

**From:** Dévi D.S. Chung fellow@publicfirstlaw.org  
**Subject:** Re: Public Records Request Re: Police Chief  
**Date:** May 18, 2026 at 4:48 PM  
**To:** Sakihara, Janel R A janel.sakihara@honolulu.gov



Aloha:

Thank you for your partial response to my records request regarding the Honolulu Police Commission's selection process for Honolulu Police Chief. While the Commission has produced resumes and cover letters, the reasons for withholding the remaining requested records are not justified. We respectfully request that the Commission reconsider its denial and produce the withheld records.

The public has a compelling interest in understanding how the Commission selected finalists for one of the most significant leadership positions in the state. That interest extends not only to understanding what information the Commission obtained about the finalists, but also how the Commission's contractor performed its functions and how the Commission evaluated and discussed that information.

The Commission should preserve all records within the broad scope of this request, including records, notes, and other materials of its contractor, Commission staff, and Commission members, until this request is resolved. **No records should be destroyed.** If any records have been destroyed while this request has been pending, notify us immediately.

#### **I. No Privacy Interest Exists for Publicly Identified Finalists**

The Commission's foundational reason for entering executive session, and for resisting disclosure throughout this process, was to protect the identities and privacy of the candidates. That purpose is gone. The candidates' names of three finalists have been publicly released by the Commission.

The request made clear that names of non-finalist candidates may be redacted.

#### **II. The Reason for Entering Executive Session No Longer Exists**

Under HRS § 92-4(b)(2), the commission "may maintain confidentiality...as long as disclosure would defeat the purpose of convening the executive meeting." As stated above, the purpose for entering executive session does not exist now that the identities of the finalists are public.

The executive session privilege is not a blanket shield for all discussions that happen to occur in a closed meeting. It attaches to the specific interests the closed session was convened to protect. Where those interests have dissolved, continued reliance on the exemption is not justified.

#### **III. Frustration of Government Purpose Does Not Apply**

The Commission has not explained what purported frustration of a legitimate function would be caused by disclosure of the requested records. To constitute as an exception to disclosure, "an agency must articulate a real connection between disclosure of the particular record it is seeking to withhold and the likely frustration of a specific legitimate government function." *Peer News LLC v. City & Cty. of Honolulu*, 143 Hawaii 472, 487 (2018). "[G]eneralized concerns alone are not sufficient." *Id.* at 489.

#### **IV. Records Related to the Police Chief Selection Process are Presumptively Public**

The Commission must disclose records that relate to the Chief selection process because such records qualify as a government record under UIPA. It is irrelevant whether those records concern an official Commission meeting.

#### **V. Specific Requests**

Request 3 (information compiled by Public Sector Search & Consulting): The Commission's contract provides that the Public Sector Search & Consulting (PSSC) would document its evaluation criteria, online surveys, appropriate screens of applicants, and recommended candidates from Phase 1. From Phase 2, the contract provides that PSSC would document its background checks, findings from the stakeholder panels, and documentation of the Phase 2 applicants and screens. And PSSC's final report will have "candidate dossiers for each finalist, stakeholder and survey summary outcomes, scoring/rating guidelines and results, and summary observations." Moreover, the Commission Chair specifically referenced "research material" provided by the Hiring Consultant to the Commission, in the April 15, 2026 meeting.

The Commission has more information from PSSC than simple resumes and cover letters about these finalists.

Request 5 (April 20 meeting): As reflected in the cited statutes, the exemption for executive session only continues to apply as long as disclosure would defeat the purpose of the exemption. With the disclosure of the finalists' identities, the privacy justification for the executive session no longer would be defeated by disclosure of the meeting records.

Request 6 (May 5 stakeholder panels): The Commission's contract provides that PSSC would have "preparation materials, rating guides and best practices" for these meetings and would have "summary findings" of these panels for the Commission. In addition, notes taken by PSSC, Commission staff, or Commission members who attended these panels are disclosable records. The Commission's response does not address any of these requested records.

Request 7 (May 6 meeting): As with Request 5, the disclosure of the identities of the finalists eliminates the privacy justification for the executive session discussion of those specific individuals.

Request 8 (assessment material): At a minimum, PSSC and the Commission have discussed in public meetings that candidates were grouped into three categories before the April 20 meeting for presentation by PSSC. That assessment has not been provided.

Thank you for your prompt attention to this matter.

Sincerely,  
Devi

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she/her  
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On May 18, 2026, at 10:25 AM, Sakihara, Janel R A <janel.sakihara@honolulu.gov> wrote:

Aloha Devi S. Chung,

Please see the attached notice to requestor regarding your request for records.

Mahalo,

Janel Sakihara

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Honolulu, Hawai'i 96813  
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<Notice to Requestor 05-18-26.pdf>