

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII**

Hawaii Defense Foundation,
Christopher Baker,
and Derek Scammon

Plaintiffs,

vs.

City and County of Honolulu;
Andrew Lum, in his personal and
official capacity;
John Does 1-10 in their personal and
official capacities.

Defendants.

CASE NO. **CV12 00469 JMS RLP**

COMPLAINT FOR DEPRIVATION
OF CIVIL RIGHTS, DECLARATORY
AND INJUNCTIVE RELIEF

JURY TRIAL REQUESTED

COMPLAINT

COME NOW the Plaintiffs, HAWAII DEFENSE FOUNDATION, CHRIS BAKER, and DEREK SCAMMON, by and through their undersigned counsel, and complain against Defendants CITY AND COUNTY OF HONOLULU; and JOHN DOE 1-10 as follows:

INTRODUCTION

1. The Honolulu Police Department "HPD" operates an official social media page at the website Facebook.com. This page clearly purports to be the "official Facebook page of the Honolulu Police Department." Additionally, the fan page plainly states that it was created to be "a forum open to the public."
2. Despite affirmatively opening this page for discourse and commentary, Plaintiffs have had their comments removed in violation of their freedoms of speech. Moreover, in this specific instance, because Plaintiffs were critical of the HPD in their comments and/or did not express a viewpoint aligned with the department, the HPD has banned Plaintiffs from participating in the "public forum."
3. Plaintiffs have received no explanation for this ban or the censorship of their comments. No notice or opportunity to be heard was ever provided to Plaintiffs.

JURISDICTION AND VENUE

4. This Court has subject matter jurisdiction pursuant to 42 U.S.C. § 1983 and 28 U.S.C. §§ 1331, 1343, 2201, and 2202.

5. This Court has personal jurisdiction over Defendant City and County of Honolulu as it is a government entity, more specifically a municipal corporation incorporated under the laws of the State of Hawai‘i, located in Hawai‘i.

6. This Court also has personal jurisdiction over each of the Defendants because they, inter alia, acted under the color of laws, policies, customs, and/or practices of the City and County of Honolulu and/or within the geographic confines of the State of Hawai‘i.

7. Venue is proper pursuant to 28 U.S.C. § 1391.

PARTIES

8. Plaintiff Hawaii Defense Foundation is a 501.c (3) non-profit membership organization incorporated under the laws of the State of Hawai‘i, and hosts its principal place of business in Honolulu, Hawai‘i.

9. Hawaii Defense Foundation promotes education and legal action, as well as research, publishing, and advocacy, in support of civil liberties.

10. Plaintiff Christopher Baker is a natural person and a citizen of the United States, who at all material times herein did reside in Honolulu, Hawai‘i. He is a

member and the President of the Hawaii Defense Foundation. Mr. Baker continues to reside in Honolulu, Hawai'i.

11. Plaintiff Derek Scammon is a natural person and a citizen of the United States, who at all material times herein did reside in Honolulu, Hawai'i. He is a member and Assistant Director of the Hawaii Defense Foundation. Mr. Scammon continues to reside in Honolulu, Hawai'i.

12. Defendant Andrew Lum is an employee of the HPD and is responsible for managing, administering, and maintaining the website. These duties are believed to include the removal of posts and banning of users. Mr. Lum is sued in both his personal and official capacity.

13. Defendants John Doe 1-10 are sued in both their personal and official capacity as administrators of the HPD's Facebook page. John Doe 1-10 are responsible for executing, maintaining and administering the HPD Facebook page and may be participants in the unconstitutional acts and practices discussed within this complaint.

14. Defendants John Doe 1-10, because of their enforcement actions, are accordingly liable to Plaintiffs for damages and other relief as set forth in this Complaint.

15. Plaintiffs have reviewed all documents available to them and have made a diligent and good faith effort to ascertain said persons' full names and identities;

however, Plaintiff has been unable to ascertain the identities of said Defendants. The names, capacities, and relationships of defendants named as Doe Defendants will be alleged by amendment to this Complaint when they are revealed and thus properly identified.

16. Plaintiffs reserve the right to amend this Complaint to add such parties as his true identities and capacities are ascertained through discovery or otherwise.

17. Defendant City is a municipal corporation incorporated under the laws of the State of Hawai'i. The City is authorized by law to control and maintain the Honolulu Police Department, an agency of the city, who acts on the City's behalf in the area of law enforcement. The City is therefore ultimately responsible for HPD and their actions, and therefore, must assume the risks incidental to the maintenance of HPD and its employees.

18. Employees of the HPD have enforced the policies complained in this action against Plaintiffs.

Unlawful Administration of the Official Facebook Page

19. Plaintiff Christopher Baker has communicated, on numerous occasions and for the purpose of political commentary and/or public information, on the "wall" of the HPD Facebook fan page. And, without his consent or authorization and with no explanation, he has had numerous comments and posts deleted including posts Mr. Baker submitted on January 18, 25, 26, 27, and 31 of 2012. Plaintiffs have

attached printed images of the postings made on the HPD facebook page hereto as Exhibit One. Exhibit One is specifically incorporated herein as is restated verbatim herein.

20. Shortly after his posts were deleted, Mr. Baker discovered he was banned from participating in the discussion on the Official Honolulu Police Department Facebook site.

21. Plaintiff Derek Scammon has communicated, on numerous occasions and for the purpose of political commentary and/or public information, on the “wall” of the HPD Facebook fan page. And, without his consent or authorization and with no explanation, he has had numerous comments and posts deleted including posts submitted on January 27, 28 and 29 of 2012. Plaintiffs have attached printed images of the postings made on the HPD facebook page hereto as Exhibit Two. Exhibit Two is specifically incorporated herein as is restated verbatim herein.

22. Shortly after his posts were deleted, Mr. Scammon also discovered he was banned from participating in the discussion on the Official Honolulu Police Department Facebook site.

