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**TESTIMONY FOR SENATE BILL 2290, SENATE DRAFT 1, RELATING TO LAW
ENFORCEMENT**

**Senate Committee on Judiciary
Hon. Brian T. Taniguchi, Chair
Hon. Karl Rhoads, Vice Chair**

**Tuesday, February 27, 2018, 9:30 AM
State Capitol, Conference Room 016**

Honorable Chair Taniguchi and committee members:

I am Kris Coffield, representing IMUAlliance, a nonpartisan political advocacy organization that currently boasts over 400 members. On behalf of our members, we offer this testimony in strong support of Senate Bill 2290, SD 1, relating to law enforcement.

Immigrants and refugees of all nations have contributed to the health, well-being, and general welfare of Hawai'i as families and neighbors. Similarly, immigrants and refugees of many nations have contributed to the prosperity of Hawai'i as workers and taxpayers. Many of Hawai'i's residents are the descendants of Chinese, Filipino, and Japanese immigrants who came to the islands during the nineteenth and early twentieth centuries to work on plantations. Discrimination based on national origin, race, ethnicity, or religion or perceived national origin, on the other hand, is a chronic aspect of life for immigrant and refugee populations of the United States and a problem faced by immigrants in the islands, as well.

Unfortunately, but unsurprisingly, the number of violent acts against committed against immigrant communities and religious minorities has been rising in recent years, especially in the wake of the 2016 presidential election. Chronic discrimination undergirding and propounded by acts of violence leads to community disengagement, diminished opportunities for integration, increased stigmatization, and greater incidents of health morbidity. Put simply, discrimination and violence is a violation of human rights, civil liberties, and the principles of economic growth. Promoting health, well-being, and general welfare are core obligations of state government. Moreover, individual and societal prosperity require harnessing all of Hawai'i's available labor, skills, and ideas to grow the state's economy and expand opportunities. Every Hawai'i resident

should be treated with compassion and respect regardless of national origin or citizenship status, and given opportunities to succeed.

Legally, the 14th Amendment of the Constitution of the United States guarantees all persons due process, equal protection of the laws. In the case of *Plyler v. Doe* (1982) and reaffirmed in *Zadvydas v. Davis* (2001), the Supreme Court of the United States held that that the Due Process and Equal Protection clauses of the 14th Amendment apply to all persons in the United States whose presence maybe or is unlawful, involuntary or transitory. Section 5 of Article I of the Hawaii State Constitution also guarantees every person due process and equal protection of the laws, and prohibits denying the enjoyment of a person's civil rights based on race, religion, sex or ancestry.

Contravening established legal protections afforded to immigrant populations, President Donald Trump has issued repeated executive orders relating to the deportation of immigrants that expand the definition criminal alien to include individuals who enter the country without authorization or commit acts that constitute any chargeable criminal offense, even if they have not yet been convicted of a crime. On March 6, 2017, the administration of President Donald Trump ordered a ban on immigration from six Muslim majority nations, furthering the current presidential administration's anti-immigrant agenda. That ban has since been legally challenged, to which Trump has responded by revising and expanding its nefarious tenets. The Trump administration's immigration policies have, accordingly, been condemned as harmful by numerous human rights and advocacy organizations, including Human Rights Watch, The Leadership Conference on Civil and Human Rights, the American Civil Liberties Union, and the National Immigration Law Center.

Our aloha spirit demands not only respect for diversity, but defense of people who are under siege for their heritage. Thus, we strongly endorse recognition that immigration is a federal function and this measure's request that local law enforcement agencies decline to work with federal immigration agencies, as well as a restriction of state or county funds by from law enforcement activities that collaborate with ICE or any other federal law enforcement agency in connection with the deportation of undocumented immigrants, including many of the human trafficking victims with whom we work each day and who have been brought to the United States against their will or under false pretenses. We must ensure a safe, secure, and welcoming community for everyone, including immigrants of every status, to promote respectful relations and collaboration between community members and agencies providing public safety services.

Mahalo for the opportunity to testify in support of this bill.

Sincerely,
Kris Coffield
Executive Director
IMUAlliance



Testimony of Hawaii J-20+
Supporting SB 2290 SD 1
Senate Committee on Judiciary
February 27, 2018 at 9:30 a.m. in Conference Room 016

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

Thank you for this opportunity to testify in support of SB 2290 SD 1. It is called the Ho'okipa, or welcoming bill, because it is a compassionate response to the federal government's disheartening decree to deport all undocumented immigrants, even though most of the undocumented immigrants in Hawaii have committed no crime arising from their immigration status.

Hawaii has a rich immigrant heritage. Waves of immigrants have come to Hawaii's shores for more than 100 years, determined to work hard to make better lives for themselves and their children. Our unique culture in Hawaii is due in large measure to the contributions of immigrants.

Of Hawaii's 250,000 immigrants, an estimated 45,000 are undocumented. The great majority of Hawaii's undocumented immigrants entered the country with a visa, but overstayed, which is not a crime. In fact, crossing the border without being processed is only a misdemeanor. The great majority of Hawaii's undocumented immigrants are from Asian and Pacific nations. 70% of Hawaii's undocumented immigrants are at or above 200% of the poverty level, and 40% own their own homes. Nationally, the crime rate of undocumented immigrants is 44% below that of native-born U.S. citizens.

President Trump signed an executive order on Jan. 25, 2017, which seeks to deport all undocumented immigrants from the U.S. The executive order also seeks to deputize local police to act as agents of federal immigration enforcement agencies, such as the federal Immigration and Customs Enforcement agency (ICE).

The Trump executive order has raised the level of fear among undocumented immigrants because local police, acting as ICE agents, may ask anyone they come into contact with about their immigration status, and that may lead to deportation.

For that reason the trust between the police and undocumented immigrants has been severed. Undocumented immigrants are now reluctant to report crimes or suspected crimes to the police, and they are reluctant to come forth as witnesses to crimes. As a result, our communities are less safe for everyone.

Undocumented immigrants are reluctant to report crimes even when they themselves are the victims. Studies show that undocumented women are less likely to report to the police that they have been victims of sexual assault because they fear deportation.

Trust between local law enforcement officers and the people they serve is a necessary element of the community policing model that is designed to advance public safety. It has been promoted by the U.S. Department of Justice, and police departments across the country have adopted it. If local law enforcement officers act as ICE agents, however, it would be impossible to establish necessary trust between local law enforcement officers and undocumented immigrants.

Immigration is a federal function. According to the Tenth Amendment, the federal government may not coerce States or their subdivisions to enforce its regulations or implement its programs. The federal government does not provide states with funding for immigration enforcement. In the interest of community safety, hundreds of cities and counties – and even several states – limit the cooperation of their local law enforcement agencies with ICE.

SB 2290 SD 1 limits the assistance that State and county police provide to federal immigration enforcement agencies, allowing only that which is required by law. This bill helps to maintain community safety and the vibrancy of Hawaii's immigrant heritage.

For the foregoing reasons, Hawaii J-20+ supports SB 2290 SD 1 and urges the committee to pass it.



February 27, 2018

To: Senator Brian Taniguchi, Chair
Senator Karl Rhoads, Vice Chair and
Members of the Committee on Judiciary

From: Jeanne Ohta, Co-Chair

RE: SB 2290 HD1 Relating to Law Enforcement
Hearing: Tuesday, February 27, 2018, 9:30 a.m., Room 016

POSITION: SUPPORT

The Hawai'i State Democratic Women's Caucus writes in support of HB 1994 HD1 Relating to Law Enforcement. Immigration is a federal function.

Hawai'i has a rich immigrant heritage. Immigrants came here determined to work hard to make better lives for themselves and their children, and many succeeded. Our unique culture in Hawaii is due in large measure to the contributions of immigrants.

