

# ACKNOWLEDGMENT TO REQUESTER

**To:** Amanda J. Finlay, Advocacy Coordinator, ACLU of Hawaii  
P.O. Box 3410, Honolulu, HI 96801  
Phone: 522-5905; email: [mfinlay@acluhawaii.org](mailto:mfinlay@acluhawaii.org)

**FROM:** Honolulu Police Department  
Attn: Lynne Goto Uyema, Senior Police Legal Advisor  
801 South Beretania Street, Honolulu, Hawaii 96813  
Phone: 723-3848  
(Agency and name & telephone number of contact person at agency)

**DATE REQUEST RECEIVED:** May 16, 2016

**DATE OF ACKNOWLEDGEMENT:** May 17, 2016

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

1. Please see attached

This acknowledgment is provided in accordance with section 2-71-13, Hawaii Administrative Rules ("HAR"), because the following extenuating circumstance(s) exist:

- Agency must consult with another person to determine whether the record is exempt from disclosure under chapter 92F, HRS.
- 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 the agency's control prevents the agency from sending a notice or responding to the request within ten business days.

Due to these extenuating circumstances, the agency will send you the written notice required by section 2-71-14, HAR, within a reasonable time not to exceed twenty business days following the date when the agency received your request. Among other things, this notice will inform you whether the agency intends (1) to disclose the record; (2) to deny access to all or part of the information in the requested record, identifying the portions that will not be disclosed and justifying the nondisclosure; or (3) that the agency is unable to disclose the record for the reasons given. The notice will also include the agency's good faith estimate of all fees that will be charged to the requester under section 2-71-19, HAR and the amount of prepayment required by the agency, if any.

If the agency is providing access to records, the agency will then:

- (1) Disclose the requested records within five business days after providing notice or, when applicable, after receiving a prepayment as provided for under section 2-71-19, HAR;

or

- (2) Disclose the requested records in increments because the requested records are voluminous. See HAR § 2-71-15. Each increment will be disclosed within twenty business days after either (A) the prior incremental disclosure (if one prepayment of fees is required and received) or (B) receipt of each incremental prepayment required.

For questions about this acknowledgment, 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](mailto:oiip@hawaii.gov).

May 13, 2016

Louis M. Kealoha  
Chief of Police  
Honolulu Police Department  
801 South Beretania St.  
Honolulu, HI 96813

**Re: Open Records Request**

Dear Chief Kealoha:

Enclosed is a request to access government records. Please feel free to contact me at 808-522-5905 or [mfinlay@acluhawaii.org](mailto:mfinlay@acluhawaii.org) if you have any questions about this request.

Thank you in advance for your assistance.

Sincerely yours,

A handwritten signature in black ink that reads "Mandy Finlay". The signature is written in a cursive, flowing style.

Amanda J. Finlay  
Advocacy Coordinator  
ACLU of Hawaii

# 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:** May 13, 2016

**TO:** Honolulu Police Department  
**Agency that Maintains the Government Record**

Louis Kealoha, Chief of Police  
Honolulu Police Department  
801 S Beretania St, Honolulu, HI, 96813  
Phone: (808) 529-3111  
**Agency's Contact Information**

**FROM:** Amanda J. Finlay  
**Requester's Name or Alias**

ACLU of Hawaii  
P.O. BOX 3410 Honolulu, HI 96801  
Phone: 522-5905 Email: [mfinlay@acluhawaii.org](mailto:mfinlay@acluhawaii.org)  
**Requester's Contact Information**

## **AS THE REQUESTER, I WOULD LIKE THE FOLLOWING GOVERNMENT RECORD:**

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.

- From January 1, 2015, all records relating to body-worn cameras and/or dashboard cameras for police officers and/or vehicles used by police officers, including, but not limited to:
  - o Records related to policies, procedures, memoranda, emails, and the like regarding the implementation and/or use of body-worn cameras and/or dashboard cameras by police officers;
  - o Records, including internal and external memoranda, emails, notes, and other communications, relating to Senate Bill No. 2411 (2016), and/or any other proposed legislation and/or existing laws (at the federal, state, and/or county level) pertaining to body-worn cameras and/or dashboard cameras;
  - o Records related to the development, drafting, and/or approval of current or proposed Honolulu Police Department body-worn camera use policy and/or dashboard camera policy, and any records relating to the process for amending this policy/these policies;
  - o Records related to procurement, contracts, agreements, requests for proposals, or the like between the Honolulu Police Department (and/or the City and County of Honolulu) and any other entity for equipment, software, programs, or other technology related to the use of body-worn cameras;
  - o Records related to any request by the Honolulu Police Department to any entity (including but not limited to the City Council, the State of Hawaii, and/or any branch of the federal government) for funding of body-worn cameras and/or dashboard cameras;
  - o Any video footage captured by a body-worn camera operated by an on-duty Honolulu Police Department officer and/or a dashboard camera on a vehicle used by an on-duty Honolulu Police Department officer involving the use of force by a Honolulu Police Department officer, including

footage captured by body-worn cameras purchased by the individual officer and activated by the officer while on duty.

- This request does not include individual police reports discussing the contents of video footage in any particular case, or any individual video recordings other than those specifically requested above.

**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): P.O. Box 3410 Honolulu HI 96801
- E-mail (address): \_\_\_\_\_
- Fax (toll free and only if available; provide fax number): \_\_\_\_\_
- Other, if available (please specify): Documents may be emailed, rather than mailed, if more convenient for the Department.

- 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 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 has the primary intention and 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, [oiip@hawaii.gov](mailto:oiip@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](http://oip.hawaii.gov) or from OIP.

Request for Waiver of Fees in the Public Interest

May 13, 2016

Pursuant to section 2-71-32 of the Hawaii Administrative Rules, 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 the Honolulu Police Department's existing or planned policies and practices relating to police body-worn cameras, which have potentially broad effects on police transparency and personal privacy. The ACLU has no commercial interest in the documents requested, and intends to publicize this information (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-apec/>).

The ACLU of Hawaii has the primary intention to publicize this information by posting the ACLU's request, and the Honolulu Police Department's response, on its website. The ACLU of Hawaii 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 Hawaii has the primary intention of posting the Agency's response on this web page. Additionally, the ACLU has approximately 2,000 members state-wide, and is able to disseminate this information to our members via our newsletter, our Facebook page (which has approximately 4,000 followers), our website (which has received over 100,000 hits since 2011), and our Twitter feed (which has over 2,000 followers). In addition to publicizing these records on our website, the ACLU of Hawaii intends to publicize this information by using some combination of Facebook, Twitter, and/or our newsletter to help spread this information to our members and the general public.

Depending on the nature of the records provided by Honolulu Police Department, we may also publicize this information by distributing the records to media outlets such as Civil Beat, the Honolulu Star Advertiser, Hawaii Public Radio, and/or various other media outlets. We have the ability to distribute this information to the media,

insofar as we have a comprehensive e-mail database of media contacts, we have developed strong professional ties to many journalists over our 50-year history, and we interact with journalists on a regular basis.

Requester respectfully asks that, if the total fees for this request (including copying charges) are anticipated to exceed \$50.00, Respondent notify Requester and obtain express written permission to proceed with the request.