County Policies and Actions have Violated the First and Fourteenth Amendment Rights of Hawaii Defense Foundation and its Members.

23. Hawaii Defense Foundation is a 501.c (3) non-profit membership organization that has members and supporters throughout the United States, including members and supporters who live in both the City and County of

Honolulu and State of Hawai'i, as well as members and supporters who travel through the City and State.

24. One of the core purposes of Hawaii Defense Foundation is to vindicate the legal rights of individuals who are unable to act on their own behalf in light of the costs and time commitments involved in litigation. Hawaii Defense Foundation brings this action on behalf of both itself and its members.

25. HDF's members have therefore had their speech and expressive conduct suppressed and their civil rights infringed. Defendants have deleted posts and banned individual members, and most notably three directors, of the Hawaii Defense Foundation. Furthermore, they have also removed and deleted posts that were made by the Foundation on the Police Department's fan page. Individual members and supporters of Hawaii Defense Foundation continue to face an ongoing threat that their posts or commentary will be arbitrarily deleted and/or that they may be banned from the page.

26. The members and supporters of Hawaii Defense Foundation also include individuals who would otherwise post on HPD's Facebook page, but in fear of HPD's policy of deleting posts and banning users whose speech they do not like, they refrain from doing so.

The First Amendment Applies To Online Speech, Including Facebook.

27. The First Amendment of the United States protects the “freedom of speech.”

U.S. Const. amend. I.

28. Those protections undoubtedly apply to the States. *See Gitlow v. New York*, 268 U.S. 652 (1925).

29. Social media, in our current age, is a very common activity that the people engage in to communicate with others, share ideas, protest, lobby, and generally express their views on topics to others. In fact, 845 million people actively used Facebook for purposes such as these in December 2011.¹

30. “Our Constitution is designed to maximize individual freedoms within a framework of ordered liberty. Statutory limitations on those freedoms are examined for substantive authority and content as well as for definiteness or certainty of expression.” *Kolender v. Lawson*, 461 U.S. 352, 357 (1983). Here, City agents are acting arbitrarily with no statutory limitations, and minimizing, rather than maximizing, individual freedoms by suppressing one of the most common and modern forms of free speech and, specifically, speech that is critical of the government.

¹ In 2011, Facebook reported 845 million monthly active users at the end of December 2011; approximately 165 million of those users live within the United States. Facebook, *Statistics*, Facebook (Apr. 2, 2012, 11:32 p.m.), <http://newsroom.fb.com/content/default.aspx?NewsAreaId=22>.

31. In some instances, government entities may determine the type of forum they want to create. Here, the HPD, using the social media site facebook.com, has expressly created a “forum open to the public.” HPD only prohibited speech that was obscene, sexually explicit, racially derogatory, defamatory, solicits or is an advertisement, and that suggests or encourages illegal activities. The HPD rules governing the facebook posts is attached as Exhibit Three and is incorporated as if restated verbatim herein.

32. Thus, the HPD facebook page is an open forum. In an open public forum, restrictions that apply to certain viewpoints but not others face the highest level of scrutiny. *Legal Services Corp. v. Velazquez*, 531 U.S. 535 (2001). Alternatively, even if HPD didn’t intend to create a traditional public forum, their policies and procedures would still fail under the rules and tests promulgated for non-traditional public forums; the HPD allows some comments, but not others, even when they are within the scope of the initial topic presented by the agency themselves.

33. Although the internet is not a park in the physical sense, the First Amendment has been designed to protect more than just newspapers and magazines. Moreover, a forum *need not* be a physical place. *Rosenberger v. Rector and Visitors of the University of Virginia*, 515 U.S. 819 (1995).

34. Defendants Lum and/or one or more John Does 1-10 violated Plaintiffs' First Amendment rights in removing the facebook posts and banning Plaintiffs from further participation in the forum.

35. Defendants Lum and/or one or more John Does 1-10 committed these acts pursuant to Defendant City's policy, practice, or customs, which constitute the standard operating procedure.

36. Alternatively, Defendant City's policy, practice, or customs, which constitute the standard operating procedure caused the violative acts and/or Plaintiffs' damages because Defendant City's practice or custom is to fail, neglect, or decline to oversee its employees or offer guidelines or policies to any or all of its employees in regards to administration, operation, or maintenance of the facebook.com site – guidelines or policies which could easily be implemented to ensure that the rights of Plaintiffs or any other citizen would not be violated.

37. Alternatively, Defendant Lum and/or one or more of Defendant(s) John Doe 1-10 were or are officials with final policy-making authority and/or the removal of the Plaintiffs' posts and/or banning Plaintiffs from participation in the forum constitutes an act of official governmental policy.

38. Alternatively, Defendant Lum and/or one or more Defendant(s) John Doe 1-10, employed by the HPD and/or the City, have final policy-making authority and ratified a subordinate's unconstitutional decision to remove Plaintiffs' posts and/or

to ban Plaintiffs from further participation in the forum and the basis for that decision. The subordinate is also named as one or more of the John Doe 1-10 Defendants.

The United States Constitution Requires Procedural Due Process

39. The Fourteenth Amendment provides in pertinent part: “No State shall . . . deprive any person of life, liberty, or property, without due process of law[.]” U.S. Const. amend. XIV, § 1.

40. Fundamental civil rights are protected against discretionary treatment. In order to ensure the fair, equal, and non-discretionary governance of these rights, government actions that affect a fundamental right, such as the freedom of speech, require procedural due process. *Mathews v. Eldridge*, 424 U.S. 319 (1976).

41. Defendant City, in response to an Information Practices Act request, have admitted that there are no governing policies in regard to the administration or management of their facebook page. Instead posts are removed at the sole discretion of the Defendants or their agents. The actions in this case violate essentially *everything* that our civil rights are supposed to be protected from.

