



ACLU OF HAWAII

2025

LEGAL

WRAP-UP REPORT

Dear Supporters,

This past year has reminded us why the fight for civil rights and civil liberties in Hawai'i is as urgent as ever.

Our Legal team has been in the courts, at the legislature, and in our communities—standing up to police abuse, protecting reproductive freedom, and challenging the criminalization of poverty. We've also expanded our work to meet new challenges: defending immigrants' rights in the face of increased enforcement here in Hawai'i, and strengthening protections for LGBTQ+ people whose dignity and equality are under renewed attack.

Whether through lawsuits, know-your-rights trainings, or direct advocacy, we are making sure that everyone in Hawai'i—no matter who they are, where they come from, or who they love—can live with freedom, safety, and dignity.

We're proud of the progress we've made this year, and we know there is much more to do. Thank you for being part of this work.

Stay connected by joining our e-mail list at acluhi.org, and following us on social media @acluhawaii.

With gratitude,

Wookie Kim, Legal Director
October 2025

ACLU

Hawai'i

ACLU Hawai'i Legal Wrap-Up Report (October 2025)

is a report by the ACLU of Hawai'i

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Published October 2025. Accessible online at:

<https://www.acluhi.org/publications/aclu-hawaii-2025-legal-wrap-up-report/>

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ACLU
Hawai'i



From left to right: George Cordero, Riya Sood, Wookie Kim, Aaron Dvorkin, Leilani Stacy, Emily Hills.

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POLICING

In 2025, the Legal team continued to hold law enforcement accountable. Our work this year spanned ongoing lawsuits, new class-action litigation, and advocacy before the Hawai'i Legislature—all with the goal of reimagining what policing looks like in our communities.

LAWSUITS

Fepuleai, et al. v. City and County of Honolulu, et al.

In May 2025, we filed a class action lawsuit in Hawai'i state court challenging HPD's unlawful practice of arresting people for driving under the influence without probable cause and without due process. The case alleges that HPD officers have engaged in a longstanding pattern of arresting drivers who often blew 0.000 on breath or blood tests, fabricating observations in reports, and discouraging drivers from exercising their rights to testing. While the case is still in an early stage, we have already successfully defeated the City's attempt to prevent this case from being heard by a jury. This case seeks systemic reform of HPD's DUI enforcement practices and protection of constitutional rights for hundreds of drivers who we allege were wrongfully arrested.

Hall v. City and County of Honolulu, et. al

Our lawsuit challenging a Honolulu Police Department (HPD) officer's conflict of interest in responding to a 911 call entered a new phase this year. After extensive discovery and depositions of key witnesses, the court granted summary judgment in the officers' favor earlier this year.



We immediately took steps to appeal, and in September 2025 we filed our opening brief in the Ninth Circuit Court of Appeals. The appeal argues that the district court improperly dismissed the First Amendment retaliation, equal protection, and conspiracy claims against the officers, and the municipal liability claims against the City and County of Honolulu. Ultimately, our brief highlights the constitutional harm caused when HPD officers respond to cases involving their own close friends and businesses.

POLICING cont.

Taylor v. City and County of Honolulu, et. al.

After the Ninth Circuit revived this case involving the arrest and handcuffing of a 10-year-old Black girl at Honowai Elementary School, we engaged in further summary judgment briefing in the district court. At the end of 2024, we secured a favorable settlement for our clients with both the City and County of Honolulu and the Hawai'i Department of Education.

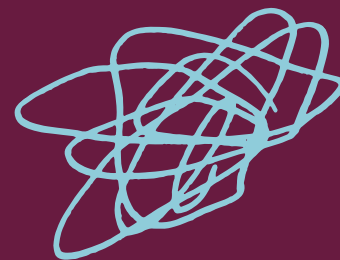
This resolution ensures accountability for the government's mistreatment of the child and her family, while also sending a strong signal about the need for greater safeguards for children in school-based police interactions.

