many in Hawaii who have committed no crime at all. Various efforts have been made to render federal immigration law more humane, however those efforts have failed.

The federal government seeks to involve state and local law enforcement agencies in federal deportation activities. The federal government seeks to deputize local police to act as federal immigration agents. When that happens, however, the trust between undocumented immigrants and local police is severed. Undocumented immigrants are reluctant to report crimes and come forth as witnesses to crimes because they fear deportation. Everyone in our community becomes less safe.

In light of the cruel and inhumane federal immigration policies, SB557 does not allow state and local law enforcement agencies to assist federal immigration enforcement agencies, except when required by law. The bill will help to maintain peace, stability, and security in our communities, and I urge the committee to pass the bill.

Respectfully submitted,

Valerie Wayne

927 Prospect St. #303

Honolulu, HI 96822

SB-557

Submitted on: 2/5/2019 6:07:28 PM

Testimony for PSM on 2/8/2019 10:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Maria Tennant	Individual	Support	No

Comments:

My name is Maria Tennant. I am a third year law student and have worked with immigrants, primarily undocumented, for the past year and a half. Undocumented immigrants are our loved ones and neighbors. They make major contributions to our society. Trump's executive order making local police function as ICE agents is brutal and divisive. It also makes all of us less safe because undocumented immigrants and their US families won't report crimes if they believe it runs the risk of deportation. Local police should be able to protect our communities, not act as federal agents. If someone is breaking into my home, I would like my neighbors to feel safe to call the police. I wholeheartedly support SB557 and urge you to do the same. Thank you.

SB-557

Submitted on: 2/5/2019 5:43:02 PM

Testimony for PSM on 2/8/2019 10:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Thaddeus Pham	Individual	Support	No

Comments:

As a son of immigrants and a contributing professional living and working in Hawaii, I strongly support this bill.

This bill represents an important and necessary move for a state that thrives, economically and culturally, on its diversity and heritage of inclusion. A total of 250,000 immigrants live in Hawaii, of whom approximately 45,000 are undocumented. The federal administration seeks to deport all undocumented immigrants, including many in Hawaii who have committed no crime at all. In fact, many undocumented immigrants pay taxes and contribute to the economic robustness of many of Hawaii's industries. By seeking to involve state and local law enforcement agencies in federal deportation activities, the federal government will not only inculcate distrust and fear for law enforcement in our local immigrant communities but will also divert resources away from more important and pressing public safety issues.

Based on the Tenth Amendment of the U.S. Constitution, the U.S. Supreme Court has ruled that the federal government may not coerce states or local governments to implement or enforce federal programs. States and local governments have significant discretion regarding whether and how to respond to requests for assistance with federal immigration enforcement agencies. With this in mind, I urge the passage of this bill to protect the people and resources that make Hawaii thrive.

SB-557

Submitted on: 2/6/2019 5:41:00 PM

Testimony for PSM on 2/8/2019 10:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
John Egan	Individual	Support	No

Comments:

I strongly support this measure. As a practicing immigration lawyer, I see the effects of current immigration policies first-hand, and I see no reason for treating our immigrant community as if they are anything other than our neighbors, friends, colleagues and fellow community members. The harsh effects of family separation go far beyond what is required to enforce our laws. Our country needs a well thought out immigration policy for the 21st century, and until we get that, we should not permit our own community law enforcement agencies to be swept up into the anti-immigrant hysteria being promoted by a small but vocal minority.

Senator Clarence K. Nishihara, Chair
Senator Glenn Wakai Vice Chair
Senate Committee on Public Safety, Intergovernmental, and Military Affairs

Senator Karl Rhoads, Chair
Senator Glenn Wakai, Vice Chair
Senate Committee on Judiciary

Emilygrace Kaaiakamanu
University of Hawaii at Manoa - Myron B. Thompson School of Social Work

My name is Emilygrace Kaaiakamanu and I am a student of the Myron B. Thompson School of Social Work at the University of Hawai'i at Manoa. As a Master's degree candidate in UH Manoa's social work program, I'm here to advocate for those who may not have the opportunity to advocate for themselves therefore, I am testifying in full support of Senate Bill 557.

