



ACLU OF HAWAII

2026

LEGAL WRAP-UP REPORT

Aloha kākou,

Last year, we emphasized that the fight for civil rights in Hawai'i was as urgent as ever. This year, the threats to our rights have escalated in Hawai'i.

ICE started raiding homes and workplaces across the islands. The Justice Department sued Hawai'i for its voter registration list as part of a national effort to build a federal database and pressure states into purging their voter rolls. The University of Hawai'i imposed sweeping new limits on protest across its campuses—including a 25-foot buffer zone, a ban on sit-ins, and restrictions on chalking—over the objections of students and faculty.

Our Legal team responded to the moment. We filed immigration habeas petitions to liberate people from unlawful ICE detention. To protect our election system, we filed an amicus brief on behalf of concerned citizens and a good-government nonprofit. And we sent a letter to the University outlining our First Amendment concerns with the new protest policy.

We also furthered existing work. A federal court ordered the FDA to reevaluate its restrictions on medication abortion – a major win in a case we have been litigating since 2017. The Hawai'i Supreme Court ruled for our client in a parental rights case, reaffirming that men and women must be treated equally—regardless of marital status or sexual orientation. And a hearing officer ordered Maui County to pay our houseless clients for the belongings it destroyed during the sweep.

Below you will find a snapshot of our work over the past year. And all of this work will continue in our new 2026-2029 Strategic Plan, which is built on three pillars: safeguarding democracy, sanctuary, and the public trust; decarceration and decriminalizing poverty; and bodily autonomy and equal dignity.

Each year, we start from zero and raise funds to continue our work. Last year, membership gifts accounted for much of the total funding support we received to keep our work going. We cannot do this work without your support. Become a member or volunteer at acluhi.org/action today and follow us on social media [@acluhawaii](https://twitter.com/acluhawaii) to stay connected.

With gratitude,
Wookie Kim, Legal Director
September 2026



Hawai'i

ACLU Hawai'i Legal Wrap-Up Report 2026

is a report by the ACLU of Hawai'i.

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SAFEGUARDING DEMOCRACY, SANCTUARY, AND THE PUBLIC TRUST

The first pillar of our strategic plan calls for the defense of local democracy in the face of federal authoritarianism, protecting immigrant communities, and enforcing constitutional rights critical to a thriving democracy, including freedom of speech.

IMMIGRANTS' RIGHTS

In the past year, our Legal team has significantly expanded our impact in the immigrants' rights space. At the ACLU of Hawai'i, our approach to immigrants' rights is rooted in community partnership, capacity-building, and systemic change to imagine our islands as a safe home for all residents, regardless of citizenship status. Our work focuses on:

(1) litigation, (2) policy advocacy, and (3) community education.

LITIGATION

This year, we filed four immigration habeas petitions in the U.S. District Court for the District of Hawai'i, and assisted with several others. These lawsuits were the first of their kind for our organization, and directly challenged our clients' unlawful detention by Immigration and Customs Enforcement ("ICE") at the Honolulu Federal Detention Center. To date, three of our clients have been released from detention.

One client, [Mr. Juan Estrada Lopez](#), is a Hawai'i island resident and Kona coffee farmer. At his green card interview in August 2025, he was ripped away from his U.S. citizen wife, Emily Estrada, and locked up at the Honolulu Federal Detention Center. He was detained there for more than five months before we began representing him. We were able to facilitate his release so that he could be reunited with his wife on the Big Island.



Leilani Stacy, Immigrants' Rights Attorney

Our work filing federal lawsuits to get people out of detention fills a significant legal gap here in Hawai'i: we are the first nonprofit organization with dedicated resources to screening clients for habeas eligibility and filing habeas petitions on their behalf. We have also worked to expand capacity for other attorneys to file habeas petitions. In February, we hosted a "Habeas 101" presentation, reaching more than 50 local attorneys who are interested in bringing immigration-related habeas petitions. Since then, we have shared draft materials and supported the filing of several other petitions.