LEGISLATIVE ADVOCACY: ENDING "EXCITED DELIRIUM" AS A POLICE DEFENSE

This year, our team also played a leading role in legislative advocacy to end the use of "excited delirium" in Hawai'i. We submitted testimony supporting bills that would prohibit law enforcement from citing "excited delirium" as a diagnosis, cause of death, or justification for police use of force. Our testimony emphasized the racist and pseudoscientific roots of the term, its repeated use to excuse deaths in police custody—including that of Sheldon Haleck here in Hawai'i—and the urgent need to ensure accountability by requiring evidence-based medical explanations in official reports and legal proceedings. While the bills ultimately did not pass this session, we are committed to continuing this fight in 2026.



DECRIMINALIZING POVERTY



In the past year, our Legal Team has continued the fight to change the way that government actors in Hawai'i interact with people who are houseless. We use the term houseless because, in our work, we encounter many individuals who resist the oppressive stigma that comes with not having access to conventional shelter—these people call Hawai'i home, even though they may not have housing. Our work emphasizes that houseless people deserve fair and equal treatment by their government.

Davis v. Bissen

As you may recall, we won a significant victory last year in this lawsuit. In its opinion, the Hawai'i Supreme Court affirmed our houseless plaintiffs' procedural due process rights after their belongings were destroyed by the County of Maui following a sweep of Kanahā Beach Park in 2021. This year, we have followed up on that victory—the Hawai'i Supreme Court sent the Davis case back to the trial court, and in January 2025, the trial court ordered that Maui County is required to hold an administrative "contested case hearing" about "the harm that the Kanahā Sweep caused on Plaintiffs and any relief that would redress that harm (including potential compensation from the County...)." That administrative hearing is now scheduled for the end of October 2025.

Meanwhile, the County of Maui has redoubled its efforts to conduct sweeps—including revisiting Kanahā Beach Park (the site of the 2021 sweep from Davis v. Bissen) for a sweep in July 2025. Because of our litigation, the procedures used by the County have been greatly improved from 2021: this time around, the County had a process for storing people's belongings, instead of destroying them. Still, in our view, the procedures used still raise constitutional concerns, including problems with people being unable to reclaim property that was ostensibly stored. As a result, we have advocated for the due process rights of people caught up in these sweeps and investigated County practices that could lead to litigation in the future.

In September 2025, we were invited to speak at the International Street Medicine Symposium in Hilo, HI. Our presentation gave medical providers who work with houseless populations an overview about houselessness and the law, both nationally and here in Hawai'i.



We will continue to fight to protect the rights of the houseless community in Hawai'i.

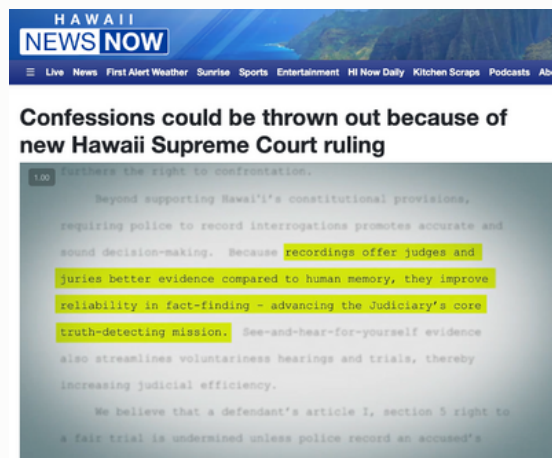
SMART JUSTICE

Our Smart Justice work in 2025 continued to focus on ending wealth-based detention, improving conditions of confinement, and strengthening protections for incarcerated people. From statewide reforms to targeted litigation and advocacy, we pushed for fairness, dignity, and accountability in the criminal legal system.

Saguaro Correctional Center Water Contamination

In October, we sent a demand letter to the Hawai'i Department of Corrections and Rehabilitation (DCR) and CoreCivic (a private prison company) after uncovering disturbing evidence that the drinking water at Saguaro Correctional Center in Eloy, Arizona—where nearly 1,000 Hawai'i residents are imprisoned—was unsafe.

Incarcerated individuals reported foul-smelling and caustic water that caused burning eyes, cracked skin, and gastrointestinal illness, forcing many to purchase overpriced bottled water. Staff, meanwhile, were provided separate access to clean water. Our letter demanded immediate remedies, including free bottled water, water filtration systems, and independent water testing. DCR ultimately agreed to install water filters in the facilities. The issue received media coverage in Hawai'i and Arizona, raising public awareness of the ongoing harm suffered by Hawai'i's incarcerated population.