FIRST CAUSE OF ACTION

Violation of First and Fourteenth Amendments

42. Paragraphs 1 through 35 are incorporated as though fully stated herein.

43. Just as the First Amendment has been held to protect television, radio, and other developments in technology, online speech, including those comments posted and shared through Facebook, must be protected from Government infringement under the First Amendment.

44. Defendant's actions in arbitrarily deleting comments and banning users from participating on the HPD's official Facebook fan page, which was designed and is designated as an open public forum, is a violation of the First and Fourteenth Amendment to the United States Constitution and the current cause of action is within this Court's jurisdiction pursuant to 42 U.S.C. § 1983.

SECOND CAUSE OF ACTION

Due Process Violation

45. Paragraphs 1 through 35 are incorporated as though fully stated herein.

46. Plaintiffs comments were deleted and their participation banned without any explanation.

47. Plaintiffs have no means to appeal the deletion and/or ban or seek relief from a higher authority.

48. No policies or procedures have been developed or promulgated to help guide the decisions and actions of the HPD's Facebook fan page administrators.

49. The actions described herein amount to a clear and present danger to civil liberties; and importantly, Defendants have failed to establish and provide the necessary safeguards of due process required when dealing with fundamental rights. The actions complained herein infringe upon the civil rights guaranteed by the First and Fourteenth Amendment to the United States Constitution and must be found unconstitutional and the current cause of action is within this Court's jurisdiction pursuant to 42 U.S.C. § 1983.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for the following relief:

1. That a jury be empaneled to decide contested factual issues in this matter.
2. Declaratory judgment that Defendant's administration of their Facebook fan page and the policies governing its use violate the First Amendment of the United States Constitution.
3. Declaratory judgment affirming that Defendants' administration of the Facebook fan page and the policies, customs and/or practices governing this administration violate the Fourteenth Amendment of the United States Constitution.

4. A temporary restraining order compelling Defendants and/or their officers, agents, servants, employees, and all persons in concert or participation with them who receive notice of this injunction, to restore Plaintiffs' deleted posts; to permit Plaintiffs to participate in the forum discussions; and restraining Defendants and/or their officers, agents, servants, employees, and all persons in concert or participation with them who receive notice of this injunction from banning not only Plaintiffs but any person for political speech made on the HPD facebook page and/or from removing protected speech from the facebook page.

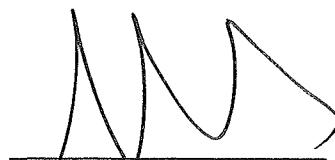
5. Preliminary and/or permanent injunctive relief compelling Defendants and/or their officers, agents, servants, employees, and all persons in concert or participation with them who receive notice of this injunction, to restore Plaintiffs' deleted posts; to permit Plaintiffs to participate in the forum discussions; and restraining Defendants and/or their officers, agents, servants, employees, and all persons in concert or participation with them who receive notice of this injunction from banning not only Plaintiffs but any person for political speech made on the HPD facebook page and/or from removing protected speech from the facebook page.

6. Such other and further relief, including injunctive relief, against all Defendants, as may be necessary to effectuate the Court's judgment, or as the Court otherwise deems just and equitable; and

7. Attorney's fees, statutory fees and costs pursuant to 42 U.S.C. § 1988.

Dated: Honolulu, HI; August 20, 2012.

Respectfully submitted,

A handwritten signature in black ink, consisting of several large, stylized loops, positioned above a horizontal line.

Richard Holcomb
Brian Brazier

A handwritten signature in black ink, featuring a prominent peak followed by a series of smaller, connected strokes, positioned above a horizontal line.

Alan Beck
Attorneys for Plaintiffs

Exhibit One



Derek S Scammon

Considering that the Chief of Police routinely denies CCW permit applications, what is HPD's advice if I find myself on the receiving end of this kind of savagery?



FULL VERSION Helpless CHINESE Man Attacked and Jumped by 7 Others

www.youtube.com

tweet this video to @foxchicago and @Chicago_Police names of the 7 posted below: WESLEY WU - grey hoodie, main kid attacking the man, deleted facebook, EASL...

📺 Unlike · Comment · Share · 2 hours ago · 🌟

👍 You like this.



Christopher Baker Clearly you need to grab your cell phone! I'm sure it would help you. Luckily for that kid many of those other 'kids' are not 200+ lb men who would do a significant amount more damage per blow.

about an hour ago · Unlike · 🔄 1



Ross Mukai Where are the street signs? How would you even begin to describe your location to emergency services, IF you were able to call?

30 minutes ago · Unlike · 🔄 1

Exhibit One



Ryan Barbour

I heard something about there only being one approved tailor shop where officers must both purchase and tailor their uniforms. Supposedly it is not only extremely expensive but it takes many months to get a uniform. It seems ridiculous that it costs the officer so much in time and cost. Could someone shed light on that?

Like · Comment · 2 hours ago · ↻



Christopher Baker Sounds like a bunch of corruption to me! Which I wouldn't past the leaders in the police department or the state. Department leaders have have demonstrated many times how far they go to violate things like the constitution or due process. I bet it some jack booted ex chiefs family member is making a killing off of the deal.

2 seconds ago · Like

Write a comment...



Conney Hanchett

Who do I need to talk to if I believe my elderly parents may have been a victim of identity theft?

Like · Comment · Yesterday at 8:13am · ↻



Honolulu Police Department (Official Site) @Conney, please call 911 and request for an officer immediately to discuss this. Mahalo.

3 hours ago · Like



Conney Hanchett Mahalo for your assistance.

3 hours ago · Like



Honolulu Police Department (Official Site) @Conney, you're welcome.

2 hours ago · Like

Exhibit One

Facebook interface showing a post on the wall of the Honolulu Police Department. The post is by Christopher Baker and contains text regarding the Fourth Amendment and internet tracking bills.

