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Attorneys 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, INC.,

Plaintiff,

vs.

DEPARTMENT OF PUBLIC SAFETY,

Defendant.

CIVIL NO. _____
(Other Civil Action)

COMPLAINT; SUMMONS

JUDGE: NONE

TRIAL DATE: NONE

COMPLAINT

Plaintiff Civil Beat Law Center for the Public Interest, Inc. (Law Center or Plaintiff), for its Complaint against Defendant Department of Public Safety (Department), alleges as follows:

PARTIES

1. Plaintiff Civil Beat Law Center for the Public Interest is a Hawai'i nonprofit organization.



2. Defendant Department of Public Safety is a “department” or “other instrumentality of state or county government,” within the definition of “Agency” under the Hawai‘i Revised Statutes (HRS) § 92F-3, that is headquartered at 1177 Alakea Street, Honolulu, Hawai‘i.

JURISDICTION AND VENUE

3. 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).

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

6. By letter dated April 27, 2023 the Law Center requested “data dictionaries” for two of the Department’s databases – OffenderTrak and the ISCD System.

7. The April 27 request plainly stated that it sought “information sufficient to identify the types of data” stored in the databases and *not* the data itself.

8. On June 21, the Department denied the April 27 request in its entirety.

9. The Department's denial invoked the "frustration of a legitimate government function" exemption from disclosure under HRS § 92F-13(3) and asserted an unspecified security risk and a vague suggestion that the material is proprietary.

10. The Department's stated reasons for nondisclosure do not justify withholding the records sought by the April 27 request.

11. The Department has denied the Law Center its right to access government records pursuant to UIPA.

12. The Law Center is entitled to an order directing Defendant to disclose the records sought by the April 27 request.

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 directing the Department to disclose the records sought in the April 27, 2023 request for records;

C. Award the Law Center reasonable attorneys' 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, July 20, 2023

/s/ Benjamin M. Creps
ROBERT BRIAN BLACK
BENJAMIN M. CREPS
Attorneys for Plaintiff

STATE OF HAWAII 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 PUBLIC SAFETY	
PLAINTIFF'S NAME & ADDRESS, TEL. NO. Robert Brian Black Benjamin M. Creps 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; Benjamin M. Creps</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> <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 <div data-bbox="1247 1486 1399 1633" data-label="Image"> </div>	
<div data-bbox="103 1667 230 1785" data-label="Image"> </div> <p>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.</p>		