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Attorneys for Plaintiff
Honolulu Civil Beat Inc.

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
STATE OF HAWAII

HONOLULU CIVIL BEAT INC.,

Plaintiff,

vs.

CITY AND COUNTY OF HONOLULU
and HONOLULU POLICE
DEPARTMENT,

Defendants.

CIVIL NO. _____
(Other Civil Action)

COMPLAINT; SUMMONS

JUDGE: NONE

TRIAL DATE: NONE

COMPLAINT

Plaintiff Honolulu Civil Beat Inc. (Civil Beat), for its Complaint against Defendants City and County of Honolulu and Honolulu Police Department, alleges as follows:

PARTIES

1. Plaintiff Civil Beat is a news outlet registered to do business in Hawai'i as a nonprofit corporation and dedicated to public affairs reporting about Hawai'i on the Internet at civilbeat.org.

2. Defendant City and County of Honolulu is a county government, within the definition of “Agency” under Hawai`i Revised Statutes (HRS) § 92F-3, that is headquartered at 530 South King Street, Honolulu, Hawai`i.

3. Defendant Honolulu Police Department is a “department” or “other instrumentality of . . . county government,” within the definition of “Agency” under HRS § 92F-3, that is headquartered at 801 South Beretania Street, Honolulu, Hawai`i.

JURISDICTION AND VENUE

4. The court has jurisdiction over this action to compel disclosure of public records under the Uniform Information Practices Act (UIPA) pursuant to HRS §§ 92F-15(a) and 603-21.5(3).

5. Venue is proper in this court pursuant to HRS §§ 92F-15(e) and 603-36(5) for any one of the following: the request for records was made in this circuit; upon information and belief, the requested records are maintained in this circuit; the Defendants are headquartered in this circuit; the claim for relief arose in this circuit; and the Defendants are domiciled in this circuit.

FACTUAL BACKGROUND

6. HRS § 92F-11(a) provides: “All government records are open to public inspection unless access is restricted or closed by law.”

7. By e-mail dated November 23, 2020, Civil Beat requested that Defendants provide “a spreadsheet with the following columns: names of all Honolulu Police Department employees, their current job titles, and the total number of overtime hours they worked in 2015, 2016, 2017, 2018, 2019 and so far in 2020.”

8. On December 17, Defendants denied the request, stating that “overtime hours for individual employees will be withheld under the same section, HRS 92-F (13)1 [sic].”

9. HRS § 92F-13(1) provides that an agency may withhold information from the public when disclosure “would constitute a clearly unwarranted invasion of personal privacy.”

10. HRS § 92F-15(b) provides that “[o]pinions and rulings of the office of information practices shall be admissible and shall be considered as precedent unless found to be palpably erroneous.”

11. The State of Hawai`i Office of Information Practices has held: “The performance or nonperformance of public duties is not a ‘highly personal’ or ‘private’ or ‘intimate’ matter, the disclosure of which would constitute a ‘clearly unwarranted’ invasion of personal privacy.”

12. The Defendants’ stated reason for nondisclosure does not justify withholding overtime hours of Defendants’ employees.

13. The Defendants have denied Civil Beat its right to access government records pursuant to the UIPA.

14. Civil Beat is entitled to an order directing Defendant to disclose all public information sought in the November 23, 2020 request.

DEMAND FOR RELIEF

Based on the foregoing, Civil Beat respectfully requests that this court:

- A. Give precedence, in accordance with HRS § 92F-15(f), to this case on the docket over all other cases, assign it for hearing and trial or for argument at the earliest practicable date, and expedite it in every way;
- B. Enter an order directing Defendant to disclose all public information sought in the November 23, 2020 request for records;
- C. Award Civil Beat reasonable attorney's fees and all other expenses reasonably incurred in the litigation, pursuant to HRS § 92F-15(d); and
- D. Grant such other and further relief as it deems reasonable and just.

DATED: Honolulu, Hawai'i, January 29, 2021

/s/ Robert Brian Black
ROBERT BRIAN BLACK
CASEY K. SHOJI
Attorneys for Plaintiff