Notably, immigrants also played an important role in our nation's history. Yet, the federal administration has adopted bigoted immigration policies, and undocumented immigrants are a target. Immigrants are undocumented because they either crossed the border without being processed, which is a misdemeanor, or they entered the U.S. on a visa and overstayed their visa, which is a civil matter—not a crime.

States, counties, and other jurisdictions may decide voluntarily to cooperate with ICE, or they may not. The Constitution makes it clear that the federal government may not coerce States or their subdivisions to do so. In the interest of community safety, hundreds of cities and counties—and even several states—limit the cooperation of their local law enforcement agencies with ICE. These jurisdictions are being called “sanctuary” jurisdictions. They do not provide any additional protections to undocumented immigrants that are not given to citizens. They merely limit the assistance that their local law enforcement agencies provide to ICE.

In recent months we are dismayed to see that the federal administration has chosen to target and deport immigrants who have lived successfully for several decades in the United States, who have families and businesses, and who have contributed to our communities. They are not, as our government would have us believe, violent criminals. It is because of these kinds of actions that we support this measure.

The Hawai'i State Democratic Women's Caucus is a catalyst for progressive, social, economic, and political change through action on critical issues facing Hawaii's women and girls.

We respectfully ask the committee to pass this measure. Thank you for the opportunity to provide testimony in support.

To: Hawaii State Senate Committee on Judiciary and Labor
Hearing Date/Time: Tuesday, Feb. 27, 2018, 9:30 a.m.
Place: Hawaii State Capitol, Rm. 016
Re: Testimony of Planned Parenthood Votes Northwest and Hawaii in support of S.B. 2290, SD1, relating to Law Enforcement

Dear Chair Taniguchi and Members of the Committee,

Planned Parenthood Votes Northwest and Hawaii (“PPVNH”) writes in support of S.B. 2290, SD1. 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 a road map to citizenship for the undocumented. S.B. 2290 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. Planned Parenthood stands with immigrants and believes 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 Legislative Director

SB-2290-SD-1

Submitted on: 2/24/2018 2:08:35 PM

Testimony for JDC on 2/27/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Nathalie Rita	Testifying for Hawaii J20	Support	No

Comments:

Thank you for allowing me to submit testimony in support of HB 1994. My name is Nathalie Rita and I am a PhD student at UH Manoa where my research focuses on international migration. I am testifying in strong support of SB 2290. It is called the Ho'okipa, or welcoming bill, because it is a compassionate response to the federal government's disheartening decree to deport all undocumented immigrants. In today's political climate it is more important than ever to protect the most vulnerable members of our community.

Sociological research shows that undocumented immigrants have a much LOWER crime rate than native born citizens. They are our family members, friends, and neighbors. Many have come from economically distressed countries to make better lives for themselves. Nationally, two-thirds of the undocumented immigrants who are adults have been in our country for 10 years or more. Many have married U.S. citizens or have children who are U.S. citizens by birth.

The Trump executive order has raised the level of fear among undocumented immigrants because local police, acting as ICE agents, may ask anyone they come into contact with about their immigration status, and that may lead to deportation. This makes are communities less safe for EVERYONE, as undocumented immigrants are now reluctant to report crimes or come forth as witnesses to crimes. Moreover, since Trump`s executive order, female immigrants are less likely to report sexual assault.

Do not be complacent with Trump's agenda. Instead, let's make Hawaii a part of the solution. Lets create safer communities for everyone. Mahalo!

Filipino American Citizens League

Jake Manegdeg, President and Charlene Cuaresma, Vice President
c/o 728 Nunu Street, Kailua, HI 96734

Testimony in strong support of SB 2290 SD1
Senate Committee on Judiciary
Feb. 27, 2018, 9:30 a.m., State Capitol, Conference Room 016

To: Sen. Brian T. Taniguchi, Chair and Sen. Karl Rhoads, Vice Chair
Members of Senate Committee on Judiciary
From: Jake Manegdeg, President and Charlene Cuaresma, Vice President
Filipino American Citizens League
Description: Prohibits state 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.

We, Jake Manegdeg, president, and Charlene Cuaresma, vice president, are proud to submit our full support of this bill on behalf of the Filipino American Citizens League. The Filipino American Citizens League was formed nearly twenty years ago to contribute to the advancement of civil rights and social justice for minority groups, underserved populations, and vulnerable communities through education, advocacy, and social action.

We support this bill and stand in solidarity to advocate for immigrant and refugee groups to be welcomed to live, work, raise their families, prosper, and give back likewise as good stewards of Hawai'i's civil society, without the fear of state and county agencies assisting Immigration and Customs Enforcement and federal agents to enforce wrongful deportation of individuals. This is critical now more than ever, because this administration is headed in a dangerous direction with regressive and reckless immigration policies that not only tear apart and weaken families, but also undermine our nation and destroy our democratic institutions.

As we approach the 112th year since Filipinos first arrived in Hawai'i as contract sugarcane workers in 1906, we owe a deep gratitude to our Native Hawaiian brothers and sisters, who have welcomed us here, in keeping with Ho'okipa, which is grounded in the values of a healthy, civil and mutually cooperative society. As Filipinos, we gained the privilege to learn to be good stewards of Hawai'i's diverse land and people. Since then, Filipinos contributed with each generation, serving in the fields of sugarcane, pineapple, coffee, health care, medicine, business, law, tourism, construction, military, education, entertainment and more. As a result, Filipinos have had the privilege to serve the people of Hawai'i in many first roles, including the first Filipino governor.

As Filipinos, we share a common history with Native Hawaiians of being conquered people, who were exploited, betrayed, and annexed as United States territories under the Treaty of Paris in 1898. "You cannot get to where you are going without looking to where you came." is a Filipino adage that fosters critical thinking on lessons learned in order to strive toward social justice, cooperation, mutual aid, and peaceful co-existence. Thank you for hearing this bill. We urge you to protect our immigrant and refugee communities with the provisions of this measure. They are our family, friends and neighbors. When they are safe, all are safe.

Very Sincerely,

Jake Manegdeg and Charlene Cuaresma

SB-2290-SD-1

Submitted on: 2/26/2018 7:41:45 AM

Testimony for JDC on 2/27/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Rachel L. Kailianu	Testifying for Ho`omana Pono, LLC	Support	Yes

Comments:

In STRONG SUPPORT.

SB-2290-SD-1

Submitted on: 2/26/2018 8:52:59 AM

Testimony for JDC on 2/27/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Sophia Mendoza	Testifying for 808RAN	Support	Yes

Comments:

Good morning Committee Members.

I support SB 2290 SD1, Ho'okipa Welcoming Policy Act.

My name is Sophia Mendoza. I am a Citizen-Veteran, daughter of a Mexican Immigrant and a veteran of the US Army, retired after 30 years of military service. Therefore, aside from my birthright, I am actual proof of the success of adherence to the US Constitution, its life-affirming tenets, the appreciation of diversity and the righteousness of our citizens.

It is plain to see the damage created by Donald Trump, Stephen Miller and Jeff Sessions by their effort to impose their brand of ethnic cleansing. It's plain for me to see because I've survived, as many of us have, a lifetime of racist and sexist discrimination. And, it is very clear that the city and state leadership will have to work overtime to combat the damage to our established society norms creating a safe and flourishing Hawaii; which makes this bill necessary to stabilize the chaos manifested by the Trump Administration due to their novice and unrefined politics.

The United States is the nation that it is because of immigrant contributions. The country was founded by foreign-born immigrants, and it continues to benefit economically, politically, and socially from immigration. Recognizing what immigrants give to this country is one step closer to accepting diversity. There are lists of notable immigrants with contributions to a broad base of fields and interests.