IMMIGRANTS' RIGHTS



POLICY

The ACLU of Hawai'i takes on an advocacy role where individual practitioners or organizations are unable to put their names on the line: we engage the government in conversations about detention conditions, investigate issues around unlawful raids or arrests, and take a public stance against the administration's unconstitutional actions against immigrants. During the legislative session, our Legal team submitted written testimony on and [testified in person](#) for several bills that were part of the Campaign for Immigrant Justice. We also supported the Campaign's lobbying by meeting with individual legislators and staff to discuss bill revisions during session.



COMMUNITY ENGAGEMENT

At the ACLU of Hawai'i, we believe in the power of knowledge: through public education and Know Your Rights ("KYR") initiatives, we help immigrants understand their rights and advocate for themselves, and we build a community that knows how to support immigrants through individual actions and broader policy change. Our Immigrants' Rights Attorney, Leilani Stacy, has appeared in local media [numerous times](#) to educate the public about immigrants' rights issues. For example, she was invited on The Conversation from Hawai'i Public Radio to discuss habeas petitions, explaining what they are and how they help immigrants in ICE detention.

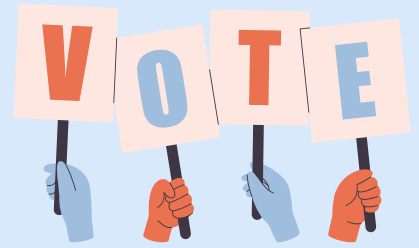
In the past year, the Legal team has also hosted monthly Know Your Rights presentations with a variety of audiences, including students and faculty at the University of Hawai'i, the Office of Hawaiian Affairs, and all Hawai'i state librarians. We have also trained volunteer attorneys to present KYR sessions to expand our capacity to take on more trainings across our islands.



As part of our continued commitment to transparency and accountability around ICE presence, we sent renewed requests under Hawai'i's Uniform Information Practices Act ("UIPA") to every county to gather information about Immigration and Customs Enforcement ("ICE") collaboration with local law enforcement. We continue to investigate intakes related to immigration enforcement to ensure that our local police are not supporting ICE in making unlawful arrests.

The ACLU of Hawai'i is committed to being a leading partner in protecting immigrant communities here in Hawai'i for years to come.

PROTECTING ELECTIONS



With the midterm elections approaching in November 2026, we are seeing an encroachment of federal authority on states' right to conduct elections, and efforts to chill voters.

UNITED STATES V. NAGO

In December 2025, the United States Department of Justice (“DOJ”) sued the Chief Elections Officer of Hawai‘i (Scott Nago), demanding that Hawai‘i turn over its state voter registration list, in electronic format, including addresses, birthdates, and other sensitive personal information. This lawsuit was one of many filed around the country, initiated to compel states to disclose sensitive voter data. The DOJ’s request is part of a federal effort to construct a national voter database, with the ultimate goal of demanding that states then remove people from the voter registration rolls.



The ACLU of Hawai‘i, in partnership with ACLU National’s Voting Rights Project, represented concerned citizens and non-profit Common Cause in this case. The District Court of Hawai‘i granted our request to file an amicus brief detailing the privacy concerns of citizens and the likelihood that the federal government’s efforts would chill voters in Hawai‘i. This case has been paused while two similar cases are appealed to the Ninth Circuit Court of Appeals, so we are still waiting for the District Court to make a final decision. In the meantime, no records have had to be turned over to the federal government.

FREEDOM OF SPEECH

“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)

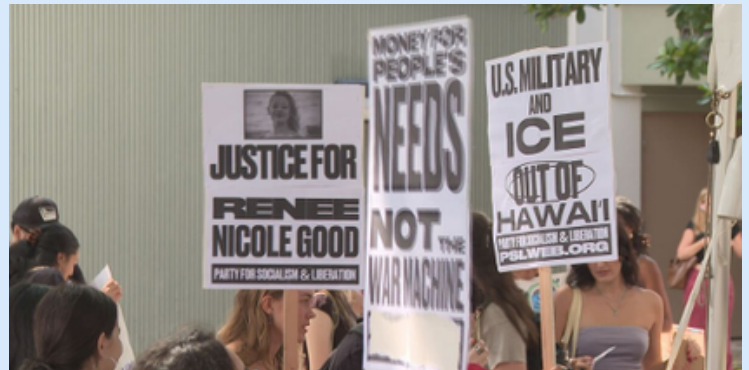
Defense of First Amendment freedoms has been an ACLU mainstay since its founding. Our commitment to free speech comes from recognizing that these principles form the bedrock of our democracy. This year, we promoted freedom of expression in several ways.

