

# NOTICE TO REQUESTER

(Use multiple forms if necessary)

TO: Laurie A. Temple, Staff Attorney  
ACLU of Hawaii; P.O. Box 3410, Honolulu, Hawaii 96801  
(808) 522-5905; [lt@acluhawaii.org](mailto:lt@acluhawaii.org)

FROM: Honolulu Police Department  
Attn: Acting Major Gerald Kaneshiro and/or Captain Gordon Gomes, Major Events Division  
801 S. Beretania Street, Honolulu, Hawaii 96813  
(808) 723-8581; [gkaneshiro2@honolulu.gov](mailto: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 THIS NOTICE: April 9, 2013

**GOVERNMENT RECORDS YOU REQUESTED** (attach copy of request or provide brief description below):

1. See attached.

## 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  
See attached

APPLICABLE  
STATUTES

AGENCY  
JUSTIFICATION

## 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: electronic form of scanned documents.

**Timing of Disclosure: First increment will be made available or provided to you:**

- On \_\_\_\_\_.
- After prepayment of fees and costs of \$ 12.25 (50% of fees +100% of costs, as stated below).  
 Payment may be made by cash or:  personal check  other Business check.  
**Please make check 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.

**NOTE TO REQUESTOR: Due to the extensive nature of the request, please notify us in writing within 20 business days stating which documents you would like produced. Once you inform us as to which documents you would like, we will provide you with an estimate of fees (less the remaining \$30 balance for public interest waiver) and costs for prepayment. The estimate provided below assumes your agency would like all documents contained in the summaries.**

**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>5327 mins.</u> (\$2.50 for each 15-minute period)	\$ <u>887.50</u>
	Review & segregation	Estimate of time to be spent: <u>6165 mins</u> (\$5.00 for each 15-minute period)	\$ <u>2,055.00</u>
	Fees waived	<input type="checkbox"/> general (\$30) <input checked="" type="checkbox"/> public interest (\$60) - balance	< \$ <u>30.00</u> >
	<b>Total Estimated Fees:</b>		<b>\$ <u>2,912.50</u></b>
Costs:	Copying	Estimate of # of pages to be copied <u>4,890</u> (@ \$ <u>0.25</u> per page.)	\$1,222.50
	<b>Total Estimated Costs:</b>		<b>\$ <u>1,222.50</u></b>

**ACTUAL FEES & COSTS CALCULATION:**

Fees: Search (\$2.50 for each 15-minute period)  
Review & Segregation (\$5.00 for each 15-minute period)

**NOTE: Based on your agency's representations contained in the initial request, the \$60 public interest waiver will be applied to fees generated by this request. However, pursuant to OIP opinion, such waiver will only be applied to any fees generated and not to the copying costs.**

Search:	Time spent: 2 hours	\$20.00
Review & Segregation:	Time spent: ½ hour	\$10.00
Public Interest Fee Waived:		<\$60.00>

**Total Fee to date: <\$30.00>**

Remaining \$30 will be applied to any future fees generated by this request.

Costs: Copying (@ .25 each page thereafter)

**Documents/Records to be provided upon initial payment of costs:**

Summary of reports involving Canine callouts, Bomb callouts, SW assists, SSD callouts	11 pages	\$3.00
List of items procured related to SSD purpose	14 pages	\$3.75
MOA with Navy Region of Hawaii, U.S. Army Garison Hawaii, Marine Corps Base Hawaii, Detachment Two, Eighteenth Force Support Squadron	11 pages	\$3.00
Policy 2.01 Departmental Organization and Chain of Command	13 pages	\$3.50
<b>Total Cost to date:</b>		<b>\$12.25</b>

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 oip@hawaii.gov.