Today, I take exception to the enactment clause of this bill as amended by recommendation of your committee: "(2) Inserting an effective date of January 1, 2050, to encourage further discussion." That's 32 years, a lifetime. I will be 87 years old before this bill is enacted? There is evidence, video documentation of police officers in Florida, Michigan and Washington, who are performing immigration duties despite clear guidance to the contrary, which is why we are all here today. The behavior of these police officers is offensive and disturbing, as their actions to support immigration policy illuminates their "ignorance and bullying" and is a misguided turn from their noble duty to "protect and serve". This shift in perspective is a virus from which the people seek

redress and there is no doubt in my mind that it can be quarantined by a legislature who possesses astute intellect, wisdom and compassion. We are all connected, what effects the least of us will forever haunt us until we provide a positive and life-affirming social strategy that supports our evolving society.

For years I've witnessed Army Leaders disregard the regulations, both through ignorance and arrogance at the expense of trust and unity. I encourage all leaders of the state legislature to act boldly in support of the righteous tenets of the Constitution, amend the bill to include a proper enactment date to support the redress we request!

SB-2290-SD-1

Submitted on: 2/26/2018 11:17:37 AM

Testimony for JDC on 2/27/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Richard K. Minatoya	Testifying for Maui Department of the Prosecuting Attorney	Oppose	No

Comments:

The Department of the Prosecuting Attorney, County of Maui, OPPOSES SB 2290, SD 1. The function of law enforcement is to seek justice by enforcing duly enacted laws. This measure runs counter to that function. The Department requests that this measure be HELD.

Thank you very much for the opportunity to provide this testimony.



**WRITTEN TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-NINTH LEGISLATURE, 2018**

ON THE FOLLOWING MEASURE:

S.B. NO. 2290, S.D. 1, RELATING TO LAW ENFORCEMENT.

BEFORE THE:

SENATE COMMITTEE ON JUDICIARY

DATE: Tuesday, February 27, 2018 **TIME:** 9:30 a.m.

LOCATION: State Capitol, Room 016

TESTIFIER(S): **WRITTEN TESTIMONY ONLY.**
 (For more information, contact Lance Goto,
 Deputy Attorney General, at 586-1160)

Chair Taniguchi and Members of the Committee:

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

The Department would like to advise the Committee that there is a possibility that if enacted this bill will subject the state to closer scrutiny by the federal government, result in loss or delay in federal 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. These issues revolve around state compliance with federal law, title 8 United State 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 when federal grantees commit to following all relevant federal laws when they sign for their grant awards, it 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.

Recently, the federal Department of Justice (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 is requiring 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. So far, courts have ruled against DOJ and enjoined the imposition of these two new conditions. This matter is currently under litigation, as noted in section 1 of the bill, at page 8.

It should also be noted that the entire 2017 Byrne JAG funding is being held up by DOJ due to the pending litigation and has not been awarded to any state or local government entities.

The Department also offers a few technical comments on the bill.

On page 13, lines 8-13, the bill provides that law enforcement agencies shall not comply with a request from ICE or the Customs and Border Protection (CBP) agency for "non-public" information about an individual. The term "non-public" is not clear and should be defined.

On page 15, lines 1-5, the bill allows a law enforcement agency to disclose information about an individual's arrests or convictions, if otherwise permitted by state law or required pursuant to subpoena or court order. This exception should not be

limited to arrest and conviction information, but should apply to any information required to be disclosed by state law, subpoena, or court order.

On page 15, proposed section -6 prohibits law enforcement agencies from providing ICE with access to an individual to interview the individual for purposes of enforcement of immigration law. On page 16, proposed section -7(b) requires law enforcement agencies to provide a copy of an ICE detainer, transfer, notification, interview, or interrogation request to the detained individual named in the request. There are no exceptions provided for either section, but the exceptions previously provided in proposed section -5(b), on pages 13-14, may be reasonable and appropriate.

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

SB-2290-SD-1

Submitted on: 2/23/2018 6:30:35 PM

Testimony for JDC on 2/27/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
David Carr	Individual	Support	No

Comments:

I support this bill and believe immigrants should not be hounded from one location to another in an endless struggle to find a welcoming place to live and thrive. We can be that place.

SB-2290-SD-1

Submitted on: 2/23/2018 7:16:13 PM

Testimony for JDC on 2/27/2018 9:30:00 AM

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

Comments:

I fully support the Ho'okipa Bill (SB 2290) and want to see this bill supported by my local government and representatives.

SB-2290-SD-1

Submitted on: 2/23/2018 8:50:47 PM

Testimony for JDC on 2/27/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kat Culina	Individual	Support	No

Comments:

SB-2290-SD-1

Submitted on: 2/23/2018 9:39:12 PM

Testimony for JDC on 2/27/2018 9:30:00 AM

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

Comments:

SB-2290-SD-1

Submitted on: 2/26/2018 11:52:10 AM

Testimony for JDC on 2/27/2018 9:30:00 AM

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

Comments:

SB-2290-SD-1

Submitted on: 2/23/2018 9:48:03 PM

Testimony for JDC on 2/27/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Gerard Silva	Individual	Oppose	No

Comments:

I am against any bill that trys to cut out Law Enforcment of Elleagals . They are the worst criminals and you are giving these people the right to Kill ,Rape ,Steal and they will not be deported or charged for there Crimes. You are forcing the people to take the law in to there own hads to deal with this problem. Shame on any one who Votes for this and WE the people will be watching who Votes for this so we know who to Vote Against in the Comeing Election.

SB-2290-SD-1

Submitted on: 2/23/2018 10:39:32 PM

Testimony for JDC on 2/27/2018 9:30:00 AM

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

Comments:

We need to help those in need of help. It is the right thing to do.

SB-2290-SD-1

Submitted on: 2/23/2018 10:40:41 PM

Testimony for JDC on 2/27/2018 9:30:00 AM

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

Comments:

I am horrified and appalled by the escalation of hate since Trump's presidency. Racism and xenophobia have been central to his campaign and policies. His rhetoric is not based on facts but an attempt at scapegoating those who are most vulnerable in society. Anti-immigrant sentiments are central to these ends and we must not succumb to dog whistle politics. The crime rate of undocumented immigrants is 44% below that of native-born U.S. citizens. 70% of Hawaii's undocumented immigrants are at or above 200% of the poverty level, and 40% own their own homes.

There is an estimate of 21,000 to 45,000 undocumented peoples in Hawai'i. They are a part of the fabric of our society in every single way. Like citizens and green card holders they have families and work. They are exactly the same as except they are less lucky in where they were born, or the situations that they have been born into.

I call on you to support the Hookipa Bill and not let racism and xenophobia divide us.

SB-2290-SD-1

Submitted on: 2/26/2018 8:57:35 AM

Testimony for JDC on 2/27/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
MaryAnne Maigret	Individual	Support	No

Comments:

I wholeheartedly support this bill. Trump administration policy is leading to the inhumane and unjust treatment of undocumented immigrants. The policy smacks of racism and hysteria and must not be aided by local law enforcement. My own neighbor was deported from my small farming community in Honaunau, South Kona. His daughter attended high school with my children. He is a good man, someone who always lent a hand and was a leader. He was ripped from his life, his children, his wife, his community. This bill takes a well reasoned stand against these acts of inhumanity. Please pass this bill which supports American values and particularly reflects the cultural heritage and collective memory of past unjust and racist actions suffered by many Hawaii communities as well. Thank you.

of

the state

SB-2290-SD-1

Submitted on: 2/23/2018 10:53:16 PM

Testimony for JDC on 2/27/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Sang-hyoun Pakh	Individual	Support	No

Comments:

ICE does not make us safer. Instructing our police officers to bar ICE from acting in the state *would* make us safer. It would keep families together, make us less afraid to show up for work, make us less afraid to drop our kids off at school, make us less afraid to visit sick friends and family members at the hospital, and so on. Instructing our police officers to refrain from helping ICE when they are not obligated to by law would be a fine start. Thank you for your time.

SB-2290-SD-1

Submitted on: 2/24/2018 12:13:01 AM

Testimony for JDC on 2/27/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
William Doom	Individual	Support	No

Comments:

It is of paramount importance we must assure our state and local resources are not used to help the Trump administration separate families and deport local families and friends.