LOYOLA V. COUNTY OF HAWAII

This past December, a case came to our attention regarding two firefighters who were placed on administrative leave by the County of Hawai'i after sharing their concerns about a corrupt fire chief. The Intermediate Court of Appeals had affirmed the government's treatment of the firefighters and the case was on appeal before the Hawai'i Supreme Court. We filed an amicus brief detailing our objections to these retaliatory actions under the First Amendment. We advocated for the Hawai'i Supreme Court to take a more expansive approach to analyzing the Hawai'i Constitution regarding free speech retaliation in the employment context, instead of simply importing the current, restrictive, federal rule. The Supreme Court of Hawai'i held oral argument in April and we are now awaiting their decision.

UNIVERSITY OF HAWAII TIME, PLACE, AND MANNER RESTRICTIONS

The University of Hawai'i has been publicizing its intent for the past year to put in place a new set of “Time, Place, and Manner” restrictions that would affect all of its campuses. Professors, students, and members of the public have been deeply concerned with many aspects of the policy—including its 25-foot buffer zone for expressive activities, its total ban on encampments and sit-ins, and its harsh chalking restrictions. Despite these myriad concerns, the University has resisted making any substantial changes to the policy and has already implemented it on an “interim” basis. This past June, our Legal and Community Engagement teams met with members of the University's Counsel's office to learn more about their intentions with this policy. After this conversation, the ACLU of Hawai'i signed onto a letter from the Hawai'i Coalition for Civil Rights regarding our concerns. In August, right before the Fall 2026 semester began, we sent our own letter outlining our extensive concerns with both the implementation process and the substance of the new policy.



DECARCERATION AND DECRIMINALIZING POVERTY

RIGHTS OF INCARCERATED PEOPLE

LONG V. YOSHINAGA

The ACLU of Hawai'i represents DeWitt Lamar Long in a lawsuit against the Hawai'i Department of Corrections and Rehabilitation challenging serious and longstanding concerns about the handling of his legal mail at Halawa Correctional Facility ("HCF").

As his complaint alleges, for several years, mailroom staff have systematically opened, read, delayed, censored, tampered with, and refused to send Mr. Long's outgoing court mail—repeatedly violating Mr. Long's First Amendment rights to free speech, privacy, and access to the courts.

The interference grew to the point where Mr. Long's lengthy filing for a court deadline was blatantly refused to be mailed. Then, when Mr. Long wrote a 4-page letter requesting an extension from the court, not only did the mailroom supervisor open and read the correspondence, but she also added her own 2-page sworn declaration disputing Mr. Long's initial account, causing a 6-page document to be filed under Mr. Long's name—all without his knowledge and consent.



Case 1:25-cv-00214-JAO-RT Document 27 Filed 03/30/26 Page 1 of 37 PageID.188

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Attorneys for Plaintiff
DE WITT LAMAR LONG

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

DE WITT LAMAR LONG, #A1024631 Plaintiff, vs. TERRI YOSHINAGA, TOMMY JOHNSON, and DOE HCF EMPLOYEES 1-3, Defendants.	CASE NO. 1:25-CV-00214-JAO-RT FIRST AMENDED COMPLAINT
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Another infringement occurred while Mr. Long was on deadline for a court filing. The filing was not sent due to an arbitrary paper-format requirement that the mailroom imposed. By the time Mr. Long was finally informed, not only was he forced to seek another emergency extension from the court, but he also had to rewrite approximately 41 pages of the filing by hand. Mr. Long now lives in constant fear that mailroom staff will continue to tamper, delay, and interfere with his mail correspondence with the court whenever they disagree with the mail's content or resent his efforts to complain.