The Fourth Amendment is a right that everyone should be allowed to have regardless of where they were born or migrated from. In Hawaii we have thousands of people immigrating here and our islands are known for its diversity and its spirit of Aloha. My family was able to come here under the Compact of Free Association Act and were able to seek a better life. Those who are looked at as "undocumented" are also seen as criminals when most are trying to achieve the same outcome as my family did, a better life. The United States promotes the American dream and many come to receive that. Hawaii specifically promotes a place of diversity and inclusivity because we allow people of different races, religions, sexual orientation etc. to live peacefully and we should continue to do what we can to protect that.

Passing this Bill would mean protection for those who not only come here undocumented but those who have lived here, built a life here and raised a family among our people undocumented. This bill will also stand up against those who wish to vilify immigrants and rip families apart. Family is a value of those who grew up in Hawaii and it is an essential value in my life as well. We should be leading by example for other states who wish only to look at immigrants as a separate entity rather than to view us all as a whole. Despite what goes on around us, in the other states, Hawaii stood apart from it because of our value of aloha, of love and of all people. Senate Bill 557 will give our people the protection of their rights, their homes and their families. This bill will see to it that federal immigration detainers and law enforcement are held to a level of accountability and ensures that there are valid reasons against any allegation. Therefore, I urge the committees to pass S.B. 557. Thank you for giving me the opportunity to testify.

SB-557

Submitted on: 2/6/2019 11:49:05 PM

Testimony for PSM on 2/8/2019 10:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Carl Bergquist	Individual	Support	Yes

Comments:

Mahalo Chair Rhoads for re-introducing this essential measure.

While we are seeing record low border crossings, the Trump deportation machinery remains in full swing.

I ask that you pass this bill out of committee with the amendments to the following two sections:

"§ -4 Prohibition against honoring detainer requests; exceptions"

(b)(1): change to violent felonies;

§ -5 Prohibition against honoring requests for information; exceptions"

(b) (2): change to violent felonies;

(b) (3) and (b) (6): strike in their entirety.

Hawai'i law enforcement should play an absolutely minimal role in facilitating deportations that often destroy families permanently.

In the immortal words of US Supreme Court Justice Louis Brandeis:

[Deportation] may result also in loss of both property and life, or of all that makes life worth living.

Ng Fung Ho v. White, 259 U.S. 276, 284 (1922)

SB-557

Submitted on: 2/7/2019 12:37:20 AM

Testimony for PSM on 2/8/2019 10:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Antya Miller	Individual	Oppose	No

Comments:

Aloha Chair Rhodes and Committee Members:

It is a logical fallacy to equate requiring immigrants to follow our rules and come to the United States legally with being anti-immigration or "racist" in some way. We are a country of laws and we follow the Rule of Law. When someone breaks the law, they should be punished and the punishment for breaking our immigration laws should be to return the immigrant to his country of origin until he becomes a legal resident or immigrant.

We are the UNITED States of America, not the Independent States of America. We are a federal republic and Hawaii is not sovereign in its own right, even if some of our citizens wish it were so. We cannot continue to be the United States if the states refuse to cooperate with the federal government, especially when it comes to national security, the federal government's Number One job.

The anti-Trump rhetoric in this bill and the sentiments flowing from the antipathy to the present president are clouding our judgment regarding what is right. When it comes to national security and law breaking, our governments should be cooperating with one another not opposing each other.

Regarding the unfunded mandate issue, according to one source, Hawaii is Number 4 in the amount of money we get from the federal government or \$15,331 per person in Hawaii and the percent of U.S. funds per person is 0.65%. The Hawaiian Islands have 11 military bases, contributing to the country's highest per capita federal expenditure from the Department of Defense in 2010. The state had the 10th highest federal procurement spending per capita, at \$2,017.80. 1 I don't think the "unfunded mandate" argument holds up.

Please vote against this bill.

Sincerely,

Antya Miller, Haleiwa

342-8557

1 247wallst.com August 3, 2012

SB-557

Submitted on: 2/7/2019 5:10:31 AM

Testimony for PSM on 2/8/2019 10:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Deanna Espinas	Individual	Support	No

Comments:

SB-557

Submitted on: 2/7/2019 7:13:21 AM

Testimony for PSM on 2/8/2019 10:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Thomas Dye	Individual	Support	No

Comments:

My name is Thomas S. Dye. I am testifying in strong support of Senate Bill 557 (SB557) - the Ho'okipa Bill.