It is crucially important to protect immigrant families and Dreamers from the efforts to undermine our immigration system in service of Trump's racist policies.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

SB-2290-SD-1

Submitted on: 2/24/2018 1:29:16 AM

Testimony for JDC on 2/27/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kanani Kai	Individual	Support	No

Comments:

Aloha.

I am on the Immigration Committee of Hawaii J20.

I previously testified, in person. I stand on my testimony and that of Thomas Dye, John Kawamoto, and Nandita Sharma.

I would also like to add, that I spend a lot of time outside Homeland Security fighting Racist Deportation of Immigrants. I have witnessed some of the families who are being torn apart, due to the racist hatred of trump. One such family I saw, consisted of a single mother from Maui, who had been living here for over twenty years (undocumented and no criminal history) and her 20 year old daughter and her 10 year old son, who are both U.S. Citizens. Minerva cleaned houses and her daughter was in college. She was turned in [anonymously](#). Had it not been for a church group and others, posting her \$5,000 retainer fee, she would have been taken away from her children, that day. I saw first hand the anguish her children were suffering. Her 10 year old son stood behind his mother, in terror, of her being taken from him.

She went home with her family that day, but was later deported back to Mexico. Her 20 year old daughter is no longer in college, as she has to care for her little brother. They have moved to California. Just one example of lives which are being torn apart.

We need Family Reunification not Deportation. These people need a safe place, free of this fear, while they go through the process of becoming documented, if they are not. Please pass our Ho'okipa Bill.

Mahalo and Sincerly,

Kanani Kai

SB-2290-SD-1

Submitted on: 2/24/2018 4:55:41 AM

Testimony for JDC on 2/27/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Katharine Beutner	Individual	Support	No

Comments:

SB-2290-SD-1

Submitted on: 2/24/2018 7:26:28 AM

Testimony for JDC on 2/27/2018 9:30:00 AM

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

Comments:

Supporting the Bill to defend the rights of the people who live in our islands. Mahalo for putting this forward.

Testimony in Strong Support of SB2290 SD1

Aloha Chair Taniguchi and Members of the Senate Committee on Judiciary. My name is Thomas S. Dye. I am a small business owner, educator, and member of Hawai'i J20+. I am testifying in strong support of SB2290 SD1.

I agree with the testimony offered by Hawai'i J20+ in support of SB2290 SD1.

Given the hyper-partisan rhetoric surrounding immigration to the United States, I would like to address the issue of federal criminal justice funding to state and local governments.

As you likely know, the Federal Department of Justice (DOJ) under Attorney General Sessions has attached new conditions to DOJ programs that provide funds to state and local governments. These conditions seek to expand state and local government requirements to cooperate with the federal government in its efforts to enforce federal immigration laws.

In September, a federal judge in Chicago granted a nationwide injunction against these conditions, holding that it was likely AG Sessions had exceeded his authority by imposing them.

The matter is still under litigation and the DOJ has held up FY 2017 funding to state and local governments due to the pending litigation.

The Edward Byrne Memorial Justice Assistance Grant (Byrne JAG) is the primary provider of federal criminal justice funding to state and local governments. The Byrne JAG program was created by the Violence Against Women and Department of Justice Reauthorization Act of 2005 (P.L. 109-162), which consolidated other programs into a single program. Federally authorized funding for the Byrne JAG program and its predecessors has fallen from more than a billion dollars in FY 1998 to about \$400 million annually this decade. Amounts actually appropriated vary from year to year but are typically about half the authorized amount.

Byrne JAG funds are awarded according to a statutorily defined formula based on population and violent crime rate. Hawaii's allocation for FY 2017 was \$840,284.00. If DOJ releases FY 2017 funding, 60% (\$504,170.40) will be awarded to the state and 40% (\$336,113.60) will be directly awarded to the counties.

The state portion of the potential Byrne JAG funding represents 0.6% of the Department of Attorney General operating budget for FY 2017.

By way of comparison, the FY 2017 Byrne JAG allocation for California was \$17,701,281.00, the highest in the nation and about 20 times Hawaii's allocation. On January 1, 2018, California became the seventh state to put sanctuary legislation into effect.

I respectfully urge the committee to follow California's lead and pass SB2290 SD1.

SB-2290-SD-1

Submitted on: 2/24/2018 10:00:52 AM

Testimony for JDC on 2/27/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kayla M Rash	Individual	Support	No

Comments:

I strongly support this bill!

February 24, 2018

Testimony to the Hawaii State Legislature: SB 2290 DECLARING HAWAII TO BE A HO'OKIPA (WELCOMING) STATE

I am a second generation Irish-Polish American. I am told my "Papist" Irish grandparents had a Klu Klux Klan cross burned in their yard in Indianapolis, Indiana "back in the day." I do not want "back in the day" of the KKK to be our present.

My Vietnamese-American friend is a successful business women on the island of Oahu; she attributes her cheerfulness and commitment to her employees as a result of her gratefulness for her life she has a U.S. citizen. My friend escaped South Vietnam, during the time of the Vietnam Conflict, after her father was killed by the Communists for aiding Americans. She and her friend escaped together at the age of 16. She was one of the "boat people." My friend has related to me the story of making her way to Malaysia on an overcrowded boat; her boat and its refugees were fortunate enough to be seen and rescued by a tanker. Her friend's boat and many others were not so fortunate. The memories of dead bodies floating in the sea are with her always. I asked her how she survived the four years in Malaysia, while waiting on the dream to come to the United States, knowing how young girls are often sold into slavery; she told me her friend had taught her how to make herself ugly, and that life was hard, very hard. This explains her current state of happiness and gratefulness.

For many months my friend and other members of her extended family in the United States were looking forward to a reunion in Vietnam, her nieces wedding. After the initial Muslim Ban, all family members with the exception of my friend pulled out of their travel plans

due to the fear they may not be allowed back into the United States - despite their citizenship. My friend said if she did not have children she would go to Vietnam and not return for a year.

As a member of the Women's March and in solidarity with J20 and many other groups, I attended the airport rally at the Honolulu International Airport after the first Muslim Travel Ban was announced. From this experience I learned the name of our local immigration lawyer and the local ACLU. Before my friend left for Vietnam I gave her the information and told her to write it on her arm in indelible marker. After I drove away from this encounter I cried at the reality of the moment. Whether or not her fear is unfounded is beside the point. The current administration in the White House continues to generate and re-generate an atmosphere of fear and hatred among its citizens. We cannot co-exist in a fearful state. Federal and local officials, as well as the safety of all citizens, benefit from a trust in the system. The fearful citizen will not call in a crime if they do not trust officials. They will not step forward. They will not believe themselves to be validated. Declaring Hawaii a "Ho'okipa (welcoming) State" will not only validate an environment of Aloha, but create a safer State for all.

Mahalo nui loa,

Dr. Eileen Marie Gawrys

SB-2290-SD-1

Submitted on: 2/26/2018 8:56:03 AM

Testimony for JDC on 2/27/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kerry Long	Individual	Support	No

Comments:

My name is 'Ilima Long. I am testifying in strong support of SB2290.

SB-2290-SD-1

Submitted on: 2/24/2018 11:11:33 AM

Testimony for JDC on 2/27/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Loren Bullard	Individual	Support	No

Comments:

Hello my name is Loren Bullard and I support SB2290 SD1.

SB-2290-SD-1

Submitted on: 2/24/2018 11:23:46 AM

Testimony for JDC on 2/27/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jason Jayaprakash	Individual	Support	No

Comments:

My name is Jason Jayaprakash. I'm testifying in support of SB2290.

As a naturalized citizen, I believe it is harmful for the community to have an oppressive presence of federal immigration authorities in Hawaii.

