HONOLULU CITY COUNCIL

KE KANIHELA O KE KALANA O HONOLULU

CITY AND COUNTY OF HONOLULU

ORDINANCE _____

BILL **46 (2025), CD1**

A BILL FOR AN ORDINANCE

RELATING TO THE HONOLULU POLICE DEPARTMENT.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose and findings. The purpose of this ordinance is to require the Honolulu Police Department ("HPD") to release certain public information to the media and to the public.

Section 6-1604 of the Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended, sets forth the powers, duties, and functions of the Chief of Police, which include promulgating rules and regulations necessary for the organization and internal administration of the HPD.

The media and public's timely access to emergency-related information is essential to keeping the community safe from dangerous situations such as active shooters, armed and dangerous individuals, and violent crimes. In releasing such information, however, the HPD must consider the need to protect certain information due to confidentiality, privacy laws, ongoing police investigations, or security breach threats.

The City Council finds that the release of public information by government agencies in a consistent, impartial, accurate, and timely manner is critical to maintaining the public's trust in government operations. The HPD's provision of timely and accurate information assists in the prevention of misinformation spreading within the community, which can cause panic and public distrust.

SECTION 2. Chapter 2, Revised Ordinances of Honolulu 2021 ("The Mayor and Executive Agencies–Additional Powers, Duties, and Functions"), is amended by adding a new article to be appropriately designated by the Revisor of Ordinances and to read as follows:

"**ARTICLE __: ACCESS TO CERTAIN HONOLULU POLICE DEPARTMENT INFORMATION**

§ 2-__.1 Release of certain information to the media and public.

(a) *Definitions.* For the purposes of this section, the following definitions apply unless the context clearly indicates or requires a different meaning.

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CJIS. The Criminal Justice Information System maintained by the Federal Bureau of Investigation's Criminal Justice Information Services Division.

Department or ***HPD***. The Honolulu Police Department.

HCJDC. The Hawaii Criminal Justice Data Center, a Hawaii CJIS managed by the State of Hawaii Department of the Attorney General.

Local Media Outlet. A professional news organization that operates within the city and:

(1) Holds a valid broadcast license issued by the Federal Communications Commission; or

(2) Regularly disseminates news to the public and meets one or more of the following:

(A) Is listed as a recognized legal or public notice publication pursuant to HRS § 1-28.5; or

(B) Has a verifiable history of professional journalism, including the employment of full-time editorial staff, adherence to a publicly-posted code of journalistic ethics, and a history of continuous publication or broadcasting for at least 25 years.

NCIC. The National Crime Information Center, a national CJIS managed by the Federal Bureau of Investigation.

Timely Emergency Messaging Alerts. Messaging system alerts specifically sent to local media outlets for timely notification of in-progress incidents, to facilitate rapid public dissemination of information during situations involving imminent danger to life and property. The messaging alerts must be sent no more than 10 minutes after the occurrence, receipt, or entry of the information into the HPD communications system. At a minimum, the messaging alerts must include the following information:

(1) Street name and block location of the incident;

(2) Incident type;

(3) Crime classification (under the Uniform Crime Classification Standard), as applicable; and

(4) General description of the reported incident.

Radio Communications. The timely transmission of voice, data, or alert information from an HPD dispatcher or responding HPD officer in the field to authorized recipients, occurring no more than 10 minutes after the occurrence, receipt, or entry of the information into the HPD communications system. Communications must be transmitted without intentional delay, queuing, or batching, and by means that ensure near instantaneous receipt under normal operating conditions.

(b) The chief of police shall adopt and implement a strategic plan and internal procedures for the timely release of certain public information to the media and the public, which must involve a written agreement between the department and local media outlets for the department to provide local media outlets with access to:

(1) Timely emergency messaging alerts; or

(2) Certain radio communications.