Wall Honolulu Police Departmen... · **Everyone (Most Recent)**

Share: Post Link

Write something...

Activity (1+)

Christopher Baker
 For some people who say they respect the constitution, what part of the Fourth Amendment doesn't the leadership of Honolulu Police Department not understand? Do they not possess the ability to read coherently?

Please forward the message to the internet nazi's:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

This means you shouldn't support crap like **searching** and **storing** people's internet history, without a warrant or probable cause. If the leaders want to lie, when they stand and take the oath "to support and defend the constitution" why don't they just go buddy up with our friends in North Korea already. Get this Facist crap out of here.

Hawaii tables sweeping Internet tracking bill
www.hawaiinewsnow.com
 State lawmakers have tabled a proposal that would have required internet service providers to retain all Hawaii consumers' subscriber data and browsing histories...

Like · Comment · Share · Download app ·

See All

The Miami-Dade Police Department

San Francisco

Exhibit One

About

This is the official Facebook page of the Honolulu Police Department

3,210

like this

576

talking about this

Likes

See All



City and County of Honolulu



Honolulu Department of Information



Boston Police Department (Official)



Law Enforcement Today



Los Angeles County Sheriff's Department

Create a Page

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

This means you shouldn't support crap like *searching* and *storing* people's internet history, without a warrant or probable cause. If the leaders want to lie, when they stand and take the oath "to support and defend the constitution" why don't they just go buddy up with our friends in North Korea already. Get this Facist crap out of here.



Hawaii tables sweeping Internet tracking bill

www.hawaiinewsnow.com

State lawmakers have tabled a proposal that would have required Internet service providers to retain all Hawaii consumers' subscriber data and browsing histories...

Unlike · Comment · Share · 78 minutes ago

You, Todd Atkins, John Tchae and Sharon Williams like this.

1 share



Gregory Yukumoto State of Oahu micromanagement of the people of Hawaii

49 minutes ago · Like



Christopher Baker The islands executive department, especially HPD, is a total bag job when it comes to structure. They cry if another department might get something that benefits or protects them; hell - the HPD leadership terrorists even testified against other state departments from getting Tasers to protect themselves.

2 seconds ago · Like

Write a comment...

Exhibit One



Hawaii tables sweeping Internet tracking bill

www.hawaiinewsnow.com

State lawmakers have tabled a proposal that would have required Internet service providers to retain all Hawaii consumers' subscriber data and browsing histories...

Unlike · Comment · Share · about an hour ago ·

You, Todd Atkins, John Tchoe and Sharon Williams like this.

1 share



Gregory Yukumoto State of Oahu micromanagement of the people of Hawaii

53 minutes ago · Like



Christopher Baker The islands executive department, especially HPD, is a total bag job when it comes to structure. They cry if another department might get something that benefits or protects them; hell - the HPD leadership terrorists even testified against other state departments from getting Tasers to protect themselves.

3 minutes ago · Like



Christopher Baker <http://www.hawaiidefensefoundation.org/wp-content/uploads/2012/01/Protest-Photo.jpg>



<http://www.hawaiidefensefoundation.org/wp-content/uploads/2012/01/Protest-Photo.jpg>

www.hawaiidefensefoundation.org

2 seconds ago · Like · Remove Preview



Christopher Baker This is where we are headed!

2 seconds ago · Like

Write a comment...

Exhibit One



"MAKE THE LIE BIG,
MAKE IT SIMPLE,
KEEP SAYING IT, AND
EVENTUALLY THEY
WILL BELIEVE IT."

- ADOLF HITLER

Exhibit One

Search



Honolulu Police Department (Official Site)

Government Organization · Honolulu, Hawaii



Wall

Honolulu Police Departmen... · Everyone (Most Recent) ▾

Share: Post Link

Write something...



Christopher Baker



Untitled Album

We don't need no privacy!

By: Hawaii Defense Foundation

Exhibit One



13 hours ago · Like



Jesse S Halsey love HPD.....job well done

13 hours ago · Like



Christopher Baker Lots of crying about cell phones, but no study thus far has shown a reduction in accidents post cell-phone ban. Something to consider. People eat food, shave, talk to each other, have kids (which is probably more of a distraction than a phone, why don't we ban them?!), apply makeup, brush their hair, shave etc.

If there is no statistical effect, does it really help society? Or is just a burden and pathway to generate revenue?

12 hours ago · Like



Christopher Baker No reliable and credible study*

12 hours ago · Like



Christopher Baker http://www.ihs.org/research/topics/pdf/HLDI_Cellphone_Bulletin_Dec09.pdf

One of the fairly credible and unbiased looking studies I found - which shows similar rates of MVC between cell phone ban states and non-cell ban states.

http://articles.cnn.com/2010-01-29/us/cellphone.study_1_cell-phon-e-bans-hands-free-devices-texting?_s=PM%3AUS

<http://www.rgj.com/article/20110927/NEWS20/109250363/Fact-Checker-Do-cellphone-texting-bans-decrease-car-crashes->

12 hours ago · Like



Honolulu Police Department (Official Site) @Joey, comments depicting unlawful activity is a violation of the posting guidelines. Your comment has been deleted.

2 minutes ago · Like



Christopher Baker Look at the internet censorship.

2 minutes ago · Like



Christopher Baker Furthermore, if he was on private property, its not illegal.

2 minutes ago · Like



Christopher Baker Your posting guidelines state that "suggesting" or "encouraging" illegal activity is counter to the rules. His post was neither suggesting nor encouraging the use of cellular devices while driving. So where do you really get off removing his comments?

2 seconds ago · Like

Write a comment...

Exhibit One

facebook

Search



Your comment has been deleted.

14 minutes ago · Like



Christopher Baker Look at the internet censorship.