As a child, deportation was a fear for me, however unfounded: I had done nothing wrong and was a legally documented immigrant, but as someone with brown skin growing up in post 9/11 America, I couldn't help but feel afraid that this country didn't want me here.

Moving to the US from India as a child, I have basically grown up in Hawaii and consider it my home. The people of Hawaii are my community.

All those who live in Hawaii with care and love for the land should be able to call its people their own. This place is called home for so many, and to allow the oppression of some to threaten the wonderful community here would be an injustice.

SB-2290-SD-1

Submitted on: 2/24/2018 11:57:33 AM

Testimony for JDC on 2/27/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Erica Scott	Individual	Support	No

Comments:

SB-2290-SD-1

Submitted on: 2/24/2018 8:44:11 PM

Testimony for JDC on 2/27/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
chelsea pang	Individual	Support	No

Comments:

For my personal faith and respect if Hawaiian kingdoms I strongly support this bill, same as last year

SB-2290-SD-1

Submitted on: 2/25/2018 8:57:34 AM

Testimony for JDC on 2/27/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jan Dickey	Individual	Support	No

Comments:

I strongly support this bill, and believe it deserves the chance to be voted upon.

SB-2290-SD-1

Submitted on: 2/25/2018 12:10:54 PM

Testimony for JDC on 2/27/2018 9:30:00 AM

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

Comments:

SB-2290-SD-1

Submitted on: 2/25/2018 12:57:47 PM

Testimony for JDC on 2/27/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Caroline Kunitake	Individual	Support	No

Comments:

My name is Caroline Kunitake. I am testifying in strong support of SB2290.

SB-2290-SD-1

Submitted on: 2/25/2018 1:00:44 PM

Testimony for JDC on 2/27/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Peter J Long III	Individual	Oppose	No

Comments:

Immigration is a matter for specific agencies within the Federal Government to handle.

State Legislators that pass laws opposing the cooperation between Federal and Local level Law Enforcement Agencies are contributing to the overall chaos that is so prevalent in our judicial system. Furthermore, it reminds me of a screaming child throwing a temper tantrum.

Please reject this bill and allow for continued communication and cooperation between state and federal LE agencies.

SB-2290-SD-1

Submitted on: 2/25/2018 6:02:44 PM

Testimony for JDC on 2/27/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Nandita Sharma	Individual	Support	No

Comments:

Testimony of Nandita Sharma, Associate Professor, Sociology, University of Hawaii at Manoa and Co-Chair, Immigration Committee of Hawaii J20+

Supporting SB 2290

Senate Judiciary Committee Meeting, Tuesday, February 27 at 9:30AM, Conference Room 016, Hawai'i State Capitol (415 South Beretania Street)

Thank you for this opportunity to testify in support of SB 2290, or the Ho'okipa (welcoming) bill. I have been researching immigration policies and their effects for the last twenty-five years and have published numerous articles and books on the topic. I am a nationally and internationally recognized expert on immigration policies and politics, especially as it relates to issues of racism, sexism, and nationalism.

I believe that SB 2990 is a reasonable and much-needed response to President Trump's signing of a Jan. 25, 2017 executive order seeking to deport all undocumented immigrants from the United States. Trump's executive order also seeks to deputize local police to act as agents of federal immigration enforcement agencies, such as the federal Immigration and Customs Enforcement agency (ICE).

The Hawaii State government has done a truly wonderful – even heroic – job at standing up for justice (and our constitutional rights) by challenging President Trump's executive order on the "Muslim ban."

It is time to do the same with Trump's executive order on stepped-up deportation, which mainly (but not only) targets undocumented immigrants.

The vast majority of immigrants who are undocumented are so because they either crossed the border without being processed, *which is a misdemeanor*, or they entered the U.S. on a visa and overstayed their visa, *which is a civil matter -- not a crime*. At the same time, the reported crime rate of undocumented immigrants is 44% below that of citizens born in the U.S.

An estimated 11 million undocumented immigrants live in the U.S. Two-thirds of the adult undocumented immigrants have been in the U.S. for 10 years or more. Many have

married spouses who are U.S. citizens, and many more have children who are U.S. citizens by birth.

In Hawaii, the American Immigration Council's estimates that 45,000 undocumented immigrants live in Hawaii. About 45% are from the Philippines, 15% from Japan, and most of the rest are from Asian and Pacific nations. 70% of Hawaii's undocumented immigrants are at or above 200% of the poverty level, and 40% own their own homes. In short, undocumented immigrants in Hawaii are an important part of our families and our communities.

Supporting SB 2990 is crucial for a variety of reasons, including the important issue of maintaining the integrity of the judicial process. Numerous reports from law enforcement agencies across the US, as well as agencies working with victims of crime, report that Trump's executive order has raised the level of fear among undocumented immigrants. This heightened fear is largely based on concerns about local police acting as federal ICE agents. Many undocumented immigrants are afraid that any law enforcement official they come into contact may detain them and start the process of deporting them and their loved ones.

This has been amplified with the ICE authorization to enforce deportation orders inside of courthouses (See: ICE Directive Number 11072.1: "Civil Immigration Enforcement Actions Inside Courthouses," issued on January 10, 2018). This directive reverses long-standing ICE protocols to *not* attempt to detain people attending to court business, and especially to not detain people attending non-criminal (e.g., family court, small claims court) proceedings. The trust between the judiciary and undocumented immigrants is being severely eroded by these and other ICE practices.

This is especially dangerous for women who are victims of sexual and/or partner violence. According to an April 30, 2017 report in the *New York Times* (NYT), "since the presidential election, there has been a sharp downturn in reports of sexual assault and domestic violence among Latinos [in Los Angeles], and many experts attribute the decline to fears of deportation." The Chief of the Houston Police Department, Art Acevedo, noted that the number of Latinos reporting rapes in Houston fell by 42.78% in 2017 from the same period in the previous year. The drop, he added, "looks like the beginnings of people not reporting crime" (see <http://www.chron.com/news/houston-texas/houston/article/HPD-chief-announces-decrease-in-Hispanics-11053829.php>).

Los Angeles Police Chief, Charlie Beck, found similar results. Speaking on March 21, 2017, Beck stated that reports of sexual assault and domestic violence made by the city's Latino residents plummeted in 2017 "amid concerns that immigrants in the country illegally could risk deportation by interacting with police or testifying in court" (see: <http://www.latimes.com/local/lanow/la-me-ln-immigrant-crime-reporting-drops-20170321-story.html>). Beck added that reports of sexual assault dropped 25% among the city's Latino population since the beginning of 2017 compared with the same period last year, with reports of male violence against women falling by 10%.

The fear of law enforcement officials by undocumented immigrants was significantly eroded by a February 09, 2017 case in El Paso, where ICE agents arrested a woman as she exited a courtroom where a judge had just granted her a protective order against the man she said had abused her. “This is not normal,” said Olivia Rodriguez, the executive director of the Los Angeles County Domestic Violence Council. After such actions – actions prompted by Trump’s executive order - Ms. Rodriguez said that women experiencing physical or sexual assaults, “assume that if they call a government entity it’s all connected, that they will be reported to ICE and sent away. So instead they are just taking the abuse” (in NYT, April 30. 2017. See: <https://www.nytimes.com/2017/04/30/us/immigrants-deportation-sexual-abuse.html>).

It does not have to be this way SB 2990 goes some way in addressing this serious threat to the integrity of the judiciary and to public safety.

Immigration is a federal function. The federal government does not provide states with funding for immigration enforcement. And, according to the US Constitution’s 10th Amendment, the federal government may not coerce States or their subdivisions to enforce its regulations or implement its programs. In the interest of community safety, hundreds of cities and counties – and even several states – limit the cooperation of their local law enforcement agencies with ICE.

SB 2990 limits the assistance that State and county police provide to federal immigration enforcement agencies, allowing only that which is required by law. This bill helps to maintain community safety and respects Hawaii’s immigrant communities.