## ACLU Request

<b>Special Weapons and Tactics (SWAT) Teams</b>	
<p>1. All incident reports or other records documenting each time a SWAT team was deployed. All reports showing breakdowns of SWAT team deployments by crime, requesting agency, or purpose for the raid (ie, to serve a warrant, arrest someone, diffuse a hostage crisis, etc). and all post-deployment documentation including: (see below)</p>	<p>There are approximately 254 total reports involving Canine callouts, Bomb callouts, Specialized Services Division (SSD) callouts, and Search Warrant assists during the requested time period.</p> <p>Each Canine and Bomb call out report consists of about 3 pages and each Search Warrant &amp; SSD callout report consists of about 15 pages. In order for you to better assess whether your agency would like all 254 reports, you are being provided with an 11-page summary of all the callouts. In compliance with your agency's request to be notified in order to obtain express written permission to proceed with the request, please let us know if you would like us to begin searching, reviewing, and segregating the reports as you will then be assessed the appropriate fees in accordance with statute.</p>
<p>1a. All documents relating to the number of no-knock warrants applied for, and the number of no-knock warrants granted, denied, or modified, in conjunction with a SWAT team deployment;</p>	<p>HPD does not conduct no-knock warrants.</p>
<p>1b. All documents relating to uses of force by all SWAT teams and all incident reports documenting all injuries incurred by anyone at the scene of a SWAT team operation.</p>	<p>All documents relating to use of force and documents for incidents where injuries occurred due to SSD involvement are included in the police reports submitted into records. A search of the 254 reports above will be conducted to determine which reports contain use of force/injury information. It is estimated time involved to search: about 5 minutes per report. Estimated time to review: 5-10 minutes each report (depending on length of report).</p>

2. All procedures, regulations, or guidelines relating to SWAT teams, including the protocols and legal standards that must be met before SWAT team deployment.

The policies listed below specifically deal with or relate to SSD and will be provided. There are 19 relevant policies totaling approximately 256 pages. Please note: Policy 1.04 Use of Force was previously provided to the ACLU prior to APEC. There have been no changes to the Use of Force policy since it was last provided to the ACLU. Please let us know if you would NOT like the Use of Force policy included in the policies provided.

- 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
- 2.01 Departmental Organization and Chain of Command
- 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

In compliance with your agency's request to be notified in order to obtain express written permission to proceed with the request, please let us know if you would like us to begin searching, reviewing, and segregating the policies as you will then be assessed the appropriate fees in accordance with statute.

<p>3. All documents relating to the structure or mission of SWAT teams, including chain of command and the selection of team personnel, as well as the ranks, salaries, and lengths of service of team personnel.</p>	<p>SSD's command staff consists of 2 lieutenants and 8 sergeants, Captain Darren Chun, and Major Alex Ahlo. SSD falls under the Special Field Operations Bureau led by Assistant Chief Gregory T. Lefcourt. The Special Field Operations Bureau falls under Deputy Chief Marie McCauley of the Field Operations Bureau. HPD Policy 2.01 Departmental Organization and Chain of Command will be provided. In accordance with the provisions of 92F, the salary for each rank are as follows:</p> <p>Deputy Chief: \$137,088  Assistant Chief: \$86,268 – 144,312  Major: \$74,556 – 124,644  Captain: \$67,608 - \$113,064  Lieutenant: \$67,704 – 95,016  Sergeant: \$62,376 – 87,144  Corporal: \$57,624 – 80,016</p> <p>Ranks and lengths of service for team personnel will be provided upon approval from your agency as, pursuant to 92F, information concerning officers who serve or have served in an undercover capacity is not subject to disclosure, thus, a search and review must be conducted before information can be released.</p>
<p>4. All documents or training materials used to instruct SWAT teams in any aspect of their operation, including information about any training, including but not limited to, with military units and other outside agencies and private contractors, when and where training sessions took place, and who conducted them.</p>	<p>These requested records and documents will be withheld under 92F-13, HRS, as disclosure of such information would frustrate a legitimate government function. Disclosure of such records significantly risks circumvention of our regulations/statutes and would allow a person to thwart our tactics. However, information regarding training with other outside agencies (including the military) contained in any MOA/MOU will be provided pursuant to requested Item #6 below.</p>