To:

Senate Judiciary Committee and Public Safety, Intergovernmental Affairs, and Military Affairs Committee

From:

Danicole Ramos

RE: SB 557

February 07, 2019

Aloha Chair Rhoads, Chair Nishihara, and Committee Members:

I respectfully submit my testimony in strong support of SB 557, also known as the Ho'okipa Bill. My strong support for this bill stems from my background. I am a child of Filipino immigrants and grew up in Waialua, where my grandfather worked in the sugarcane plantation. I also speak from my previous work experience. Before I moved back home to Hawai'i, I was in Washington D.C. and worked for United We Dream, the largest immigrant youth-led community in the country. Through grassroots organizing, they create welcoming spaces for young people – regardless of immigration status – to support, engage, and empower them to make their voice heard and win!

I strongly support SB 557 because it affirms our state's values of aloha and 'ohana. Filipinos have been coming to Hawaii for over 100 years. Families like my own, make up the largest immigrant group in the state. About 40% of the undocumented community in our state are Filipinos. From my previous work experience, I have seen firsthand how our nation's current administration has abused its power and utilized CBP and ICE to rip children from their parents and abuse immigrant and refugee families in poorly conditioned detention facilities. As a state that embraces family and is made up by our rich immigrant history, we cannot give in to racist policies that go against our values.

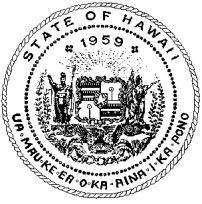
Undocumented immigrants are our families and our neighbors. They are contributing members to our society. The federal executive order making local police function as ICE agents is brutal and divisive. It also makes all of us less safe because undocumented immigrants and their US families won't report crimes if they believe it runs the risk of deportation. Our local police have a responsibility to protect everyone in this state, regardless of ethnicity, gender, sexual orientation, income, **and immigrant status**. They should be able to protect and bring our communities together, not act as federal agents.

Mahalo for the opportunity to testify on this measure.

Sincerely,



Danicole Ramos



HAWAI‘I CIVIL RIGHTS COMMISSION

830 PUNCHBOWL STREET, ROOM 411 HONOLULU, HI 96813 · PHONE: 586-8636 FAX: 586-8655 TDD: 568-8692

February 8, 2019
Rm. 016, 10:45 A.m.

To: The Honorable Clarence K. Nishihara, Chair
Members of the Senate Committee on Public Safety, Intergovernmental, and Military Affairs

The Honorable Karl Rhoads, Chair
Members of the Senate Committee on Judiciary

From: Linda Hamilton Krieger, Chair
and Commissioners of the Hawai‘i Civil Rights Commission

Re: S.B. No. 557

The Hawai‘i Civil Rights Commission (HCRC) has enforcement jurisdiction over Hawai‘i’s laws prohibiting discrimination in employment, housing, public accommodations, and access to state and state-funded services. The HCRC carries out the Hawai‘i constitutional mandate that no person shall be discriminated against in the exercise of their civil rights.

The HCRC supports S.B. No. 557, establishing that Hawai‘i is a Ho‘okipa (Welcoming) state, and enacting a new HRS chapter affirming that immigration enforcement is a federal function and that Hawai‘i should not expend state or local government law enforcement resources or have state and local law enforcement officers deputized or “commandeered” to enforce federal immigration laws.

Article I, section 5 of the Hawai‘i Constitution provides:

No person shall be deprived of life, liberty or property without due process of law, nor be denied the equal protection of the laws, ***nor be denied the enjoyment of the person’s civil rights or be discriminated against in the exercise thereof because of race, religion, sex, or ancestry.***

(emphasis added).

This Hawai‘i constitutional civil rights provision, which has no counterpart in the U.S. Constitution, protects all the people of Hawai‘i, ***without regard to citizenship or immigration status.*** Similarly, our state civil rights statutes prohibit discrimination in employment, housing, public accommodations, and state-funded services, without regard to citizenship or immigration status.

In civil rights law enforcement, as in criminal law enforcement, we all benefit when all persons are protected by the law, and therefore not chilled from coming forward to complain of or bear witness to violations of the law. Our collective rights are diminished and justice is denied when a minority is excluded from civil rights and protection of the law, creating an underclass that can be exploited, intimidated, and attacked with impunity, to the detriment of our shared values and respect for human dignity.