SB 2990 was needed before President Trump’s executive order, but it is needed now more than ever. For the foregoing reasons, I strongly support SB 2990 and urge the committee members to pass it.

SB-2290-SD-1

Submitted on: 2/25/2018 1:13:09 PM

Testimony for JDC on 2/27/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Ashley de Coligny	Individual	Support	No

Comments:

SB-2290-SD-1

Submitted on: 2/25/2018 1:50:30 PM

Testimony for JDC on 2/27/2018 9:30:00 AM

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

Comments:

My name is John Szostak, a resident of Honolulu. I am testifying in order to strongly support the passing of SB2290.

SB-2290-SD-1

Submitted on: 2/25/2018 1:50:58 PM

Testimony for JDC on 2/27/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Christine Weger	Individual	Support	No

Comments:

Republicans in Washington have begun a manhunt without affording due process--why should Hawaii's precious financial and police resources be used for such a purpose? Hawaii, rather than abiding by its cultural heritage of sanctuary, has provided **more** state and local law enforcement support for immigration detainees than many other states and cities.

The last time when our nation has embarked on a coordinated attack on immigrant groups, it was during war time and was accompanied by scare tactics about persons of differing race and ethnicity. This is no different, except there is no war and no evidence that these detainees are of any danger to the community.

You have the power to put the State of Hawaii on the ethical and moral side of this issue. We, who have known the fear and hatred that was sown against Japanese-Americans, we should be especially be prepared to take a stand. Your constituents are watching to see if you will withstand pressure and hold true to our values.

Christine Weger

Diehl & Weger Attorneys

733 Bishop Street, Suite 1410

Honolulu, HI 96813

Prohibits state law enforcement agencies from complying with federal immigration detainees or honoring requests for non-public information unless specifically required to do so by a warrant signed by a judge or federal, state, or local law.

SB-2290-SD-1

Submitted on: 2/25/2018 4:25:21 PM

Testimony for JDC on 2/27/2018 9:30:00 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 SB2290.

SB-2290-SD-1

Submitted on: 2/25/2018 7:46:04 PM

Testimony for JDC on 2/27/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Lisa Poulos	Individual	Oppose	Yes

Comments:

Dear Senators;

I strongly oppose SB2290 SD1.

This bill is encouraging people, citizens and illegal aliens alike, to ignore laws. This sets a terrible precedence where state lawmakers encourage their own law enforcement agencies to disregard federal laws, picking and choosing which we will aid in enforcement.

The bill states, "It is essential to the public safety of all residents that there is a relationship of trust and cooperation among members of the immigrant community and state and local law enforcement agencies.

This relationship is undermined when state and local law enforcement voluntarily act at the request of federal immigration officials.

Voluntary enforcement of federal immigration law is not a wise and effective use of state and local resources."

What about the public safety and trust of your citizens? This bill pits our state law enforcement against our federal law enforcement agencies. Trust is diminished when there is not unity in our law enforcement agencies, when we are picking and choosing which laws to enforce and which to ignore. This creates confusion.

Also, we are experiencing this immigration crisis precisely because of what you are proposing and sanctioning, ignoring and not enforcing laws. How can you expect your citizenry to abide by laws you enact when you encourage disregard and enforcement of federal laws.

If you pick and choose which to follow, why can't we as residents of Hawaii pick and choose which state laws to follow. Why can't a homeless person sleep on Kalakaua Avenue if they so choose? Why can't I talk on my cell phone while driving?... I thought that nullification of federal laws was ultimately dealt with at the victory of the Union Army in the Civil War.

The bill states that, “the legislature does not condone immigration without legal authorization” and yet says, “The legislature additionally finds that unlawful presence in the United States is not, by itself, a criminal offense ... A person's undocumented status can result from crossing a border into the United States without being processed, which is a federal misdemeanor, or from entering the United States with a visa and then overstaying the length of the visa, which is not a crime. It is believed that the great majority of undocumented immigrants living in Hawai'i overstayed their visas.”

This bill is playing a words game, undocumented status vs. illegal alien. Anyone in our country without legal entry or overstayed their visa has broken our law plain and simple.

I understand that not all illegal aliens are the same, they have varying stories and reasons why they are America, and we need to find the best solution possible for them, but pitting our state and federal law enforcement officers against each other is not the way to do this.

Please oppose SB2290 SD1.

Mahalo for your thoughtful consideration and time,

Lisa Poulos

TO: Senator Brian T. Taniguchi, Chair – Committee on Judiciary
Senator Karl Rhoads, Vice Chair – Committee on Judiciary

DATE: Tuesday, February 27, 2018

TIME: 9:30 AM

PLACE: Conference Room 016

Re: **SB 2290 SD 1** **Relating to Law Enforcement**

Position: **Strong Support**

Dear Senator Taniguchi, Rhoads, and Committee Members,

Thank you for this opportunity to testify in support of **SB 2990, HD 1**. It is called the Ho'okipa, or welcoming bill, because it is a compassionate response to the federal government's disheartening decree to deport all undocumented immigrants, even though most of the undocumented immigrants in Hawaii have committed no crime arising from their immigration status.

Hawaii has a rich immigrant heritage. Waves of immigrants have come to Hawaii's shores for more than 100 years, determined to work hard to make better lives for themselves and their children. Our unique culture in Hawaii is due in large measure to the contributions of immigrants.

The American Immigration Council estimates that 45,000 undocumented immigrants live in Hawaii. About 45% are from the Philippines, 15% from Japan, and most of the rest are from Asian and Pacific nations. 70% of Hawaii's undocumented immigrants are at or above 200% of the poverty level, and 40% own their own homes.

President Trump signed an executive order on Jan. 25, 2017, which seeks to deport all undocumented immigrants from the U.S. The executive order also seeks to deputize local police to act as agents of federal immigration enforcement agencies, such as the federal Immigration and Customs Enforcement agency (ICE).

The Trump executive order has raised the level of fear among undocumented immigrants because local police, acting as ICE agents, may ask anyone they come into contact with about their immigration status, and that may lead to deportation.

For that reason, the trust between the police and undocumented immigrants has been severed. Undocumented immigrants are now reluctant to report crimes or suspected crimes to the police, and they are reluctant to come forth as witnesses to crimes. Undocumented immigrants who are victims of sexual assault or domestic violence are

afraid to come forward for help [New York Times article: *Too Scared to Report Sexual Abuse. The Fear: Deportation* by Jennifer Medina 4/30/2017]. As a result, our communities are less safe for everyone and our neighbors are suffering in silence from assault and sexual violence.

SB 2290, SD 1 limits the assistance that State and county police provide to federal immigration enforcement agencies, allowing only that which is required by law. This bill helps to maintain community safety and keeps Hawaii's immigrant heritage alive.

As a third-generation immigrant, I strongly support **SB 2290, SD 1** and urge the committee to pass it.

Thank you for the opportunity to testify.

Sincerely,

Cynthia J. Goto

SB-2290-SD-1

Submitted on: 2/25/2018 8:52:14 PM

Testimony for JDC on 2/27/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Peter Gellatly	Individual	Support	No

Comments:

Mahalo for considering this vital issue. Thousands of local families are affected by it.

Please do not be fooled by claims that SB2290 advocates breaking the law. In fact, it does precisely the opposite — while allowing us to both honor traditional Hawaiian values and save taxpayers' dollars.

There are two ways to approach the matter of undocumented immigration: kind and practical, or not. President Trump has chosen the latter because it is his nature to do so. We have a chance to do better, simply by following the law ourselves.

The Ho'okipa bill requires local law enforcement to remain local — to let federal agents do their job as our police officers do theirs. Forcing local personnel to work with ICE — as Trump would have it — is illegal, as is honoring ICE detainers unsupported by judicial warrants. In these respects, the Ho'okipa bill asks only that we follow the law. To proceed otherwise is unnecessary.

