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FIRST CIRCUIT  
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IN THE CIRCUIT COURT OF THE FIRST CIRCUIT  
STATE OF HAWAII

HONOLULU CIVIL BEAT INC.,

Plaintiff,

vs.

DEPARTMENT OF PUBLIC SAFETY,

Defendant.

CIVIL NO. 1CCV-21-1329  
(Other Civil Action)

ORDER GRANTING IN PART AND  
DENYING IN PART PLAINTIFF'S  
MOTION FOR SUMMARY  
JUDGMENT

HEARING MOTION

JUDGE: Honorable John M. Tonaki

TRIAL DATE: NONE

HEARING DATE: October 25, 2022

HEARING TIME: 9:30 a.m.

**ORDER GRANTING IN PART AND DENYING IN PART  
PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT**

Plaintiff Honolulu Civil Beat Inc. (Civil Beat) filed its Motion for Summary Judgment on August 30, 2022, pursuant to Hawai'i Rules of Civil Procedure 56 and 57, and a reply memorandum in support of that motion on October 20, 2022. Defendant Department of Public Safety (Department) filed a memorandum in opposition to the motion on October 17, 2022. The parties were heard on Tuesday, October 25, 2022, at 9:30 a.m. in the Circuit Court of the First Circuit before the Honorable John M. Tonaki.

Plaintiff was represented by R. Brian Black. Defendant was represented by deputy attorney general Lisa M. Itomura. The Court has carefully reviewed the motion, the memoranda in support and opposition, and the exhibits and declarations, and has heard and considered oral arguments on the motion presented by counsel. Based on the record, Civil Beat's motion is hereby GRANTED IN PART AND DENIED IN PART.

The Court finds that there is no genuine issue of material fact in dispute.

In general, under the Uniform Information Practices Act (Modified), Hawai'i Revised Statutes (HRS) chapter 92F (UIPA), autopsy and toxicology reports prepared by coroners pursuant to HRS chapter 841 are public records that must be disclosed on request. The names of deceased individuals are a part of the process that results in the preparation of coroner reports and therefore are public as well. Similarly, autopsy and toxicology reports prepared by coroners in other jurisdictions pursuant to statutory authority are likewise public records. OIP Op. No. F15-01; OIP Op. No. 91-32. The U.S. Department of Health and Human Services' Privacy Rule under the federal Health Insurance Portability and Accountability Act of 1996 allows covered entities to disclose protected health information when "required by law", including when required by freedom of information laws such as the UIPA. 45 C.F.R. § 164.512(a); 65 Fed. Reg. at 82,482, 82,597.

IT IS ORDERED that, pursuant to the UIPA, the Motion is GRANTED in that the Department must disclose from the requested records concerning individuals who died in the Department's custody in 2020 and 2021: (1) the names of individuals who have died in the Department's custody; and (2) autopsy reports received from county

coroners. The Motion is DENIED in that the Department is not required to disclose information regarding an individual's medical treatment while in the Department's custody.

DATED: Honolulu, Hawai'i, November 14, 2022.

/s/ John M. Tonaki



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JUDGE OF THE ABOVE-ENTITLED COURT

APPROVED AS TO FORM:

/s/ Lisa M. Itomura  
CRAIG Y. IHA  
LISA M. ITOMURA  
*Deputy Attorneys General for Defendant*  
*Department of Public Safety*