14 minutes ago · Like



Christopher Baker Furthermore, if he was on private property, its not illegal.

14 minutes ago · Like



Honolulu Police Department (Official Site) @Christopher, the law is specific in regards to this section. Your argument should be brought up in the legislature or Honolulu City Council. The HPD takes enforcement action based on laws passed by the entities mentioned.

9 minutes ago · Like



Christopher Baker Your posting guidelines state that "suggesting" or "encouraging" illegal activity is counter to the rules. His post was neither suggesting nor encouraging the use of cellular devices while driving. So where do you really get off removing his comments?

9 minutes ago · Like



Honolulu Police Department (Official Site) @Andrew, the fine is \$147.

8 minutes ago · Like



Christopher Baker You don't even know if the activity was illegal. He could clearly be exempted by the law, but you are getting your internet nazi powers rolling early in the morning.

You don't know if he was actually engaged in the "use" of the device. Heard of Siri? He can post to facebook hands free.

The device could have been "installed in the vehicle" and hooked up to his in dash system. Because, guess what, some new cars are hooked up to social media.

You also don't know if he qualifies as an "Emergency Responder."

Also, Legislative intent goes a far way, as I stated earlier the rule would apply to roads where HPD has jurisdiction, which of course, is not on a private road on private property.

So again, why are you deleting citizens comments? We would like to know what officer, agent, or other such employee of the department is sitting there doing this.

2 seconds ago · Like



Write a comment...

Exhibit One








-
- 
-  17 hours ago
-  **Carlene Hart** Way to go D4.
16 hours ago · 1
-  **Ferdie Jose Meheula** Parkway next please! Between the freeway and Mililani Library! Do it between 1500 hrs and 1800 hrs! Thanks!!!
16 hours ago
-  **Ed Oshiro** Go get'um!
16 hours ago
-  **Cristina Fonoimoana** Solo Bikes were rippen' em in Kapolei today!
;) 14 hours ago
-  **Jesse S Halsey** love HPD.....job well done
13 hours ago
-  **Honolulu Police Department (Official Site)** @Joey, comments depicting unlawful activity is a violation of the posting guidelines. Your comment has been deleted.
30 minutes ago · 1
-  **Honolulu Police Department (Official Site)** @Christopher, the law is specific in regards to this section. Your argument should be brought up in the legislature or Honolulu City Council. The HPD takes enforcement action based on laws passed by the entities mentioned.
25 minutes ago
-  **Honolulu Police Department (Official Site)** @Andrew, the fine is \$147.
24 minutes ago
-  **Honolulu Police Department (Official Site)** @Christopher, you've had a history of using defamatory terms in your comments. The posting guidelines are clear. Dissenting opinions are appropriate but the use of defamatory comments such as "internet nazi powers" are not. Your comments have been deleted.
4 minutes ago

Exhibit One



Honolulu Police Department (Official Site)

Government Organization · Honolulu, Hawaii



Wall

Honolulu Police Departmen... · Everyone (Most Recent)

Share: Post Link

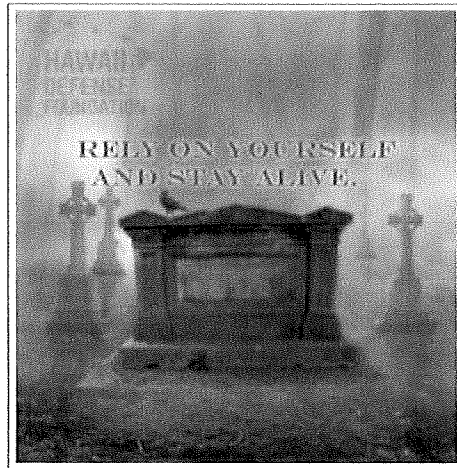
Write something...

ty (1+)



Christopher Baker

As good as our officers are, the reality is that they are not magical creatures who can teleport around. Your protection is your responsibility. Rely on yourself.



Facebook page of
ce Department

See All

a Police
artment

Wall Photos

By: Hawaii Defense Foundation

Like Comment Share More options · ago · 168

ton Police
artment
icial)



Honolulu Police Department (Official Site)

Chief Kealoha and the executive command staff met with the Communications Division for their annual Chiefs Review. Chief Kealoha extended his thanks for all

Exhibit One




Exhibit One

How effective is HPD's use of Facebook to inform and connect with the public?


Very good

Somewhat good

Neutral

HPD are acting like censorship bafoons on protected speech. 

[+ Add an answer...](#)

2 More 


Asked By



Honolulu Police Department (Official Site)

 Ask Friends

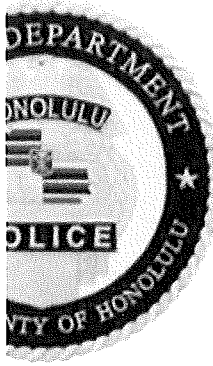
+1 Follow

12 seconds ago ·  Share · [Report](#)

Posts

Friends · Others

Exhibit Two



Honolulu Police Department (Official Site)

Government Organization · Honolulu, Hawaii



Wall

Honolulu Police Departmen... · Everyone (Most Recent)

Share: Post Link

Write something...

Activity (1+)



Derek S Scammon

Considering that the Chief of Police routinely denies CCW permit applications, what is HPD's advice if I find myself on the receiving end of this kind of savagery?



FULL VERSION Helpless CHINESE Man Attacked and Jumped by 7 Others

www.youtube.com

tweet this video to @foxchicago and @Chicago_Police names of the 7 posted below: WESLEY WU - grey hoodie, main kid attacking the man, deleted facebook: EAST...

Like Comment Share about an hour ago ·



Chris Duque



Top Ten Facebook Scams to Avoid

facecrooks.com

If you have been on Facebook for any length of time, then you know full well how scam and spam laden the site can be. Scammers love crowds, and there isn't one bigger than Facebook. Some of these scams are phishing schemes trying to obtain your username and password, while others end in surveys.