We all have heard of families torn apart by Trump's initiatives. He does not care about their pain. Some of us do. The Ho'okipa bill allows us to heed our consciences. To be practical, as well: Millions of people are living in America without proper paperwork. They have American families, children, homes and jobs. They are more law-abiding than native-born Americans. What is the practical purpose of rounding them up, shipping them off to places they typically left for good reason, and destroying families and lives thereby? Who gains?

Who in Hawaii is willing to throw the first stone? Not me.

SB-2290-SD-1

Submitted on: 2/25/2018 9:49:53 PM

Testimony for JDC on 2/27/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Maya Maxym	Individual	Support	No

Comments:



Hawai'i State Judiciary

High Demand Interpreted Languages: Statewide FY 2014

(Based on number of proceedings in which interpreter was provided, July 1, 2013–June 30, 2014)

1. Chuukese
2. Ilokano
3. Marshallese
4. Korean
5. Spanish
6. Vietnamese
7. Tagalog
8. Japanese
9. Tongan
10. Mandarin
11. Samoan
12. Cantonese
13. Pohnpeian
14. American Sign Language (ASL)
15. Kosraean

SB-2290-SD-1

Submitted on: 2/26/2018 6:39:25 AM

Testimony for JDC on 2/27/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
R Siciliano	Individual	Support	No

Comments:

SB-2290-SD-1

Submitted on: 2/26/2018 6:49:58 AM

Testimony for JDC on 2/27/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Nancy Marker	Individual	Support	No

Comments:

TESTIMONY for Senate Bill No. 2290, S. D. 1, RELATING TO LAW ENFORCEMENT

Senate Committee on Judiciary

Room 016, 9:30 a.m, February 27, 2018

Dear Sen. Brian Taniguchi, Chair, Sen.Karl Rhoades, Vice Chair, and Committee Members:

As an interested citizen, I fully support SB 2290 SD 1 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. 2290 SD 1. Thank you for the opportunity to testify.

Sincerely,

Nancy Marker

SB-2290-SD-1

Submitted on: 2/26/2018 7:49:02 AM

Testimony for JDC on 2/27/2018 9:30:00 AM

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

Comments:

Dear Sen. Taniguchi, Chair, Sen. Rhoads, Vice Chair, and Committee Members:

As public health professional and concerned citizen residing in Hawaii for over 20 years, I fully support SB2290 HD1, which 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, 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. For the same reasons, many immigrants may also avoid seeking appropriate health and social services, causing huge implications for public health in Hawaii.

Most importantly, our state is one where people have sought better lives and are contributing to our economy and communities. As the son of immigrants from Vietnam, I witnessed firsthand the hard work and commitment to bettering themselves and their communities in their new country. Without this opportunity, my parents' sacrifices would not have allowed me to contribute to the health and well-being of Hawaii's diverse communities through my public health work. 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 SB2290 SD1. Thank you for the opportunity to testify.

Thaddeus Pham

SB-2290-SD-1

Submitted on: 2/26/2018 7:55:29 AM

Testimony for JDC on 2/27/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Ray Oda	Individual	Oppose	No

Comments:

Stop the grandstanding and anti-Trump rhetoric! We **need** Federal funds and assistance; get on with providing for our citizens!

SB-2290-SD-1

Submitted on: 2/26/2018 8:14:12 AM

Testimony for JDC on 2/27/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Carl Bergquist	Individual	Support	No

Comments:

am a father, spouse, law student, non-profit worker and immigrant, and I welcome this Ho'okipa bill with open arms. Hawai'i should join the ranks of other sanctuary jurisdictions, and shield immigrant families from the arbitrary and cruel whims of the federal deportation machine.

That being said, there are two aspects to this bill that I would humbly suggest amending:

1) The findings section regarding deportations under previous administrations, including President Obama's, is misleading. From 2009-2017, over 3 million immigrants were "removed" from the U.S., and it goes without saying that only a small fraction of these, in fact, committed "serious crimes." All data bears this out as a fact, and it is long established that immigrants, regardless of status, commit less and not more crime than the native-born population. Further, while border "returns" were down under President Obama – this is chiefly because less were trying to cross the border post the 2008 economic crash. This simple fact means that less overall deportations occurred during those years. However, the fact that so many were instead "removed" is very significant, since being removed has far more serious consequences when it comes to later being able to immigrate lawfully. This leaves these immigrants, often with families and jobs here, no other option but to, again, become undocumented. Most of the so-called "serious crimes" touted are, in fact, immigration offenses, criminalized in the past few decades. Half of all federal prosecutions are for illegal entry and especially re-entry. This, coupled with the increasing role of local police in immigration enforcement, is why other places like California fought so hard to pass this type of legislation, also under President Obama. I was part of those efforts before moving here. The fact that the situation is even worse in 2018 does not erase this history.

2) Regarding criminalization of immigrants, this bill contains numerous exclusions that would permit local police to either hold someone for, or share their information with, Immigration and Customs Enforcement (ICE) – both scenarios increase the chances of deportation and the break-up of a family. Given Hawai'i local law enforcement past record of complying 100% with all ICE detainers, my concern would be that this would continue whole cloth even under this bill. Thus, the individual circumstances of an immigrant would not be considered. This could lead to e.g. someone with one past drug paraphernalia conviction (previously a class C felony, now decriminalized) being funneled into the deportation machine after an arrest for any reason. This is overly broad and not in spirit with ho'okipa.

SB-2290-SD-1

Submitted on: 2/26/2018 8:29:56 AM

Testimony for JDC on 2/27/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Gwen Geronimo	Individual	Support	No

Comments:

Strong support of SB2290

SB-2290-SD-1

Submitted on: 2/26/2018 8:53:46 AM

Testimony for JDC on 2/27/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kerrie Littlejohn	Individual	Support	No

Comments:

My name is Kerrie Littlejohn. I am testifying in strong support of SB2290.



Nursing Advocates & Mentors, Inc.

... a non-profit organization with a mission to address the global nursing shortage by providing guidance and assistance for nursing colleagues to obtain their professional license in nursing.

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Testimony in strong support of SB 2290 SD1

Senate Committee on Judiciary

Feb. 27, 2018, 9:30 a.m., State Capitol, Conference Room 016

To: Sen. Brian T. Taniguchi, Chair and Sen. Karl Rhoads, Vice Chair
Members of Senate Committee on Judiciary
From: Beatrice Ramos-Razon, RN, FACDA, President
Nursing Advocates and Mentors Inc.

Description: Prohibits state 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.

My name is Beatrice Ramos-Razon. I am humbled to submit our strong support for this bill as the founder and president of NAMI (Nursing Advocates & Mentors, Inc.). NAMI's membership is comprised of over 75 volunteer nurses, instructors, allied health care professionals, and Filipino leaders, who are dedicated to improve the health of Hawai'i's people through education, mentoring, advocacy and service.

As a registered voter and constituent in District 32, Salt Lake, and as a nurse, most of my NAMI nursing colleagues and I are naturalized American citizens from the Philippines. As a result, we have had the privilege to live, work, raise our families, prosper, and contribute to making Hawai'i one of the best health care systems in the nation. Given this, we urge our lawmakers to ensure that this bill passes, as consistent with the provisions laid out in this resolution. We hope this bill will prevent coercion of government employees to cooperate with federal agents to deport individuals who do not have federally recognized documents for proof of residence. We recognize the need to fix America's broken immigration system, not criminalize family members and individuals.

Thank you for hearing this bill and for the opportunity to submit testimony to encourage its passage.

Sincerely,

Beatrice Ramos Razon, RN, FACDA, President
Nursing Advocates and Mentors, Inc.

Marcella Alohalani Boido, M. A.
Hawaii Judiciary Certified Spanish Court Interpreter, Tier 4

To: Sen. Brian T. Taniguchi, Chair; Sen. Karl Rhoads, Vice-Chair;
Members, Senate Committee on Judiciary

Date: February 27, 2018, Room 016, 9:30 a.m.

