

REQUEST TO ACCESS A GOVERNMENT RECORD

This is a model form that may be used by a Requester to provide sufficient information for an agency to process a record request. Although the Requester is not required to use this form or to provide any personal information, the agency needs enough information to contact the Requester with questions about this request or to provide its response. This request may not be processed if the agency has insufficient information or is unable to contact the Requester.

DATE: June 27, 2025

TO: Kaua'i Police Department ("KPD")
Agency that Maintains the Government Record

ATTN: Records Section, Kaua'i Police Department
3990 Kaana Street, Suite 200
Lihue, HI 96766
Phone: (808) 241-1711
E-mail: kpdrecords@kauai.gov
Agency's Contact Information

FROM: Emily Hills
Requester's Name or Alias

Requester's Contact Information
ACLU of Hawai'i
P.O. Box 3410, Honolulu, HI 96801
Phone: (808) 380-2671
E-mail: ehills@acluhawaii.org

AS THE REQUESTER, I WOULD LIKE THE FOLLOWING GOVERNMENT RECORDS:

Describe the government record as specifically as possible so that it can be located. Try to provide a record name, subject matter, date, location, purpose, or names of persons to whom the record refers, or other information that could help the agency identify the record. A complete and accurate description of the requested government record will prevent delays in locating the record. Attach additional pages if needed.

This is a request for public records pursuant to the Hawaii Uniform Information Practices Act, Hawai'i Revised Statutes ("HRS") §92F-1 et seq. We request, pursuant to Hawai'i Uniform Information Practices Act, that the Kaua'i Police Department produce the following government records (as defined by HRS Section 92F-3):

1. Records of all Memoranda of Understanding ("MOU") or Memoranda of Agreement ("MOA") or other agreements between Kaua'i Police Department ("KPD") and the U.S. Department of Homeland Security ("DHS") and/or U.S. Department of Homeland Security Investigations ("HSI") in effect from January 2024 through the present.
2. Records of all MOUs, MOAs, or 287(g) agreements or other agreements between KPD and the U.S. Immigration and Customs Enforcement ("ICE") in effect from January 2024 through the present.
3. Records of all communications between KPD personnel and DHS, HSI, or ICE about MOUs, MOAs, 287(g) agreements or other agreements to assist, coordinate or collaborate in effect from January 2024 through the present.
4. Records of all communications from January 2024 through the present between KPD personnel and DHS, HSI, or ICE regarding potential or proposed MOUs, MOAs, 287(g) agreements, or other agreements to assist, coordinate or collaborate.

5. Records about DHS, HSI, or ICE utilization of KPD property or facilities from January 1, 2024 through the present, including but not limited to the use of KPD holding cells or other detention spaces, office space, desks, computers, and/or conference rooms.
6. Records of all immigration detainer requests or courtesy holds received by KPD from federal immigration authorities (such as DHS, HSI, or ICE) from January 1, 2024 through the present, including: (1) whether the detainer request was honored by KPD, (2) if honored, how long an individual was detained by KPD before being transferred to federal custody, and (3) what reimbursement from the federal government, if any, KPD has received for honoring these detainer requests or courtesy holds.
7. Records of KPD's current policies, procedures, protocols, directives, guidance, memoranda, or other such documents (collectively, "policies") regarding people held at the request of federal authorities (including on detainer requests or courtesy holds). This request includes but is not limited to policies about:
 - (1) Under what circumstances KPD will detain a person on an immigration detainer or courtesy hold;
 - (2) Notification to the public about where individuals are being held;
 - (3) Visitation by friends or family members; and
 - (4) Access to counsel and/or language interpreters.
8. Records of KPD's current policies, procedures, protocols, directives, guidance, memoranda, or other such documents (collectively, "policies") regarding KPD personnel involvement in immigration enforcement. This request includes but is not limited to policies about:
 - (1) Under what circumstances KPD officers should question a person about their immigration status;
 - (2) Under what circumstances KPD officers should contact DHS, HSI, or ICE personnel about a person being questioned or under arrest by KPD; and
 - (3) Under what circumstances KPD officers should assist with DHS, HSI, or ICE operations.
9. Records documenting KPD's involvement with federal immigration operations (e.g., KPD officers' presence during DHS/HSI/ICE immigration raids), including but not limited to: (a) the location, date, and time of the federal immigration operation; (b) the duration of the federal immigration operation; (c) the number of KPD personnel who participated, assisted with, or observed the federal immigration operation; and (d) in what capacity the KPD personnel participated, assisted with or observed the federal immigration operation.

I WOULD LIKE: (Please check one or more of the options below, as applicable)

- ☐ **To inspect the government record**
- ☒ **A copy of the government record:** (Please check only one of the options below.) See the next page for information about fees and costs that you may be required to pay for agency services to process your record request. Note: Copying and transmission charges may also apply to certain options.

☐ Pick up at agency (**date and time**): _____

☒ Mail (address): ACLU of Hawai'i, P.O. Box 3410 Honolulu, HI 96801. Documents may be emailed to ehills@acluhawaii.org and gcardero@acluhawaii.org rather than mailed, if more convenient for the Department.