<p>5. All records relating to the procurement, maintenance or deployment of SWAT team weapons and other equipment, including guns, vehicles, personal protective equipment and uniforms, surveillance and reconnaissance equipment, less than lethal devices, apparatuses and systems for augmented detainee restraint (also known as shock-cuffs), forced entry tools, facial recognition technology, Cellebrite or other mobile forensics units, biometric technology, cell phone sniffers, and deep packet sniffers, including how it is stored, and who has access to it.</p>	<p>We are providing you with a 14 page list of items procured from January 1, 2011 to present. Such items include SSD weapons, equipment, guns, vehicles, etc. as wells as monies expended for care and maintenance of the Canine unit. There are approximately 400 items/services. Each report is approximately 5 – 9 pages per an item/service. Please let us know if you would like us to begin searching, reviewing, and segregating the reports as you will then be assessed the appropriate fees in accordance with statute.</p>
<p>6. All written mutual aid agreements or memoranda of understanding with federal, state and local agencies, including any branch of the military and private entities concerning SWAT teams.</p>	<p>SSD has an MOA with the military (Navy Region of Hawaii, U.S. Army Garrison Hawaii (Schofield), Marine Corps Base Hawaii, Detachment Two, Eighteenth Force Support Squadron, Bellows) on 5-7-12. It consists of 11 pages and is attached to this response.</p>
<p>7. All records relating to funding sources and grants your SWAT team applied for, and whether or not the application was successful.</p>	<p>SSD did not apply for any grant or funding source during the time period of January 1, 2011 to present.</p>
<p>8. All internal or external audits of SWAT team performance or records of cost effectiveness.</p>	<p>Such records and documents do not exist.</p>

### Cutting Edge Weapons and Technology

<p>1. The number of Mobile Forensic Data Extraction devices, GPS tracking devices, biometric technology, cell phone sniffers, deep packet sniffers, unmanned aerial vehicles (sometimes called “drones”), apparatuses and systems for augmented detainee restraint (also known as shock-cuffs), Cellebrite or other mobile forensics units, and devices capable of facial or behavioral recognition currently owned, leased, or borrowed or proposed for purchase or acquisition by your agency and the unit or division of your agency given primary use of each device.</p>	<p>Currently, HPD does not own or lease any of the listed equipment/devices nor are any borrowed or proposed for purchase or acquisition.</p> <p>HPD has biometric technology utilized exclusively by our Scientific Investigative Services division. Such technology deals with DNA analysis/identification and has been previously documented with the ACLU. If more information regarding the biometric technology used by SIS is requested, please submit such request in writing.</p>
<p>2. All practices, procedures, and trainings governing use of all such devices.</p>	<p>Not applicable.</p>
<p>3. All policies relating to the maintenance and retention of information obtained through such devices, including but not limited to, policies detailing how records of such information are kept, databases in which they are placed, limitations on who may access the records and for what purposes, circumstances under which they are deleted, and circumstances under which they may be shared with other government agencies or nongovernmental entities.</p>	<p>Not applicable.</p>
<p>4. The legal standard or level of suspicion (eg probable cause, reasonable suspicion, relevance) the agency requires or proffers prior to using such devices.</p>	<p>Not applicable.</p>
<p>5. All applications submitted by your Department for equipment through the Department of Defense’s “1033” program (either directly to the Department of Defense or to your state’s administering agency), including whether the application was granted, denied, or granted in part (and if so, how).</p>	<p>No applications have been submitted by our Department for equipment through the DOD’s 1033 program from January 1, 2011 to present.</p>



<p>6. All "1033" program inventories created and maintained pursuant to the May 22, 2012 moratorium.</p>	<p>None exist.</p>
<p>7. All applications submitted by your Department for funding through the Department of Homeland Security's Homeland Security Grant Program or Urban Area Security Initiative program (including applications submitted to your state's administering agency), including whether the application was granted, denied, or granted in part (and if so, how).</p>	<p>No applications were submitted by our department for funding through the Department of Homeland Security's Homeland Security Grant Program or Urban Area Security Initiative Program during the period of January 1, 2011 to present.</p>