Like Comment Share about an hour ago ·

Official Facebook page of Honolulu Police Department

his

See All

Honolulu Police Department

Honolulu

Exhibit Two

Search



Honolulu Police Department (Official Site)

Government Organization · Honolulu, Hawaii



Wall

Honolulu Police Departmen... · Everyone (Most Recent)



Derek S Scammon

Yet because Chief Kealoaha refuses to issue Licenses to Carry, as provided for by state law, the citizens of Hawaii are disarmed any time they cross the threshold of their front door.



<http://www.olegvolk.net/gallery/d/28152-4/civilian.jpg>
www.olegvolk.net

Share · 2 hours ago



Caitlin Doofenshmirtz Homes

Has their been a report about a woman found dead on North Shore? My husband was a part of a convey heading that way with the Army and he said a few people noticed a lady laying on the side of the road, she had shopping bags and looked dead. The command would not pull the convey over and they did not have a cell phone to report the incident, he said later on they saw an ambulance rushing down that road. I have searched it and found nothing..just wondering if it was a bogus story or if someone was really found.

11 hours ago



Caitlin Doofenshmirtz Homes there*

11 hours ago

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Wouldntyou Liketoknow

In my personal opinion, everyone who is caught talking on their cell phone while they are driving should be made to demonstrate the importance of being safe on the road. If I had my way, I'd have every officer confiscate the cell phone, put it under the driver's tire, and have them run it over. Would save so many lives and would teach people that a phone call is not worth their life or someone else's!

11 hours ago

Exhibit Two

Search

Chris Duque

VIDEO: Kids and cyber bullying - Local News - News - General - Bendigo Advertiser
www.bendigoadvertiser.com.au

LEADING Senior Constable Janita Docherty talks about what kids, parents and Victoria Police can do in the fight against cyber bullying.

Share · 21 hours ago

Honolulu Police Department (Official Site)

Yesterday, the HPD Traffic Division conducted a Distracted Driving Enforcement operation on Kailua Rd. between Hamakua Drive and Uluoa St. between 4:00 pm and 6:00 pm. a total of 64 citations were issued of which 41 were for cell phone use, 14 for seatbelt violations, and the remainder for miscellaneous violations.

Share · 22 hours ago

Leonard Letoto and 32 others like this.

View all 16 comments

1 share

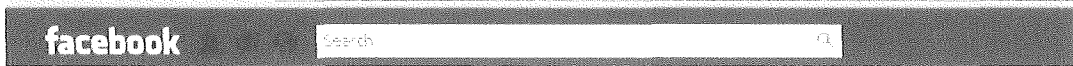
Honolulu Police Department (Official Site) @Christopher, you've had a history of using defamatory terms in your comments. The posting guidelines are clear. Dissenting opinions are appropriate but the use of defamatory comments such as "internet nazi powers" are not. Your comments have been deleted.

4 hours ago

Derek S Scammon So I take it that HPD doesn't much care about allowing freedom of speech? All the one-sided comments referring to posters who have been deleted seem a little forboding. Does asking about deleted posts violate the posting guidelines? I'd hate to get my post deleted for talking about posts that got deleted.

15 minutes ago

Exhibit Two



Derek's Profile · Honolulu Police Department (Official Site)'s Profile · Derek's Wall



Derek S Scammon · Honolulu Police Department (Official Site)

Considering that the Chief of Police routinely denies CCW permit applications, what is HPD's advice if I find myself on the receiving end of this kind of savagery?



FULL VERSION Helpless CHINESE Man Attacked and Jumped by 7 Others

www.youtube.com

Direct this video to @fox40 and @Chicago_Police names of the 7 posted below (WESLEY WU) (prev hoodie man) (id attacking the man, delete? facebook, EASL...

Like Comment Share 13 likes · 0 comments

Christopher Baker and Ross Mukai like this.



Christopher Baker Clearly you need to grab your cell phone! I'm sure it would help you. Luckily for that kid many of those other 'kids' are not 200+ lb men who would do a significant amount more damage per blow.

12 hours ago · Like · #0 2



Ross Mukai Where are the street signs? How would you even begin to describe your location to emergency services, IF you were able to call?

11 hours ago · Unlike · #0 2



Derek S Scammon I've never even thought about that, Ross, but you're right; other than at home or at my office, I have very little idea what my address is at any given time as I'm walking and driving around.

6 hours ago · Like



Honolulu Police Department (Official Site) @Derek, We've already had this discussion. It appears this happened in Chicago, perhaps you can direct your question to the Chicago Police Department regarding this incident, Mahalo.

about an hour ago · Like



Derek S Scammon So your position is that this sort of thing doesn't happen here? I'm not referring to this specific incident, I'm asking how the Honolulu Police Department will keep this from happening to me or others. Or, if it can't be prevented, what should I do?

about an hour ago · Like



Honolulu Police Department (Official Site) @Derek, as mentioned earlier this issue has been discussed in previous posts. I've attached the Hawaii Revised Statutes to help you determine the use force for self-protection. Please click on http://www.capitol.hawaii.gov/hrscurrent/vol14_Ch0701-0853/HR0703/HR0703-0204.htm for more information. Mahalo.

House Bill
www.capitol.hawaii.gov

§703-004 Use of force in self-protection. (1) Subject to the provisions...

See More


about an hour ago · Like





Derek S Scammon I'm quite familiar with the lawful use of force in self defense. What I mean is that there is nothing I can do within the bounds of the law to get myself out of a situation like the one in the


Exhibit Two



 **Derek S Scammon** I've never even thought about that, Ross, but you're right; other than at home or at my office, I have very little idea what my address is at any given time as I'm walking and driving around.
6 hours ago · Like

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about an hour ago · Like

 **Derek S Scammon** So your position is that this sort of thing doesn't happen here? I'm not referring to this specific incident, I'm asking how the Honolulu Police Department will keep this from happening to me or others. Or, if it can't be prevented, what should I do?
about an hour ago · Like

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House Bill


www.capitol.hawaii.gov

§703-304 Use of force in self-protection. (1) Subject to the provisions...

