



BERNARD P. CARVALHO JR.
Mayor

WALLACE G. REZENTES JR.
Managing Director

POLICE DEPARTMENT COUNTY OF KAUAI

3990 KAANA STREET, SUITE 200
LIHUE, HAWAII 96766-1268
TELEPHONE (808) 241-1600
FAX (808) 241-1604
www.kauai.gov/police



DARRYL D. PERRY
Chief of Police
dperry@kauai.gov

MICHAEL M. CONTRADES
Deputy Chief of Police
mcontrades@kauai.gov

May 2, 2018

Jennifer Z. Brooks, Esq.
Staff Attorney
Office of Information Practices
No. 1 Capitol District Building
250 South Hotel Street, Suite 107
Honolulu, Hawaii 96813

Re: Notice of Appeal from Denial of Access to Personal Records (U Appeal 18-18)

Dear Ms. Brooks:

On behalf of Chief Darryl Perry, who is currently unavailable, I am responding to your March 22, 2018 letter.

(1) Concise Statement of the Factual Background

Richard Spacer is a nudist who frequents Larsen's Beach on Kauai. Mr. Spacer and his fellow nudists have gotten into confrontations with other beachgoers.

(2) List of Records Withheld

1. KPD Report Number 2016-01963
2. KPD Report Number 17-18535

(3) Explanation of KPD's Position

1. KPD Report Number 2016-01963 is being withheld because it contains information identifiable as part of an investigation into a possible violation of criminal law, and the disclosure to Mr. Spacer is not necessary to prosecute the violation or continue the investigation. As such, disclosure of the report would constitute a clearly unwarranted invasion of personal privacy because, aside from Mr. Spacer, the public does not have an interest in the report, HRS §§ 92F-13(1), and 92F-14(a) and (b)(2).

Ms. Brooks
May 2, 2018
Page 2

2. KPD Report Number 17-18535 is being withheld because it is still a pending case and by its nature, must be confidential in order to avoid the frustration of an ongoing police investigation. Although no charging decision has been made, the report pertains to the prosecution of a criminal case to which the County, by way of its Prosecuting Attorney, may become a party, HRS §§ 92F-13(2) and (3).
 3. KPD does not have the other records requested by Mr. Spacer.
- (4) Employee Authorized to Respond and Make Representations on Behalf of KPD:

Peter Morimoto
Email: pmorimoto@kauai.gov
Phone: (808) 241-1922
Mailing Address: 4444 Rice Street, Suite 220, Lihue, Hawaii 96766

Pursuant to your instruction, I am enclosing unaltered copies of the above-referenced reports. If you need additional information, please contact Mr. Morimoto.

Sincerely,



MICHAEL M. CONTRADES
Deputy Chief of Police