LONG V. YOSHINAGA CONTINUED

Mr. Long's mail issues are one of the many examples of ongoing problems incarcerated people experience at correctional facilities. Our lawsuit demands that mailroom staff stop violating Mr. Long's rights, and that the Department of Corrections and Rehabilitation implement policies, practices, procedures, training, and other measures to prevent staff from improper censorship of mail, along with adequate procedures to impose disciplinary action when staff violate prisoners' rights.

PENAL CODE REVIEW ADVISORY COMMITTEE: PRETRIAL REFORM

As part of the Hawai'i Legislature's Penal Code Review Advisory Committee, our Legal team played a substantial role in the Chapter 804 subcommittee, which examines laws governing bail, pretrial release, and detention. While we did not achieve the outcomes we had hoped from the process, we are grateful for the opportunity to have weighed in on legislative ideas that would limit unnecessary incarceration, reduce reliance on cash bail, and expand non-carceral alternatives. We will continue advocating for ways to dismantle our two-tiered justice system where wealth (and not safety) determines freedom.

FINAL REPORT OF THE 2025 ADVISORY
COMMITTEE ON PENAL CODE REVIEW



Submitted to the Thirty-Third Legislature
of the State of Hawai'i
2026 Regular Session

POLICING



In 2026, the Legal team continued to hold law enforcement accountable, with the ultimate goal of increasing fairness and reducing over-policing that leads to unnecessary criminal justice entanglement.

FEPULEAI V. CITY AND COUNTY OF HONOLULU

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. 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.

HPD officer loses civil lawsuit after failing to show up for court

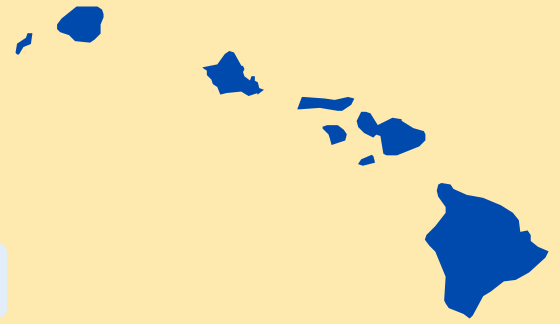
Judge enters default judgment in false DUI arrest case



Circuit Court Judge Kevin Morikone entered a default judgment against current HPD Officer Kelsey Messmer after she failed to appear for a court hearing.

While we are still a long way from resolving this case, it has been an eventful year! After months of trying to serve HPD officers Kelsey Messmer and Darren Cachola in Fall 2025 and Spring 2026, the Court entered defaults against them, allowing the case to move forward. We served the City and County of Honolulu with discovery requests (for documents and answers) and deposed our first witness, having him give testimony under oath. Discovery will be continuing in 2026-2027, and we anticipate there will be court filings and hearings as we get closer to our scheduled trial date in May 2027.

POLICING



HALL V. CITY AND COUNTY OF HONOLULU

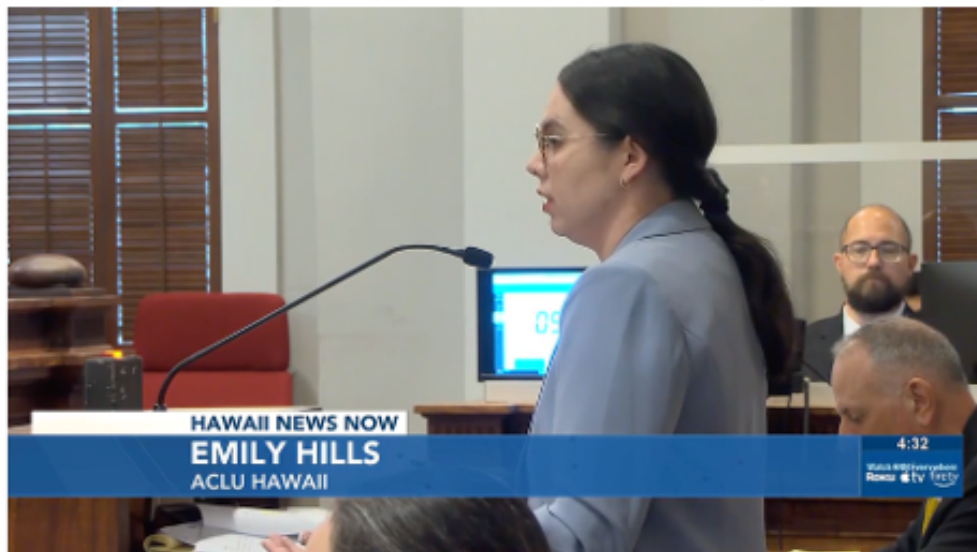
Our lawsuit challenging a Honolulu Police Department (“HPD”) officer’s conflict of interest in responding to a 911 call has unfortunately come to a close. We appealed the trial court’s decision to grant summary judgment in the officer’s favor in Spring 2025. Briefing was completed in February 2026, and we argued the case before a panel of the Ninth Circuit Court of Appeals in June 2026. Unfortunately, we recently received the Ninth Circuit’s decision to uphold the trial court’s ruling in favor of the officers. While we are disappointed by this setback, we remain committed to ensuring unbiased policing that keeps everyone in our community safe.