See More

about an hour ago · Like

 **Derek S Scammon** I'm quite familiar with the lawful use of force in self defense. What I mean is that there is nothing I can do within the bounds of the law to get myself out of a situation like the one in the video. Pepper spray is pretty ineffective, and my bare knuckles would be even less effective, yet those are my only two options if I'm confronted by an angry mob. Chief Kealoha could single-handedly rectify the situation by issuing CCW permits to those who would like to exercise their right to bear arms, but he does not. Since he denies citizens the right to carry effective defensive tools, it seems reasonable to expect that he (and the department, by extension) have an alternative. Will the police arrive in time to prevent injury in a situation like this? Should I run? What if I'm not fast enough? What if they won't let me take a timeout to call 911?
13 minutes ago · Like

 **Honolulu Police Department (Official Site)** @Derek, again your statement is rhetorical. This issue has been addressed in previous comments. Mahalo.
9 minutes ago · Like


 **Derek S Scammon** It's not a rhetorical question. I'll restate it: What alternate means of protection/defense has HPD and the Chief of Police set in place to offset the denial of concealed carry permits?
3 seconds ago · Like



Exhibit Two

cebook

See More

2 hours ago · Like



Derek S Scammon I'm quite familiar with the lawful use of force in self defense. What I mean is that there is nothing I can do within the bounds of the law to get myself out of a situation like the one in the video. Pepper spray is pretty ineffective, an...

See More

about an hour ago · Like



Honolulu Police Department (Official Site) @Derek, again your statement is rhetorical. This issue has been addressed in previous comments. Mahalo.

about an hour ago · Like



Derek S Scammon It's not a rhetorical question. I'll restate it: What alternate means of protection/defense has HPD and the Chief of Police set in place to offset the denial of concealed carry permits?

about an hour ago · Like



Honolulu Police Department (Official Site) @Derek, asked and answered. The term concealed carry permits is incorrect. Here in Hawaii the legal term is License to Carry. Mahalo.

50 minutes ago · Like



Derek S Scammon Well, that's a fine splitting of hairs, but thanks for correcting me.

What alternate means of protection/defense has HPD and the Chief of Police set in place to offset the denial of Licenses to Carry?

39 minutes ago · Like



Honolulu Police Department (Official Site) @Derek, asked and answered. Hawaii legislation has authorized this statute to address your question www.capitol.hawaii.gov/hrscurrent/Vol14_Ch0701-0853/HRS0703/HRS_0703-0304.htm. This will be the last correspondence if you continue to ask the same or similar question in regards to this subject. Mahalo.

House Bill

www.capitol.hawaii.gov

§703-304 Use of force in self-protection. (1) Subject to the provisions of this section and of section 703-308, the use of force upon or toward another person is justifiable when the actor believes that such force is immediately necessary for the purpose of protecting himself against the...

33 minutes ago · Like



Derek S Scammon Quoting the statutes on the use of force is not an answer to the question. I fully understand that I may legally use force, including deadly force, to defend myself against the threat of death or serious injury. I also get it that sometimes it may be necessary for a person to take responsibility for their own safety. I'm an advocate of that position, actually. The problem is that residents of the city and county of Honolulu are prohibited by law from carrying deadly weapons without a License to Carry issued on the authority of the Chief of Police. Since he categorically denies all requests for that license, he has stripped half of the referenced statute's effectiveness and removed deadly force as an option for self defense outside the home. Has he done anything to mitigate the risks associated with removing some defensive options from the equation?

2 seconds ago



Exhibit Two



Derek S Scammon

Yet because Chief Kealoha refuses to issue Licenses to Carry, as provided for by state law, the citizens of Hawaii are disarmed any time they cross the threshold of their front door.



<http://www.olegvolk.net/gallery/d/28152-4/civilian.jpg>
www.olegvolk.net

Like · Comment · Share · 12 hours ago · ↻



Derek S Scammon This sums up the situation in Hawaii rather succinctly:

http://www.a-human-right.com/s_support.jpg



http://www.a-human-right.com/s_support.jpg
www.a-human-right.com

11 hours ago · Like · Remove Preview



MaryAnn Omerod I'm not sure I understand your reason for wanting to carry a gun in the state of Hawaii, when we are one of the safest States in the U.S.?

about an hour ago · Like



Derek S Scammon Good point, MaryAnn. I'm not sure I understand the reason for wanting to have armed police in the state of Hawaii, when we are one of the safest states in the U.S.?

The reason is that although Hawaii's crime rate is low relative to the rest of the United States, it still has a crime rate. But I'll be perfectly happy to give up advocating for concealed carry reform in this state if we can go one year without a single violent crime. Think we'll ever get there?

20 minutes ago · Like



MaryAnn Omerod So we'll have crime, coupled with accidental shootings, ever thought about that?

16 minutes ago · Like



Derek S Scammon Of course I have, but concealed carry has little to do with accidental shootings in public, which are exceedingly rare. The vast majority of accidental shootings take place while hunting, and most of the rest happen in the home. Those risks are not mitigated by the Chief of Police's ban on concealed carry, as those of us who would like to carry defensive firearms already have them in our homes.

Aside from that, I'd like you to point me in the direction of the last police officer who accidentally shot someone. These guys carry guns every single day, yet you don't worry about it. The reason for that is because you subconsciously know that an accidental discharge with a holstered, modern firearm is all but impossible.

