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**Testimony to the Senate Judiciary Committee
In Support of SB60
February 18, 2013**

Chairman King and Committee Members,

The proposed amendments in this bill will not place any additional exceptions or restrictions on open records, nor will it open any records currently closed. The information housed in the Kansas Criminal Justice Information System's Central Repository is frequently a subset of the records in the possession of the criminal justice agencies submitting the data. The records located at the individual criminal justice agencies are complete and up-to-date. Even when the data provided to the Central Repository is updated, there is often delays in submitting the updated data. The Central Repository is housed at the KBI.

It is the desire of Kansas law enforcement, and we believe the desire of other criminal justice agencies, to respond without unnecessary delay to open records requests. Requests for information made to the central repository could be redirected to the local agencies, and if not redirected the response must be coordinated between the KBI and the submitting agencies to determine if there are any exception rules that apply. This causes delays that won't occur if the requests are simply directed to the submitting agencies. When those requests are directed to the originating agencies, we can provide the most complete, and up-to-date information. The local agencies can also offer explanations and clarifications of reports that the KBI is not be able to provide. The originating agencies also have the best information on pending investigations and ongoing investigations and can determine if the request falls in any of the exceptions more accurately and more quickly.

To date we have been able to handle these requests between the agencies. However, this often results in delays in responding to the request and leaves the people making the request feel they are being bounced back and forth between agencies. There is concern that the KORA statutes could result in courts ordering release of information from the Central Repository that is not the complete report which only the submitting agencies possess.

RECOMMENDATION:

The amendments contained in this bill will direct requests for information which is submitted to the Central Repository be made to the agencies that submit that information. This would not affect requests for summary data from the Central Repository commonly handled by the KBI.

WHAT THE RECOMMENDATION ACHIEVES:

Passage of this bill will provide persons making open records requests of data contained in the Kansas Criminal Justice Information System Central Repository with a quicker response to the request. Information provided in response to the request will be more complete and up-to-date than can be provided from the Central Repository. The local agency will have an opportunity to provide additional information and data that may be helpful to the requestor in understanding the information they receive.

Our associations urge you to recommend this bill favorably for passage.

Ed Klumpp
Legislative Liaison