

THE CIVIL BEAT
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House Committee on Judiciary
Honorable Chris Lee, Chair
Honorable Joy A. San Buenaventura, Vice Chair

RE: Testimony Commenting on S.B. 92 S.D. 1, Relating to Police Reports
Hearing: March 14, 2019 at 2:00 p.m.

Dear Chair and Members of the Committee:

My name is Brian Black. I am the Executive Director of the Civil Beat Law Center for the Public Interest, a nonprofit organization whose primary mission concerns solutions that promote government transparency. Thank you for the opportunity to submit testimony on S.B. 92 S.D. 1. If passed, a police department may view this bill – by granting a special right of access – as limiting the public’s general right of access, especially when the special right is more limited than the current general right.

To avoid this potential unintended consequence, the Law Center respectfully requests that the Committee include a **comment in the committee report that this bill is not intended to limit any other rights that the victim’s family or the general public have to obtain these police reports.**

As the Honolulu Police Department explains: “Most reports are releasable to individuals when certain conditions are met in accordance with the Uniform Information Practices Act (UIPA) of the Hawaii Revised Statutes (HRS) Chapter 92F.”¹ OIP has held that police reports (with privacy redactions) are accessible to everyone when criminal proceedings have concluded.² E.g., OIP Op. No. 99-02.

The Law Center is not aware of any issues with members of the public accessing police reports after the conclusion of criminal proceedings, if not earlier. If there is an issue, however, it should be addressed for everyone, not just the families of victims. ***Police reports are fundamental records for public accountability.*** There should be no question that police reports (redacted as necessary to protect privacy interests) are public records when criminal proceedings have concluded.

Thank you again for the opportunity to testify.

¹ <http://www.honolulupd.org/information/index.php?page=reports>.

² An agency may not withhold records because of pending *civil* litigation against the agency. See OIP Op. No. 92-05 at 7-9. The Legislature should not condition disclosure of police reports on the conclusion of “civil proceedings.”