

November 24, 2015

Karen Myers 3013 E. Central Wichita, KS 67214

Re: Request for records Kansas Open Records Act

Dear Ms. Myers:

Please be advised that your requests for records pursuant to the Kansas Open Records Act (KORA) dated November 19, 2015 were received by the Wichita Police Department and were forwarded to me for review. Specifically, you requested a copy of WPD Incident #15C075977, and also all police incident reports and audio files pertaining to the address of 5107 E. Kellogg from the date of November 11, 2015.

As to WPD Incident #15C075977, you have been provided with the portion of the Kansas Standard Offense Report, or KSOR. This form, prepared by the Kansas Bureau of Investigation, is used by all law enforcment agencies to record and submit information regarding police incidents within the State of Kansas. The information contained on the front page of that form is deemed to be an open public record. Because this is a criminal investigation record and contains suspect information, access to the remainder of that report is restricted by state statute and is thus denied pursuant to K.S.A. 45-221(a)(1). Additionally, the portion of the report being provided to you has been redacted pursuant to provisions of the KORA and also pursuant to various opinions of the Kansas Attorney General.

Regarding your second request, only one WPD incident report was found for the date and location you provided, which is WPD Incident #15C075516. Since this incident is not a criminal investigation nor does it contain suspect information, you have been provided all three pages of the report. It has been redacted, however, pursuant to K.S.A. 45-221(a)(30) as these records

Department of Law

Elizabeth Harlenske, Assistant City Attorney City Hall • 13th Floor • 455 N. Main • Wichita, Kansas 67202-1635 **T** 316.268.4681 **F** 316.268.4335 www.wichita.gov Karen Myers November 24, 2015 Page 2

contain information of a personal nature, disclosure of which would constitute a clearly unwarranted invasion of personal privacy of the persons involved and their families, and also pursuant to K.S.A. 45-221(a)(3), as these records contain information regarding medical treatment pertaining to identifiable patients.

You also requested audio files from any incident report from November 11, 2015 at 5107 E. Kellogg. That request is declined pursuant to K.S.A. 45-219(a), which states that a public agency is not required to provide copies of video tapes, photos or audio recordings unless such items were shown or played to a public meeting of the governing body of the City of Wichita.

Should you disagree with this decision, the KORA sets forth remedies that are available to you. At this time, your KORA request to the City of Wichita, dated November 19, 2015, is considered closed.

Sincerely, . Oouthe

Elizabeth Harlenske Assistant City Attorney and as legal counsel for The Wichita Police Department Records Custodian

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