Re: **SB 2290 SD 1, SUPPORT**

Thank you for hearing this bill. It is of historic importance for Hawaii.

We need our county police departments to concentrate on what we, the people of this state, and our guests, actually need them to do. We need them to focus on responding to 911 calls, keep traffic moving safely, assist victims of domestic and other violence, and investigate drug labs and other crimes. They need to have the confidence and trust of our community to be able to do this. We need them to be our community's police force, a working extension of our values, not an extension of a shameful, racist political agenda which will be discredited by history.

Some of the people who testified in opposition previously seem to think that all Hawaii's undocumented immigrants entered illegally. This may not be true. Two years ago, when I had access to the information, 95%+ of interpreter services in Executive Office of Immigration Review (EOIR) hearings, also known as "immigration court," were in Mandarin. The EOIR contract for in-person interpreting is currently held by SOSi.¹ There are three (3) Mandarin interpreters in Hawaii working in EOIR hearings, and they work frequently.

My understanding is that the Mandarin speakers in EOIR proceedings came in with a student or tourist visa, and then overstayed. Spanish was needed in EOIR hearings maybe once or twice a month, and other languages even less frequently. Some of this may have to do with who can afford counsel.

Hawaii may be unusual or even unique in the USA in that Latinos are probably not the majority of currently undocumented immigrants. They are certainly not the majority needing an interpreter in state court. In the Judiciary's Fiscal Year 2014 report, Spanish was #5 in statewide usage.²

Hawaii has families with at least one immigrant parent who may be subject to deportation. The federal plan is to deport people who have been arrested, but not yet convicted. What happened to "presumed innocent until proven guilty"? Where are our founding American values?

Carrying out the agenda of the current federal regime will be costly, in funds, in emotional pain, and in long-term dishonor to those who participate willingly. It will create a history of family

¹ <http://www.sosi.com/>

² Although I have repeatedly requested updated data from the Judiciary, so far it has not been provided to me.

members separated from each other, some children here, some children there, of children growing up without a parent or parents in their lives, of broken-hearted spouses and sweethearts left behind to cope with the ruin of their lives.³ What will the consequences of the trauma of separation be, for the children, the adults, their *'ohana*, and our community, in the future?

We should keep our families, our community, our ideals and values, and our hearts, whole.

Since 1990, I have been working as a Spanish court interpreter in state courts. My observation is that when a Latino defendant comes to court with a sweetheart or spouse, virtually all of these women are part-Hawaiians. These couples often have children together. The Latino men are not only raising their own part-Hawaiian children, they are often also raising their partner's children from a previous relationship.

One man I met recently, who is here under Temporary Protected Status, is raising his sweetheart's infant *hanai* son (her nephew), whom the couple are in the process of legally adopting. Deporting these men will leave these women without a partner or husband, the children without a father, and both women and children without a breadwinner.

Let us not be fooled by the red herrings being dangled in front of us about crime. The agenda behind deportation of undocumented people is about racism and power: preventing the rise of demographic groups which may vote for a different party.

In Hawaii, we already know a lot about how some elites have tried to prevent the rise of certain ethnic groups. We need to honor our history, our families and friends, recognize the reality of what is going on, and prevent repetitions of previous, ugly government complicity.

Once again, the USA is going through a period in which certain government actors are expressing intense racism and fostering fear of non-whites, immigrants, and non-Christians. In Hawaii, we already know where this can lead: straight to the internment camps of WWII, the roundup of Japanese Buddhist priests, cultural leaders, and Japanese language teachers.^{4, 5}

Some of us have had the privilege of knowing people who were interned. I have. I had a teacher at Kauai High School, Mrs. Miyashiro, who shared her childhood internment experience with our

³ A poetic description in Spanish of this miserable situation can be found in this song, performed by La Santa Cecilia, a group from Los Angeles: "ICE. *El hielo*." <https://www.youtube.com/watch?v=0iNJviuYUEQ>. There are a number of songs in Spanish about the experiences of the undocumented, particularly by the *norteño* group, Los Tigres Del Norte ("Tigers of the North")—too many songs to list. These songs remind me of Hawaii's "*Holehole Bushi*." See <https://www.youtube.com/watch?v=umFlb9OhwkM>, <https://www.youtube.com/watch?v=GdiFCc6BtHk>, etc. In pidgin English, we have "Lai Toodle." <https://www.youtube.com/watch?v=MyIVMFYdGHY>. Accessed 2/25/2018.

⁴ Dr. Kazuo Miyamoto, M.D., wrote **Hawaii: End of the Rainbow**, an outstanding, lightly fictionalized account of being in the first group in Hawaii that was rounded up and interned.

⁵ The extent to which people are still aware of the Japanese internment camps may surprise you. For example, Isabel Allende's 2016 novel, **El amante japonés** ("The Japanese Lover"), also available in English translation, includes the theme.

class. I had a landlady whose brother-in-law and his wife were interned, solely because he taught Japanese. They graciously allowed me to interview them at length.

The current federal regime is already planning on building more prisons and “detention” centers, and contracting with private prisons. Hello, Honouliuli, Manzanar, and all the others! We know you for what you are. Your modern perpetrators and imitators are not welcome.

I grew up among those taciturn heroes, the survivors of the 100th and 442nd. They were men I knew and saw almost every day of my childhood on Kauai. They and their comrades who could not come back paid the price in blood to redeem Hawaii’s Americans of Japanese Ancestry in the eyes of public opinion. Their extreme sacrifice should never have been necessary.

Deportation can have deadly consequences. Women fleeing abusive husbands are particularly vulnerable.⁶ Some people are here because they are fleeing near-certain death in their country of origin.⁷ If the federal executive ends Temporary Protected Status for people from some countries, then death may be a very likely outcome of their deportation.⁸

The USA has a history of illegal deportations.⁹ The legality of some of the recent deportations is already in dispute. Our community’s police forces should not be partners in crime with those carrying out illegal deportations.

Recently, while working at a rural courthouse, I was appalled at the atmosphere of fear. People accompanying a defendant were going out and scouting the parking area for ICE agents. Our courthouses should be safe spaces for immigrants, and all of us.

The testimony in support of this bill by various organizations and individuals is well-thought-out and makes excellent legal, scholarly, and other arguments. They have my agreement. I have chosen to share some materials that are more cultural in nature, along with my personal observations.

Please do what is *pono*. **Please pass this bill.** It is the historically right thing to do. Thank you.

⁶ *When Deportation is a Death Sentence*. <https://www.newyorker.com/magazine/2018/01/15/when-deportation-is-a-death-sentence>. Accessed 2/15/2018.

⁷ *El Norte*, a movie directed by Gregory Nava, and based on his own history, depicts Guatemalan siblings who flee to the USA. *Hombres con armas* (“Men With Guns”) is a 1997 movie directed by John Sayles which presents a highly symbolic vision of conditions in an unnamed Latin American country (most likely Guatemala, since the movie’s indigenous population are Mayans) going through a civil war. Sayles also wrote and directed the 1996 movie “Lone Star,” a brilliant depiction of life along the Texas-Mexico border, pre-NAFTA and pre-cartels. “Lone Star” also deals with immigration issues.

⁸ *Trump’s next immigration target: people living legally in US after disaster struck their countries*, <https://www.vox.com/policy-and-politics/2017/11/6/16609476/tps-trump-honduras-nicaragua>. Accessed 2/25/2018.

⁹ *America’s Forgotten History of Illegal Deportations*, https://www.theatlantic.com/politics/archive/2017/03/americas-brutal-forgotten-history-of-illegal-deportations/517971/?utm_source=nl-atlantic-daily-030617. Accessed 4/24/2017. This was dramatized in the movie *Mi Familia* (“My Family”).