State of Hawai'i v. Zuffante: Recording Custodial Interrogations

Earlier this year, we filed an amicus brief in *State of Hawai'i v. Zuffante*, urging the Hawai'i Supreme Court to hold that the Hawai'i due process clause requires police to record custodial interrogations. In September, the Court issued a landmark ruling agreeing with our position: law enforcement must now record all in-station custodial interrogations, and record field interrogations whenever feasible. The Court recognized that unrecorded interrogations undermine the right against self-incrimination, the right to confrontation, and the right to a fair trial. Hawai'i now joins a growing number of states that mandate interrogation recordings—a major step forward in preventing wrongful convictions and ensuring accountability.

Penal Code Review Advisory Committee: Pretrial Reform

As part of the Hawai'i Legislature's Penal Code Advisory Review Committee, our Legal team has played a key role in the Chapter 804 subcommittee, which examines laws governing bail, pretrial release, and detention. We continue to advocate for reforms that would limit unnecessary incarceration, reduce reliance on cash bail, and expand non-carceral alternatives. These efforts are critical to dismantling a two-tiered justice system where wealth (and not safety) determines freedom.

IMMIGRANTS' RIGHTS

This year, the Legal Team is ramping up capacity to support immigrants' rights in the face of increased immigration enforcement in Hawai'i. Our advocacy is focused on engaging with community stakeholders, building capacity for emergency immigration cases, and bringing impact litigation in this area.

Since February 2025, we have hosted three different Know Your Rights Trainings related to immigrants' rights: Interacting with ICE Agents; Free Speech; and Know Your Rights for Educators: Immigration Enforcement. We also hosted an informational and Know Your Rights session at the University of Hawai'i at Manoa in October 2025.



On our website, we have recordings of each of these trainings and a document with printable versions of "Immigrant Rights Cards," which are pocket-sized fliers that remind people of their rights when facing law enforcement:

You Have Rights: (even if you are a non-citizen)

- **DO NOT ANSWER ANY QUESTIONS.** You have the right to remain silent. You do not have to tell anyone your name or immigration status. If you are not a U.S. citizen, you must show your immigration papers if an Immigration Agent (ICE) requests.
- **DO NOT CONSENT TO A SEARCH.** You have the right to say "no" if an ICE agent asks to search you.
- **DO NOT SIGN ANYTHING** without talking to a lawyer. You have the right to talk to a lawyer.
- **DO NOT OPEN THE DOOR.** ICE agents must have a warrant signed by a judge before they can enter your home.
- **ASK IF YOU ARE FREE TO LEAVE.** If you are stopped outside your home, ask if you can leave. If they say yes, leave calmly.

This work relies heavily on collaborating with partners in the community to share knowledge and provide practical guidance on how people can exercise their rights, particularly in the face of increased immigration enforcement efforts. These trainings emphasize that immigrants are entitled to constitutional protections including the right to free speech, the right to be free from unreasonable searches and seizures, and due process—regardless of their immigration status.

Beyond our substantive work in this area, we have taken three additional steps to show our commitment to immigrants' rights.

First, in September 2025, we hired a full-time Immigrants' Rights' Attorney, Leilani Stacy, to respond to the critical needs in our community, and to build out our capacity to take on litigation specific to immigrants' rights.

Second, in March 2025, we formed an Immigrants' Rights Committee to convene legal stakeholders in the immigrants' rights space on a biweekly basis. Together, we learn from advocates directly about legal issues that are arising with clients and in communities and can take joint action to respond to changes in immigration policies in Hawai'i.

Third, we have supported general advocacy around immigration enforcement across Hawai'i. We sent requests under Hawai'i's Uniform Information Practices Act (UIPA) to every county to gather information about Immigrations and Customs Enforcement (ICE) collaboration with local law enforcement local enforcement. While this effort is still ongoing, the preliminary information that we received indicates that no county has entered into 287(g) agreements, which would authorize ICE to delegate immigration officer functions to state and local law enforcement officers. We will continue to follow up on this issue in the months to come.