It is important for us, at every level, to do our part to be vigilant in protecting civil rights and human dignity of every person in Hawai'i, regardless of citizenship or immigration status.

SB-557

Submitted on: 2/7/2019 2:26:29 PM

Testimony for PSM on 2/8/2019 10:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Paola Rodelas	Individual	Support	No

Comments:

Aloha, Senate Committees on Public Safety, Intergovernmental, & Military Affairs (PSM) and Judiciary:

I strongly support of Senate Bill 557 (SB557) - the Ho'okipa Bill. I am an immigrant from the Philippines and was undocumented for most of my childhood. Trump's executive order making local police function as ICE agents is brutal and divisive, and it negatively impacts families like mine.

It also makes all of us less safe because undocumented immigrants and their US families won't report crimes if they believe it runs the risk of deportation. Local police should be able to protect our communities, not act as federal agents. If someone is breaking into my home, I would like my neighbors to feel safe to call the police. If an undocumented immigrant is a victim of a crime, they should feel safe to report it.

I spent most of my childhood living in fear of ICE and deportation. Passing this state sanctuary sends a strong, supportive message to undocumented children and families that they are safe and are members of our community.

I wholeheartedly support SB557 and urge you to do the same.

Warm regards,

Paola Rodelas Groves

Kalihi Valley resident

LATE

SB-557

Submitted on: 2/8/2019 12:20:35 AM

Testimony for PSM on 2/8/2019 10:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Lisa Poulos	Individual	Oppose	No

Comments:

I strongly oppose this bill. All law enforcement agencies should work together to make our State and country safer, not in opposition to one another.

LATE

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

ALII PLACE
1060 RICHARDS STREET • HONOLULU, HAWAII 96813
PHONE: (808) 547-7400 • FAX: (808) 547-7515

KEITH M. KANESHIRO
PROSECUTING ATTORNEY



DWIGHT K. NADAMOTO
ACTING FIRST DEPUTY
PROSECUTING ATTORNEY

**THE HONORABLE CLARENCE NISHIHARA, CHAIR
SENATE COMMITTEE ON PUBLIC SAFETY,
INTERGOVERNMENTAL, AND MILITARY AFFAIRS**

**THE HONORABLE KARL RHOADS, CHAIR
SENATE COMMITTEE ON JUDICIARY**

**Thirtieth State Legislature
Regular Session of 2019
State of Hawai`i**

February 8, 2019

RE: S.B. 557; RELATING TO LAW ENFORCEMENT.

Chair Nishihara, Chair Rhoads, Vice Chair Wakai, Vice Chair San Buenaventura, members of the Senate Committee on Public Safety, Intergovernmental, and Military Affairs, and members of the Senate Committee on Judiciary, the Department of the Prosecuting Attorney of the City and County of Honolulu ("Department") submits the following testimony in opposition to S.B. 557.

While the Department understands the heightened discord between state and federal government, and does utilize discretion when choosing when and how to cooperate with other agencies, the Department's duty is to seek justice and protect public safety. In order to perform these duties well, the Department often calls upon the assistance and cooperation of other law enforcement agencies, which could be at any level of government: county, state or federal.

When needed, the Department relies upon its good working relationship and open lines of communication with other law enforcement agencies, to perform our duties in a timely and effective manner. In particular, the prohibitions contained in S.B. 557 could interfere with our ability to enlist the assistance of federal agencies in removing dangerous criminals, including those who are extremely violent or dangerous sex offenders. We are also concerned that the bill may inadvertently prohibit some of our outreach efforts in informing immigrant crime victims of immigration benefits that they are eligible for, such as U-visas and T-visas.

Due to the significant and negative impacts that S.B. 557 could have on our prosecutorial duties, as well as our duties assisting victims, the Department simply cannot support this

measure. In addition, we note the bill contains no language regarding indemnification or liability for state or county agencies and employees, should they refuse to detain a person pursuant to S.B. 557 and that person then victimizes someone else in the community.

For all of the foregoing reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu, opposes the passage of S.B. 557. Thank you for the opportunity to testify on this matter.