STATE V. GLEASON

Rounding out our work on policing, we filed an amicus brief and argued before the Hawai‘i Supreme Court in State v. Gleason, an appeal raising the following question: if a person refuses to do standardized field sobriety tests (“SFSTs”) after being pulled over, can police assume they are guilty? We argued that allowing an inference of guilt undermines the right to remain silent, the right to bodily autonomy, and violates due process. There are many reasons why a person might decline to do SFSTs—especially if police tell drivers that they are “optional”—making it improper to allow an assumption of guilt from that alone. We are now waiting on a decision!

Hawaii Supreme Court hears arguments on DUI field sobriety test refusals

Justices weigh whether refusing a voluntary roadside test can be used as evidence of guilt.



The Hawaii Supreme Court heard arguments Thursday on whether a driver's refusal to take a voluntary roadside sobriety test can be used as evidence of guilt.

DECRIMINALIZING POVERTY

In the past year, our Legal team has continued the fight to change the way that government actors in Hawai'i treat 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

Following our major victory at the Hawai'i Supreme Court in 2024 affirming the procedural due process rights of our plaintiffs, the County of Maui was ordered to hold an administrative “contested case hearing” about “the harm that the Kanahā Sweep caused on Plaintiffs and any relief that would redress the harm.” This past October, the administrative hearing was held and our two plaintiffs spoke about the significant property damage and emotional harms they experienced due to the County's destruction of their belongings. In March, the hearing officer affirmed the experiences of our Plaintiffs and ordered the County to pay almost \$27,000 for the property destruction it caused.



LAU DEMAND LETTER

Unfortunately, in the summer of 2025, one of our clients in Davis v. Bissen was subjected to another sweep at Kahului Harbor where all of her property was destroyed – this time by the State of Hawai'i's Department of Land and Natural Resources. During this sweep, the State smashed the windows of her cars, remove, break, and dispose of her belongings. Last summer, we were able to visit Kahului Harbor immediately following this sweep to see and document the damage. In the wake of Davis v. Bissen, we want to ensure that the State understands it must protect the constitutional rights of houseless individuals, just as the Counties must. We are preparing to put the State on notice that its practice of conducting sweeps on state lands violates the law.

BODILY AUTONOMY AND EQUAL DIGNITY



The third pillar of our strategic plan is our commitment to protecting the bodily autonomy and equal dignity of all people, regardless of race, sex, gender, or sexual orientation.

BODILY AUTONOMY

This year, our Legal team continued to lead the fight to protect reproductive freedom in Hawai'i and across the country, securing a major ruling against the U.S. Food and Drug Administration's restrictions on medication abortion.

PURCELL V. FDA

At the center of our efforts is this longstanding case—filed in 2017—that challenges the U.S. Food and Drug Administration (“FDA”) unjustified restrictions on mifepristone—the safe and effective medication used in more than 60% of abortions nationwide.

Since 2024, we had been briefing motions for summary judgment, arguing that the FDA’s “Risk Evaluation and Mitigation Strategy” (“REMS”) for mifepristone imposed medically unnecessary and politically-motivated barriers to care. 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.

