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August 5, 2025

The Honorable Tommy Waters
Chair and Presiding Officer
and Members
Honolulu City Council
530 South King Street, Room 202
Honolulu, Hawai'i 96813

Dear Chair Waters and Councilmembers:

SUBJECT: Bill 46 (2025), Relating to the Honolulu Police Department

While we fully understand the government's interest in transparency with respect to the dissemination of information, the government can only be transparent to the extent permitted by law. Certain information is, by law, inappropriate for release to the public.

Bill 46, as written, is ambiguous as to what information must be released via the required written agreement with the media. Section 1 of Bill 46 expressly limits the required release to "certain public information." Thereafter, however, Bill 46 drops "certain" and broadly reads "public information," arguably defining "public information" as equal to "the Honolulu police department's dispatch radio communications." See Section 2.(c).

If the above interpretation is incorrect and Bill 46 does not seek to define the content of information which must be released as equivalent to Honolulu police department dispatch radio communications, the administration respectfully requests the bill be amended to make that distinction clear. If, however, the intent of the bill is to require the Honolulu Police Department to release all dispatch radio communications, portions of which may not be appropriate for release as a matter of law, this letter shall serve as the administration's non-support for Bill 46 and notice of potential intent to veto should the bill pass unamended.

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The administration supports the release of information to the media that is not protected by law. However, the current bill, as drafted, is ambiguous as to what constitutes public information and further clarification is respectfully sought to avoid conflict with law.

Sincerely,

A handwritten signature in dark ink, appearing to read 'M. Formby', with a long horizontal stroke extending to the right.

Michael D. Formby
Managing Director