

# REQUEST TO ACCESS A GOVERNMENT RECORD

**DATE:** September 1, 2011

**TO:** Chief Louis M. Kealoha, Honolulu Police Department

**FROM:** Daniel M. Gluck  
**Name or Alias**  
ACLU of Hawaii, P.O. Box 3410, Honolulu, HI 96801  
Phone: (808) 522-5908 e-mail: dgluck@acluhawaii.org  
**Contact Information**

Although you are not required to provide any personal information, you should provide enough information to allow the agency to contact you about this request. The processing of this request may be stopped if the agency is unable to contact you. Therefore, please provide any information that will allow the agency to contact you (name or alias, telephone or fax number, mailing address, e-mail address, etc.).

## **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 government record you request will prevent delays in locating the record. Attach a second page if needed.

From November 1, 2009 to the present, all records evidencing the purchase, contract to purchase, or lease of any “non-lethal” or “less-lethal” weapons (e.g., Tasers), including but not limited to any impact weapon, sonic weapon, chemical agent, pepper ball, electronic restraint device, less lethal shotgun round, or any other weapon (other than firearms with traditional bullets) under HPD’s use-of-force policy.

In responding to this request, the only information we are seeking at this time relating to each item purchased, leased, or under contract to be purchased is the following: (1) the name and address of the vendor or contractor selling or leasing the item; (2) the name and quantity of the item or items purchased; (3) the amount expended for each item on a per item basis; and (4) the total amount expended for the entire order. Thus, at this time, we are not seeking records or information related to the technical capabilities or potential uses of the item, the manner in which they were advertised, the manner in which the item will be deployed, internal communications regarding these devices or the purchase thereof, or any other information related to their use or potential use.

## **I WOULD LIKE:** (please check one or more of the options below)

- To inspect the government record.**
- A copy of the government record:** (Please check one of the options below.) See the back of this page for information about fees 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
  - Fax (toll free and only if available)
  - 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): However the records are maintained
- Check this box if you are attaching a request for waiver of fees in the public interest (see waiver information on back).

**SEE BACK FOR IMPORTANT INFORMATION**

## **FEES FOR PROCESSING RECORD REQUESTS**

You may be charged fees for the services that the agency must perform when processing your record request, 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

## **WAIVER OF FEES IN THE PUBLIC INTEREST**

Up to \$60 of fees for searching for, segregating and reviewing records may be waived when the waiver would serve the public interest as described in section 2-71-32, Hawaii Administrative Rules. 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 has the primary intention and the actual ability to widely disseminate information from the government record to the public at large.

## **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, you may contact the agency's UIPA contact person. If you are not satisfied with the agency's response, you may call the Office of Information Practices at 808-586-1400.

## **REQUESTER'S RESPONSIBILITIES**

You have certain responsibilities under §2-71-16, Hawaii Administrative Rules. You may obtain a copy of these rules from the Lieutenant Governor's Office or from the Office of Information Practices. These responsibilities 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, if assessed.

## ACLU of Hawaii Foundation Request to Access Government Records

### Request for Waiver of Fees in the Public Interest

September 1, 2011

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

Public dissemination of the information contained in these documents will contribute significantly to public knowledge and understanding of HPD’s possession and use of less-lethal alternatives in an effort to reduce officers’ need to resort to firearms. The ACLU has no commercial interest in the documents requested. These documents are not readily available in the public domain. As a public-interest organization, the ACLU has both the primary intention and the actual ability to disseminate widely this information to the public at large.

Requester respectfully asks that, if the total fees for this request (including copying charges) are anticipated to exceed \$150.00, Respondent notify Requester and obtain express written permission to proceed with the request.