☒ E-mail (address): ehills@acluhawaii.org and gcardero@acluhawaii.org

☐ Fax (toll free and only if available; provide fax number): _____

☐ Other, if available (please specify): _____

- ☐ If the agency maintains the records in a form other than paper, please advise in which **format you would prefer to have the record**.

☒ Electronic ☒ Audio ☐ Other (please specify): _____

- ☒ Check this box **if you are attaching a request for waiver of fees in the public interest**
(See waiver information on next page).

FEES FOR PROCESSING PUBLIC RECORD REQUESTS

You may be charged fees for the services that the agency must perform when processing your request for public records, including fees for making photocopies and other lawful fees. **The first \$30 of fees charged for searching for a record, reviewing, and segregating will not be charged to you. Any amount over \$30 will be charged to you.** Fees are as follows:

Search for a Record	\$2.50 for 15 minutes
Review and Segregation of a Record	\$5.00 for 15 minutes

Generally, no search, review, and segregation fees may be charged if you are making a request for personal records that are about you.

WAIVER OF FEES IN THE PUBLIC INTEREST

As an alternative to the \$30 fee waiver (not in addition to), the agency may waive the first \$60 of fees for searching for, reviewing and segregating records when the waiver would serve the public interest. If you wish to apply for a waiver of fees in the public interest, you must attach to this request a statement of facts, including your identity as the requester, to show how the waiver of fees would serve the public interest. The criteria for this waiver, found at section 2-71-32, Hawaii Administrative Rules, are

- (1) The requested record pertains to the operations or activities of an agency;
- (2) The record is not readily available in the public domain; and
- (3) The requester intends and has the actual ability to widely disseminate information from the government record to the public at large.

COSTS

The Agency may charge you any other lawful fees and the costs to copy and deliver your personal or public record request.

AGENCY RESPONSE TO YOUR REQUEST FOR ACCESS

The agency to which you addressed your request must respond within a set time period. The agency will normally respond to you within 10 business days from the date it receives your request; however, in *extenuating circumstances*, the agency must respond within 20 business days from the date of your request. If you have questions about the response time or the records being sought, you should first contact the agency and request to consult with the agency's UIPA contact person.

Please note that the Office of Information Practices (OIP) does not maintain the records of other agencies and a requester must seek records directly from the agency. If the agency denies or fails to respond to your written request for records or if you have other questions regarding compliance with the UIPA, then you may contact OIP at 808-586-1400, oip@hawaii.gov, or 250 South Hotel Street, Suite 107, Honolulu, Hawaii 96813.

REQUESTER'S RESPONSIBILITIES

You have certain responsibilities under section 2-71-16, Hawaii Administrative Rules, which include making arrangements to inspect and copy records, providing further clarification or description of the requested record as instructed by the agency's notice, and making a prepayment of fees and costs, if assessed. The rules and additional training materials are available online at oip.hawaii.gov or from OIP.

Fee Waiver Request – June 27, 2025

Pursuant to section 2-71-32 of the Hawaii Administrative Rules, the American Civil Liberties Union of Hawai‘i Foundation (“ACLU-HI”) hereby requests a waiver of \$60 of the fees that may be assessed under section 2-71-31. The ACLU-HI is a nonprofit, public-interest law firm; its mission is to protect individual freedoms guaranteed under the federal and state constitutions. The ACLU-HI has been engaged in legal action and public education in Hawai‘i since 1965 on issues affecting constitutional rights, including criminal justice reform.

Public dissemination of the information contained in these documents will contribute significantly to public knowledge and understanding of Kaua‘i Police Department’s enforcement of immigration law and collaboration with immigration authorities. The ACLU-HI has no commercial interest in the documents requested, and intends to publicize this information, as permitted by applicable law (as it has done with previous open records requests; *see, e.g.*, Michael Levine, *Honolulu Police Load Up on Taser Ammo, Pepper Spray, Bean Bags for APC*, Civil Beat, Sept. 26, 2011, available at <http://www.civilbeat.com/2011/09/12961-honolulu-police-load-up-on-taser-ammo-pepper-spray-bean-bags-for-apcc/>).

The ACLU of Hawai‘i has the primary intention to publicize this information by posting the ACLU-HI’s request, and the Department’s response, on its website, as permitted by applicable law. The ACLU of Hawai‘i has a page on its website devoted to informing the public about government responses to open records requests, <http://acluhi.org/open-records-requests/>, and the ACLU of Hawai‘i has the primary intention of posting the Department’s response on this web page. Additionally, the ACLU has approximately 3,000 members statewide, and is able to disseminate this information to our members via our newsletter, our social media streams (over 9,700 followers between X, Facebook, and Instagram), and our website (which gets over 45,000 views per year). In addition to publicizing these records on our website, the ACLU of Hawai‘i intends to publicize this information by using some combination of X, Twitter, Instagram, and/or our newsletter to help spread this information to our members and the general public.