(c) Timely emergency messaging alerts and access to certain radio communications may not include personally identifiable information or protected CJIS data, and must comply with all applicable constitutional provisions, laws, rules, regulations, agreements, and policies relating to privacy rights and the protection of personal information, including but not limited to:

(1) The right to privacy under the Fourteenth Amendment of the U.S. Constitution and the Hawaii Constitution;

(2) The Communications Act of 1934 (47 USC § 151 et seq.);

(3) The Privacy Act of 1974 (5 USC § 552a);

(4) The Electronic Communications Privacy Act of 1986 (18 USC § 2510 et seq., 18 USC § 2701 et seq., and 18 USC § 3121 et seq.);

(5) The Freedom of Information Act (5 USC § 552);

(6) Laws, regulations, and federal agency directives and policies governing "Law Enforcement Sensitive" and "For Official Use Only" data;

(7) The CJIS Security Policy;

(8) The NCIC System 2000 Operating Manual;

(9) The NCIC 2000 Standards and Sanctions;

(10) HRS Chapter 846 (relating to the HCJDC and civil identification);

(11) HRS Chapter 138 (relating to 911 services);

(12) HRS § 711-1111 (relating to the violation of privacy in the second degree); and

(13) HRS Chapter 92F (the Uniform Information Practices Act).

(d) *Protection of privacy rights and personal information.*

(1) The department shall incorporate reasonable safeguards, including technology controls and redaction protocols, to ensure that the dissemination of timely emergency messaging alerts or access to certain radio communications do not compromise protected or restricted information.

(2) Any willful violation of this subsection may result in disciplinary action or administrative sanctions, as determined by the chief of police in accordance with department policies and procedures.

(e) *Unlawful use of radio communications.*

(1) It is unlawful for any local media outlet or individual to record, reproduce, rebroadcast, or otherwise use radio communications obtained pursuant to this article for inclusion in any broadcast, publication, or digital distribution, unless the use is first authorized through a formal request made under the Freedom of Information Act (5 USC § 552) or the Uniform Information Practices Act (HRS Chapter 92F).

(2) Violation of this subsection may result in the immediate suspension or termination of access privileges for the responsible media partner, as well as other remedies available under applicable laws or civil remedies.

§ 2-__.2 Updates.

(a) The chief of police shall provide the council with an annual update 12 months after the effective date of this ordinance, and every 12 months thereafter.

(b) The update must include but is not limited to the following information, or include updates to previously submitted information, as applicable:

(1) A summary of the department's strategic plan and internal procedures for the timely release of certain public information to the media and the public;

(2) Whether the department is using timely emergency messaging alerts or access to certain radio communications to release public information, and a summary of the type of information being released;

(3) Details of the reasonable safeguards being used to ensure that the dissemination of timely emergency messaging alerts or access to certain radio communications do not compromise protected or restricted information; and

(4) A list of the local media outlets that are receiving public information from the department, and a summary of the terms of the written agreement with each local media outlet."

SECTION 3. No later than six months after the effective date of this ordinance, the Chief of Police shall submit to the City Council the strategic plan and internal procedures for the timely release of certain public information to the media.

SECTION 4. The Revisor of Ordinances shall, pursuant to the Revisor's authority under Section 1-16.3(b)(1), Revised Ordinances of Honolulu 2021, replace the phrase "the effective date of this ordinance" used in SECTION 2 of this ordinance, with the actual date on which the ordinance takes effect. The Revisor of Ordinances shall, pursuant to the Revisor's authority under SECTION 2 of Ordinance 23-7, update the Reporting Requirements Table to include the reporting requirements enacted by SECTION 2 of this ordinance.

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SECTION 5. This ordinance takes effect upon its approval.

INTRODUCED BY:

Tommy Waters

Augie Tulba

DATE OF INTRODUCTION:

May 28, 2025
Honolulu, Hawai'i

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____day of _____, 20 ___.

RICK BLANGIARDI, Mayor
City and County of Honolulu

Report Title:
Honolulu Police Department ("HPD"); Chief of Police; Strategic Plan; Media; Dispatch Radio Communications; Public Information; Update

Description:
Requires the Chief of Police to develop and implement a strategic plan and internal procedures for the release of certain information to the media and public and provide local media outlets with access to HPD dispatch radio communications. Requires the Chief of Police to submit updates to the Council.

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