LGBTQ+ RIGHTS

ACLU SUES MAUI PREP MAUI

In the present political climate where the rights of LGBTQ+ people are under attack, we have prioritized litigation and advocacy on behalf of the LGBTQ+ community. In February 2025, along with the Stonewall Caucus and other stakeholders, we met with Governor Josh Green's policy advisors and the Hawai'i Attorney General's office about how the Hawai'i state government must do more to protect LGBTQ+ rights now that protections are being eroded at the federal level.

JK v. HK

This spring, we filed an appeal (in partnership with the Legal Aid Society of Hawai'i) after the Family Court issued a discriminatory order denying our client JK the right to parent her child. In 2021, after ten years together, JK and HK, who are both women, decided to have a child together. They agreed HK would be the birthing parent, and JK's cousin volunteered to donate gametes so that the child would be biologically related to JK. For the first year of their child's life, JK and HK parented their child together. However, they eventually separated, and HK began refusing to allow JK to see her child. JK filed a Petition for Parentage with the Family Court, asserting that she was the child's legal parent under the provisions of the Uniform Parentage Act.

The Family Court held otherwise, deciding that even though JK satisfied the requirements of the statute, she could not be considered a legal parent because she was an unmarried woman. We appealed that order, and in June 2025, filed an application for transfer asking the Hawai'i Supreme Court to hear the case right away because it presented a matter of "grave public importance." The Hawai'i Supreme Court agreed and granted our request. We are now waiting for a decision.

NO. SCAP-24-0000673	
IN THE SUPREME COURT OF THE STATE OF HAWAII	
J.K., v. H.K., N.S., and CHILD SUPPORT ENFORCEMENT AGENCY, STATE OF HAWAII, Respondent-Appellees.	No. CAAP-24-0000673 Family Court Case No. 1FPA-24-0000203 APPEAL FROM THE ORDER GRANTING IN PART AND DENYING IN PART THE AMENDED PETITION TO ESTABLISH PARENTAGE FILED ON SEPT. 16, 2024 FAMILY COURT OF THE FIRST CIRCUIT HONORABLE JESSIE L.K. HALL Judge
<u>PETITIONER-APPELLANT'S APPLICATION FOR TRANSFER TO THE HAWAII SUPREME COURT</u>	
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Attorneys for Petitioner-Appellant J.K.	

Poe Family v. Maui Prep

In April 2025, we sent a letter to Maui Preparatory Academy ("Maui Prep"), a private school on Maui, demanding that they rescind a new policy discriminating against transgender students. Our letter outlined how the Board of Trustees crafted the new policy with the intent to ban transgender students from their school, and the goal of forcing out the one known transgender student, a nine-year-old girl in third grade who had attended the school since preschool. As we had hoped, our letter got widespread media attention, shining a spotlight on efforts to rescind protections for transgender students that had redoubled since President Trump took office in January 2025.

Maui Prep responded to our demand letter at the end of May 2025, but it did not commit to rescinding the policy and protecting transgender students. So in June 2025, we sent a follow-up letter. Maui Prep did not respond.

At the beginning of September 2025, we filed a lawsuit suing the school for discriminating against transgender students in violation of Hawai'i law, and for unfair and deceptive business practices, as the school continued to advertise its commitment to "living aloha," including "accepting and appreciating the differences in others," even as it intentionally enacted a discriminatory policy.

We are now in the midst of litigation. Maui Prep filed a Motion to Dismiss our complaint at the end of September 2025, and a hearing is scheduled for October 23, 2025.

Public Education about Transgender Rights

After transgender rights came under attack in January 2025, we have held Know Your Rights trainings for advocates and the LGBTQ+ community. In February 2025 we coordinated a training about Transgender Rights in Hawai'i, covering the rights of transgender people under Hawai'i law, what was happening with the Trump Administration's executive orders, and the rights of transgender people to participate in sports, obtain IDs and passports reflecting their correct gender, and access gender-affirming medical care. At the end of April 2025, Senior Staff Attorney Emily Hills conducted a webinar for the Thompson School of Social Work at the University of Hawai'i about Transgender Rights in the Healthcare Setting.