5 minutes ago · Like

Exhibit Two



police officer who accidentally shot someone. These guys carry guns every single day, yet you don't worry about it. The reason for that is because you subconsciously know that an accidental discharge with a holstered, modern firearm is all but impossible.

Yesterday at 8:19am · Like



Derek S Scammon MaryAnn, every state in the Union, save Illinois, has laws on the books which provide a means for private citizens to carry firearms. Most of them (39) don't make that contingent on the good graces of a bureaucrat, but Hawaii is one of the few who do. Would you be supportive of a law that required betrothed couples to demonstrate "exceptional circumstances" and "good moral character" in order to get a marriage license? What if you had to demonstrate those intangibles for a driver's license? What if the issuing authority didn't think "anyone" had sufficiently exceptional circumstances or good moral character, and refused to issue licenses for driving or marriage to anyone who was not a member of his organization?

Yesterday at 8:31am · Like · ↻ 1



Pops Millies I'm 69 and by god if this state would pass the law I dam sure would carry a weapon and you people that are against it I believe you would change your mind if something happened to one of you family members by carrying a gun could have prevented it.. My thoughts.

18 hours ago · Unlike · ↻ 2



MaryAnn Omerod Responsible? and @ 69 your encouraging that type of behavior?? I don't think so!

2 hours ago · Like



MaryAnn Omerod Millies, You should be ashamed of yourself!! The example you want to set for our children and future generation concerns me!

about an hour ago · Like



Derek S Scammon Why is carrying a firearm for self-defense irresponsible, MaryAnn? Are police officers irresponsible for carrying guns? Pops wants to take responsibility for his own safety, yet you say he's irresponsible and setting a bad example. What alternative do you think Pops has? Do you think a 69 year old man will be successful at running away from a 19 year old attacker? How do you propose he defend himself if he's attacked by two or three punks a third his age?

If you really care about preventing violent crime, look up *Gonzales v. Castle Rock* and *Warren v. District of Columbia*. Both those cases confirm that the police cannot be held accountable for failing to protect the citizens of their jurisdiction, even in cases of gross incompetence.

about an hour ago · Like



Unko Steve He didn't pass the mental fitness portion of the application that's why. U wanna carry firearms move to illinois....

16 minutes ago · Like



Derek S Scammon Who didn't pass the mental fitness portion of the application, Steve? Illinois is the only state in the Union which makes no provision for private citizens to carry defensive arms, not sure what you meant by that.

13 minutes ago · Like

Exhibit Three

Department (HPD) please visit our website at www.honolulu.hpd.org.

While this is a forum open to the public, be mindful that access is available for those 13+. We ask that you follow our posting guidelines below; non-compliance will result in your message being removed.

- No obscenities, sexually explicit or racially derogatory language, nor defamatory comments toward anyone or organization are allowed.
- No unauthorized solicitations or advertisements are allowed.
- No comments suggesting or encouraging illegal activities are allowed.
- Personal responsibility is assumed by the user for comments, username, and any information placed on this page by the user.

The HPD monitors this Facebook site actively during normal business hours from 0745-1630 hrs. Monday-Friday, Hawaii Standard Time (Hawaii State and Federal Holidays are observed). The HPD reserves the right to remove any post or comment on this site.

We, the men and women of the Honolulu Police Department, are dedicated to providing excellent service through partnerships that build trust, reduce crime, create a safe environment, and enhance the quality of life in our community.

hpd@honolulu.hpd.org

(808) 529-3111

<http://www.honolulu.hpd.org>

Exhibit Four

NOTICE TO REQUESTER

(Use multiple forms if necessary)

TO: Daniel M. Gluck
 ACLU of Hawaii, P.O. Box 3410
 Honolulu, Hawaii 96801

FROM: Lynne Uyema on behalf of Louis M. Kealoha, Chief of Police
 Honolulu Police Department, 801 S. Beretania Street
 Honolulu, Hawaii 96813
 Ph: 723-3848
 (Agency/name & telephone number of contact person at agency)

DATE REQUEST RECEIVED: January 11, 2012 (modified by requester to January 18, 2012)
 DATE OF THIS NOTICE: January 25, 2012

GOVERNMENT RECORDS YOU REQUESTED (attach copy of request or provide brief description below):

1. Please refer to attached copy of request

NOTICE IS PROVIDED TO YOU THAT YOUR REQUEST:

- Will be granted in its entirety.
- Cannot be granted because
- Agency does not maintain the records. Agency believed to maintain records: _____
 - Agency needs a further description or clarification of the records requested. Please contact the agency and provide the following information: _____
 - Request requires agency to create a summary or compilation from records not readily retrievable.
- Is denied in its entirety Will be granted only as to certain parts
 based upon the following exemption provided in HRS § 92F-13 and/or § 92F-22 and other laws cited below
 (portions of records that agency will not disclose should be described in general terms).

<u>RECORDS OR INFORMATION WITHHELD</u>	<u>APPLICABLE STATUTES</u>	<u>AGENCY JUSTIFICATION</u>
Proposed policies regarding HPD's Facebook page	<u>92F-13(3)</u>	As of the date of this response, HPD does not have a policy regarding Facebook. Any and all proposed policies are in draft form and have not been formally adopted.
Records relating to any internal correspondence regarding the Removal of comments from HPD's Facebook page	<u>N/A</u>	<u>No records exist.</u>

REQUESTER'S RESPONSIBILITIES:

You are required to (1) pay any lawful fees assessed; (2) make any necessary arrangements with the agency to inspect, copy or receive copies as instructed below; and (3) provide the agency any additional information requested. If you do not comply with the requirements set forth in this notice within 20 business days after the postmark date of this notice or the date the agency makes the records available, you will be presumed to have abandoned your request and the agency shall have no further duty to process your request. Once the agency begins to process your request, you may be liable for any fees incurred. If you wish to cancel or modify your request, you must advise the agency upon receipt of this notice.