

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: December 9, 2019

TO: Hawai'i Police Department
Agency that Maintains the Government Record

ATTN: UIPA Coordinator, Hawai'i Police Department, 349 Kapi'olani Street, Hilo, HI 96720
(copsysop@co.hawaii.hi.us)
Agency's Contact Information

FROM: Mateo Caballero
Requester's Name or Alias

ACLU of Hawai'i
P.O. Box 3410
Honolulu, HI 96801
Phone: (808) 522-5908
E-mail: mcaballero@acluhawaii.org

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.

This is a request for public records pursuant to the Hawaii Uniform Information Practices Act, Haw. Rev. State. §92F-1 et seq. To better understand Hawai'i Police Department's (the "**Department**") policies and practices, we request, pursuant to Hawai'i Uniform Information Practices Act, that the Department produce the following government records (as defined by HRS Section 92F-3):

1. All records, including without limitation memoranda, policies, and communications, related to the Department's enhanced traffic enforcement efforts on Daniel K. Inouye Highway (Route 200) which began on August 15, 2019.

If you have questions about the scope of these requests, please contact the ACLU by telephone or email. We also request that, if the total fees for this request (including copying charges) are anticipated to exceed \$200.00, your agency notify us and obtain express written permission to proceed with the request.

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 Hawaii, P.O. Box 3410 Honolulu, HI, 96801. Documents may be emailed to mcaballero@acluhawaii.org rather than mailed, if more convenient for Department.

E-mail (address): mcaballero@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 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, ois@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 ois.hawaii.gov or from OIP.

August 27, 2018

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; its 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, including criminal justice reform.

Public dissemination of the information contained in these documents will contribute significantly to public knowledge and understanding of Hawaii's Title IX process in high schools. The ACLU 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-apc/>).

The ACLU of Hawaii has the primary intention to publicize this information by posting the ACLU's request, and the Department's response, on its website, as permitted by applicable law. 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 Department's response on this web page. Additionally, the ACLU has approximately 5,000 members statewide, and is able to disseminate this information to our members via our newsletter, our social media streams (over 9,700 followers between Twitter, 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 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 the 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, as permitted by applicable law. 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.