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Attorney for Plaintiff
Civil Beat Law Center for the Public Interest

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
STATE OF HAWAII

CIVIL BEAT LAW CENTER FOR THE
PUBLIC INTEREST,

Plaintiff,

vs.

DEPARTMENT OF THE
PROSECUTING ATTORNEY,

Defendant.

CIVIL NO. _____
(Other Civil Action)

COMPLAINT; SUMMONS

JUDGE: NONE

TRIAL DATE: NONE

COMPLAINT

Plaintiff Civil Beat Law Center for the Public Interest (Law Center or Plaintiff),
for its Complaint against Defendant Department of the Prosecuting Attorney
(Prosecutor or Defendant) alleges as follows:

PARTIES

1. Plaintiff Law Center is a Hawai'i nonprofit organization.

2. Defendant Prosecutor is a “department” or “other instrumentality of . . . county government,” within the definition of “Agency” under HRS § 92F-3, that is headquartered at 1060 Richards Street, Honolulu, Hawai`i.

JURISDICTION AND VENUE

3. The court has jurisdiction over this action pursuant to HRS §§ 92F-15(a), 603-21.5(3), and 632-1(b).

4. 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 Defendant is headquartered in this circuit; the claim for relief arose in this circuit; and the Defendant is domiciled in this circuit.

FACTUAL BACKGROUND

5. By e-mail dated May 4, 2021, the Law Center requested that Prosecutor disclose video footage related to Iremamber Sykap’s death.

6. The same day, the Prosecutor denied the request.

7. On May 17, the Prosecutor issued a press release stating that it was conducting an investigation of the “officer-involved shootings of civilians Iremamber Sykap and Lindani Myeni”; that the investigations would take 30-60 days; and that the Prosecutor would release various records, including body-worn camera footage, at the end of the investigations.

COUNT I - DECLARATORY JUDGMENT

8. The Uniform Information Practices Act (UIPA) provides: “[I]t is the policy of this State that the formation and conduct of public policy – the discussions, deliberations, decisions, and action of government agencies – shall be conducted as openly as possible.”

9. The UIPA must be construed to, among other things, promote the public interest in disclosure, provide public access to relevant and timely government records, and enhance government accountability through a general policy of access to government records.

10. Absent justification for nondisclosure or delay, government agencies are required to provide access to government records no later than 10 business days after a request, pursuant to HAR § 2-71-13.

11. Defendant has delayed the Law Center’s access to body-worn camera footage without justification.

12. Defendant’s delays do not promote the public interest or timely access to relevant records that will enhance government accountability.

13. Prosecutor violated the UIPA by delaying access to body-worn camera footage without justification.

14. The Law Center is entitled to an order declaring that Prosecutor violated the UIPA by delaying access to the body-worn camera footage related to Iremamber Sykap’s death without justification.

COUNT II - INJUNCTIVE RELIEF

15. Defendant has denied the Law Center its right to access government records pursuant to the UIPA.

16. The Law Center does not object to blurring the faces of individuals in the video footage who are not government employees.

17. The Law Center is entitled to an order directing Prosecutor to immediately disclose all the body-worn camera footage related to Iremamber Sykap's death as requested on May 4, 2021.

DEMAND FOR RELIEF

Based on the foregoing, the Law Center 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 declaring that Prosecutor violated the UIPA by delaying access to body-worn camera footage related to Iremamber Sykap's death without justification;

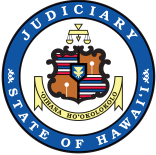

C. Enter an order directing Prosecutor to immediately disclose all the body-worn camera footage related to Iremamber Sykap's death as requested on May 4, 2021;

D. Award the Law Center reasonable attorney's fees and all other expenses reasonably incurred in the litigation, pursuant to HRS § 92F-15(d); and

E. Grant such other and further relief as it deems reasonable and just.

DATED: Honolulu, Hawai'i, May 27, 2021

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

STATE OF HAWAI'I CIRCUIT COURT OF THE FIRST CIRCUIT	SUMMONS TO ANSWER CIVIL COMPLAINT	CASE NUMBER
PLAINTIFF CIVIL BEAT LAW CENTER FOR THE PUBLIC INTEREST	VS.	DEFENDANT(S) DEPARTMENT OF THE PROSECUTING ATTORNEY
PLAINTIFF'S NAME & ADDRESS, TEL. NO. Robert Brian Black Civil Beat Law Center for the Public Interest 700 Bishop Street, Suite 1701 Honolulu, HI 96813 (808) 531-4000		
<p>TO THE ABOVE-NAMED DEFENDANT(S)</p> <p>You are hereby summoned and required to file with the court and serve upon</p> <p>Robert Brian Black</p> <hr/> p plaintiff's attorney, whose address is stated above, an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the date of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. <p>THIS SUMMONS SHALL NOT BE PERSONALLY DELIVERED BETWEEN 10:00 P.M. AND 6:00 A.M. ON PREMISES NOT OPEN TO THE GENERAL PUBLIC, UNLESS A JUDGE OF THE ABOVE-ENTITLED COURT PERMITS, IN WRITING ON THIS SUMMONS, PERSONAL DELIVERY DURING THOSE HOURS.</p> <p>A FAILURE TO OBEY THIS SUMMONS MAY RESULT IN AN ENTRY OF DEFAULT AND DEFAULT JUDGMENT AGAINST THE DISOBEYING PERSON OR PARTY.</p>		
The original document is filed in the Judiciary's electronic case management system which is accessible via eCourt Kokua at: http://www.courts.state.hi.us	Effective Date of 28-Oct-2019 Signed by: /s/ Patsy Nakamoto Clerk, 1st Circuit, State of Hawai'i 	
 In accordance with the Americans with Disabilities Act, and other applicable state and federal laws, if you require a reasonable accommodation for a disability, please contact the ADA Coordinator at the Circuit Court Administration Office on OAHU- Phone No. 808-539-4400, TTY 808-539-4853, FAX 539-4402, at least ten (10) working days prior to your hearing or appointment date.		