

HONOLULU

# Charter Amendment Asks Voters To Clear Up Public Records Law

The proposal is one of several “housekeeping” measures listed as “Charter Amendment 20” on the Oahu ballot.

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ABOUT 8 HOURS AGO · By Anita Hofschneider   

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Here’s a little-known fact: Honolulu’s charter currently says that the city police chief and prosecuting attorney have discretion over what records from their departments get released to the public, with the exception of traffic accident information.

That sounds like a lot of power, but in reality, the provision is moot. Hawaii’s public record law supersedes the county charter, and governs when and how records must be public.

Still, advocates for government transparency think it’s important for Honolulu taxpayers to get rid of the outdated provision in the charter this November.



*Brian Black, executive director of the Civil Beat Law Center for the Public Interest, hopes voters will approve a change to the Honolulu charter regarding public records.*

Brian Black is executive director of the [Civil Beat Law Center for the Public Interest](#), a nonprofit dedicated to promoting transparency and responsiveness in government. He submitted the proposed amendment, which says, “Require the books and records of all city departments be open to public inspection.”

The Charter Commission has lumped the proposal in with several other changes that it refers to as “housekeeping” amendments, because they seek to ensure legal uniformity, fix errors and improve clarity in the charter.

DE 2016 They’ll appear on the ballot in November as “Charter Amendment 20.”

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The League of Women Voters, Society for Professional Journalists and Common Cause all [submitted testimony](#) in support of the provision.

But the head of the statewide police union, Tenari Maafala, doesn’t think it’s a good idea. In testimony submitted to the Charter Commission in February, he

recounted a [lawsuit against the city](#) brought by the Law Center seeking to obtain records of police officers who were suspended for serious crimes.

“This is just another attempt to obtain the names of police officers who are disciplined,” Maafala [wrote](#) on behalf of the State of Hawaii Organization of Police Officers.

Maafala’s testimony to the Charter Commission also noted that the police chief doesn’t have absolute power to withhold records.

“There must be a gatekeeper for police records and the police chief is the most qualified,” he contended.



Maafala didn’t respond to a request for comment on how he thought the amendment would actually affect release of police officer identities.

*SHOPO President Tenari Maafala opposes the amendment.*

Black said the amendment would have no practical effect. Instead, he thinks it would help improve the city’s attitude toward public records in the long term.

“That particular provision is important because it sets the tone for how the city would treat public records,” Black said in an interview.

Here’s how the Charter Commission describes Charter Amendment 20 on the ballot:

*Question: Should the Charter be amended for housekeeping amendments (i) to conform to current functions and operation, (ii) to conform to legal requirements, (iii) to correct an inadvertent omission, and (iv) for clarity?*

*(a) Require the books and records of all city departments be open to public inspection;*

*(b) Require the Department of the Corporation Counsel to update the Charter by July 1 of the year after the election at which Charter amendments proposed by the Charter Commission are approved by the electorate;*

*(c) Require the Charter Commission to submit amendments to the Office of the City Clerk five working days before the deadline for ballot questions to be submitted to the state Chief*

*working days before the deadline for ballot questions to be submitted to the State Chief*

*Election Officer;*

*(d) Require that all written contracts of the Board of Water Supply and the Honolulu Authority for Rapid Transportation be approved by the Department of Corporation Counsel for form and legality; and*

*(e) Require that the city centralized purchasing practices conform to the state procurement code*

[Click here to read the full list of proposed Charter Commission amendments](#), which are also available in [Japanese](#), [Chinese](#), [Ilocano](#) and via [audio](#).

*Disclosure: The Civil Beat Law Center is funded by Pierre Omidyar, the publisher of Civil Beat.*

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## About the Author



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**Anita Hofschneider** [Twitter](#) [Email](#) [RSS](#)

Anita Hofschneider is a reporter for Civil Beat. You can reach her by email at [anita@civilbeat.org](mailto:anita@civilbeat.org) or follow her on Twitter at [@ahofschneider](https://twitter.com/ahofschneider).

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Natalie Iwasa *1 hour ago*

I hope voters will take the time to do some research on these amendments. One person commented he was going to vote "on" on 20, because he thought it would open up all records to public inspection, and that's not the intent at all.

Thank you, Brian, for proposing this amendment and working with the commission to get this one on the ballot.

anthony aalto *8 minutes ago*

Natalie - I think you mean "no" on 20...

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