In October 2025, the District Court granted our motion, ruling that the FDA had failed to “provide a reasoned explanation for its restrictive treatment of the drug” and ordering the agency to reevaluate its restriction regime, while also considering evidence that it had improperly excluded. This was a major victory in the fight for reproductive freedom.

While we wait for the agency to reevaluate the regime, we are pressing forward with a motion under the Equal Access to Justice Act to recover attorneys’ fees and costs for our work on this case.

Federal judge in Hawaii rules FDA violated the law by restricting access to abortion medication



BY JENNIFER S. BELLER
Updated 12:41 PM HST, October 30, 2025

HONOLULU (AP) — The U.S. Food and Drug Administration violated the law by imposing restrictions on [access to mifepristone](#), a medication for abortions and miscarriage management, a federal judge in Hawaii ruled Thursday.

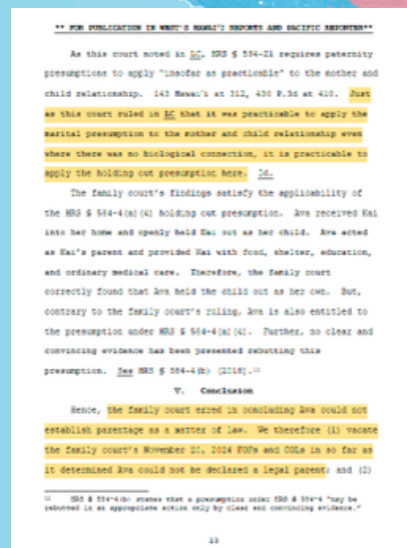
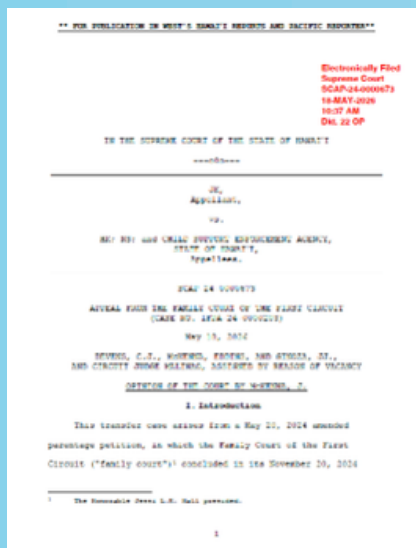
LGBTQ+ RIGHTS

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.

JK V. HK

In our case JK v. HK, the Hawai'i Supreme Court reaffirmed that men and women must be treated equally—and without regard for marital status or sexual orientation—when it comes to establishing parental rights.

Our client, JK, and her former partner, HK, were in a same-sex relationship and after ten years together, decided to have a child together. After JK and HK split up, JK filed to establish parentage—a routine court filing, had JK been male. But the Family Court held that because JK was female and because she was unmarried, she could not be named the legal parent of her child.



We appealed, and the Hawai'i Supreme Court reversed, holding that JK must be named the child's legal parent because the parentage statute applies to all parents in a gender-neutral manner. At the end of July 2026, we went with JK to Family Court to get her Judgment of Parentage officially entered!

POE FAMILY V. MAUI PREP

In September 2025, we filed a lawsuit against Maui Preparatory Academy ("Maui Prep"), a private school on Maui, seeking an order that they rescind a new policy discriminating against transgender students. That lawsuit continues. After receiving the Complaint, Maui Prep filed a Motion to Dismiss, asking that the trial court dismiss the case based on the Complaint alone. That motion was denied, and the trial court said our case could continue.

We have been in the "discovery" phase of this case, seeking more information about the discriminatory policy, how and why it was passed by the Board of Directors, why the school rescinded their anti-discrimination policy around the same time the anti-transgender policy was passed, and other information pertinent to litigating the case. We are currently set for a trial in July 2027.



MAHALO



Mahalo to everyone whose support and dedication make our work possible: our clients, community partners, donors, pro bono volunteers, and so many more.



*“Real change, enduring change,
happens one step at a time.”*
– Hon. Ruth Bader Ginsburg



GET INVOLVED!
BECOME A MEMBER TODAY