

SECOND NOTICE TO REQUESTER

(Use multiple forms if necessary)

TO: ACLU of Hawaii
Attn: Senior Staff Attorney Dan Gluck
P.O. Box 3410, Honolulu, Hawaii 96801
(808) 522-5905; lt@acluhawaii.org

FROM: Honolulu Police Department
Attn: Acting Major Gerald Kaneshiro, Major Events Division
801 S. Beretania Street, Honolulu, Hawaii 96813
(808) 723-8581; gkaneshiro2@honolulu.gov
(Agency/name & telephone number of contact person at agency)

DATE REQUEST RECEIVED: March 8, 2013
Date of Initial Acknowledgment: March 21, 2013
Date of Initial Notice to Requestor: April 9, 2013
DATE OF THIS NOTICE: April 17, 2013

GOVERNMENT RECORDS YOU REQUESTED (attach copy of request or provide brief description below):
See note below for list of specific requested policies.

NOTICE IS PROVIDED TO YOU THAT YOUR REQUEST:

- Will be granted in its entirety.**
 Cannot be granted because
- Agency does not maintain the records. Agency believed to maintain records: _____
 - Agency needs a further description or clarification of the records requested. Please contact the agency and provide the following information: _____
 - Request requires agency to create a summary or compilation from records not readily retrievable.
- Is denied in its entirety** **Will be granted only as to certain parts**
based upon the following exemption provided in HRS § 92F-13 and/or § 92F-22 and other laws cited below
(portions of records that agency will not disclose should be described in general terms).

**RECORDS OR
INFORMATION WITHHELD**
Information relating to and dealing with
strategies, tactics, procedures, and
processes.

**APPLICABLE
STATUTES**
92F-13(3)

**AGENCY
JUSTIFICATION**
Disclosure of such information would
frustrate a legitimate government
function in that it would significantly
risk circumvention of our ability to
enforce statutes/laws and allow a
person to thwart our tactics.

REQUESTER'S RESPONSIBILITIES:

You are required to (1) pay any lawful fees assessed; (2) make any necessary arrangements with the agency to inspect, copy or receive copies as instructed below; and (3) provide the agency any additional information requested. If you do not comply with the requirements set forth in this notice within 20 business days after the postmark date of this notice or the date the agency makes the records available, you will be presumed to have abandoned your request and the agency shall have no further duty to process your request. Once the agency begins to process your request, you may be liable for any fees incurred. If you wish to cancel or modify your request, you must advise the agency upon receipt of this notice.

METHOD & TIMING OF DISCLOSURE:

Records available for public access in their entireties must be disclosed within a reasonable time, not to exceed 10 business days, or after receipt of any prepayment required. Records not available in their entireties must be disclosed within 5 business days of this notice or after receipt of any prepayment required. If incremental disclosure is authorized by HAR § 2-71-15, the first increment must be disclosed within 5 business days of this notice or after receipt of any prepayment required.

Method of Disclosure:

- Inspection at the following location: _____.
- As requested, a copy of the record(s) will be provided in the following manner:
 - Available for pick-up at the following location: _____.
 - Will be mailed to you.
 - Will be transmitted to you by other means requested: via digital form when available.

Timing of Disclosure: All records, or first increment where applicable, will be made available or provided to you:

- On _____.
- After prepayment of fees and costs of \$ 79.25 (50% of fees +100% of costs, as estimated below).
 Payment may be made by cash or: personal check other Business check.
*Please make checks payable to: **City and County of Honolulu***

For incremental disclosures, each subsequent increment will be disclosed within 20 business days after:

- The prior increment (if one prepayment of fees is required and received).
 - Receipt of each incremental prepayment required.
- Disclosure is being made in increments because the records are voluminous and the following extenuating circumstances exist:
- Agency must consult with another person to determine whether the record is exempt from disclosure under HRS chapter 92F.
 - Request requires extensive agency efforts to search, review, or segregate the records or otherwise prepare the records for inspection or copying.
 - Agency requires additional time to respond to the request in order to avoid an unreasonable interference with its other statutory duties and functions.
 - A natural disaster or other situation beyond agency's control prevents agency from responding to the request within 10 business days.

ESTIMATED FEES & COSTS:

The agency is authorized to charge you certain fees and costs to process your request (even if no record is subsequently found to exist), but must waive the first \$30 in fees assessed for general requesters and the first \$60 in fees when the agency finds that the request made is in the public interest. See HAR §§ 2-71-19, -31 and -32. The agency may require prepayment of 50% of the total estimated fees and 100% of the total estimated costs prior to processing your request. The following is the estimate of the fees and costs that the agency will charge you, with the applicable waiver amount deducted:

Fees: Search	Estimate of time to be spent: <u>54 mins</u> (\$2.50 for each 15-minute period)	\$ <u>7.50</u>
Review & segregation	Estimate of time to be spent: <u>180 mins</u> (\$5.00 for each 15-minute period)	\$ <u>60.00</u>
Fees waived	<input type="checkbox"/> general (\$30) <input checked="" type="checkbox"/> public interest (\$60) *\$30 of the \$60 public interest waiver was applied to the initial request. The balance is applied to this increment.	<\$ <u>30.00</u> >
Total Estimated Fees:		\$ <u>37.50</u>
Costs: Copying	Estimate of # of pages to be copied: <u>243</u> (@ \$ <u>0.25</u> per page.)	\$ <u>60.75</u>
Overage from previous request:		<\$ <u>00.25</u> >
Total Estimated Costs:		\$ <u>60.50</u>

For questions about this notice, please contact the person named above. Questions regarding compliance with the UIPA may be directed to the Office of Information Practices at 808-586-1400 or oiip@hawaii.gov.

****NOTE ****

This Second Notice to Requestor requests prepayment for the following requested 18 HPD policies:

- 1.10 Assistance in Warrantless Searches of Probationers
- 4.43 Correctional Facility Disturbance
- 7.09 Court Orders for Protection
- 4.47 Hawaiian Sovereignty Movement
- 4.10 Helicopter Section
- 2.11 Heliport at Alapai Headquarters
- 8.16 Narcotics Withdrawal by SSD for Training
- 6.09 Police Escort
- 3.01 Probation, Promotion, Transfer, and Termination
- 2.27 Rotation
- 2.38 Uniforms, Equipment, and Firearms
- 1.04 Use of Force
- 5.10 Witness Protection
- 4.13 Police Vehicles (Special Response Vehicles)
- 4.23 Air Piracy, Honolulu International Airport
- 4.29 Crime Scene: Investigative Responsibilities and Procedures
- 4.42 Hazardous Materials and Weapons of Mass Destruction Emergencies
- 4.46 Response to School Violence

The nineteenth policy, HPD Policy 2.01: Departmental Organization and Chain of Command, has already been provided to your agency in the initial packet. Costs and fees for that policy were included in your agency's initial payment of \$12.25.