FREEDOM OF EXPRESSION

“Without Freedom of Thought, there can be no such thing as Wisdom; and no such thing as public Liberty, without Freedom of Speech.” – Benjamin Franklin (1722)

Defense of First Amendment freedoms has been an ACLU mainstay since its founding. Our commitment to free speech comes from recognizing that these principles form the bedrock of our democracy. This year, we promoted freedom of expression in several ways.

The ongoing genocide in Palestine has spurred protest activity around the world, and Hawai‘i has been no exception. Over this past year, we have investigated several issues pertaining to the silencing of immigrants who spoke out about Palestine, including the Administration’s policy of unilaterally revoking the legal status of foreign students here on student visas. In response to community requests for training on First Amendment rights pertaining to immigrants, we held a [Know Your Rights training in April 2025](#) about the rights to free speech, protest, assembly, and to record government actors.

Separately, this fall, we collaborated with our Policy team to protect the First Amendment rights of people in Hawai‘i County (particularly houseless folks) in response to an anti-panhandling ordinance passed by the County Council—those efforts resulted in the Mayor vetoing the ordinance. We subsequently collaborated with Hawai‘i County, offering suggested changes to the ordinance so that it would comply with the First Amendment.

And finally, we have been investigating concerning violations of the public’s right to record government officials—stay tuned for potential litigation on this issue in the future!

The First Amendment in Person: Speech, Assembly, & Protest



GENDER EQUITY

Two years after our historic Title IX class action settlement on behalf of female student-athletes at Campbell High School (“Campbell”), the impact is spreading far beyond one school.

A.B. v. Hawai‘i State Department of Education, et al.

This year marked the second year of compliance monitoring led by an independent evaluator. While challenges remain, the independent evaluator’s report contained several bright spots worth celebrating. Most notably, for the first time in nearly two decades, Campbell added a new girls’ sport: girls’ flag football. This is a milestone not just for Campbell, but for the entire state. Following surveys that confirmed student interest, the DOE launched girls’ flag football as a new statewide sport, complete with its inaugural championship season this year. In a fitting turn of events, Campbell went on to win the state championship title.

In recognition of their impact, our four named plaintiffs—Alexis Badis, Ashley Badis, Tatiana Troup, and Abby Pothier—were honored as 2025 inductees into the Impact Fund Class Action Hall of Fame.



Also encouraging is that DOE has begun voluntarily expanding several Campbell-only settlement requirements to every high school in Hawai‘i. Now, every DOE high school must conduct annual Title IX compliance surveys, post gender equity complaint forms, and administer student interest and ability surveys (including at feeder middle schools). These changes mean that decisions about adding new sports—and ensuring equal treatment—will be informed by real data, not outdated assumptions about girls’ interests.

DOE is also developing new statewide Title IX training modules, including one taught by the independent evaluator and another promotional video featuring local sports icons like Carissa Moore (surfing), Ilima-Lei MacFarlane (mixed martial arts), and Clarissa Chun (wrestling).

The road to equity is still ahead, but the addition of girls’ flag football statewide, and DOE’s decision to scale Campbell reforms across Hawai‘i shows how one lawsuit can spark systemic change. For our clients—and for girls across the islands—this is a victory worth celebrating.



REPRODUCTIVE FREEDOM

This year, our Legal team continued to lead the fight to protect reproductive freedom in Hawai'i and across the country.

Purcell v. FDA

At the center of our efforts is this longstanding case, which challenges the U.S. Food and Drug Administration's (FDA) unjustified restrictions on mifepristone—the safe and effective medication used in more than 60% of abortions nationwide.

At the end of 2024, we began briefing motions for summary judgment, arguing that the FDA's "Risk Evaluation and Mitigation Strategy" (REMS) for mifepristone imposes medically unnecessary and politically-motivated barriers to care. After months of briefing, the district court held a hearing in August 2025. We argued that the FDA should be required to reevaluate its REMS and bring its regulation of mifepristone in line with science and the law.

The significance of this case extends far beyond Hawai'i. Since the U.S. Supreme Court's Dobbs decision, mifepristone has become a flashpoint in the nationwide struggle over abortion rights. While many states are banning or restricting abortion access, our case tackles a different, but equally urgent, problem: the federal government's misuse of the regulatory process to stigmatize abortion care and limit access to safe medication.

