

**OFFICE OF THE DISTRICT ATTORNEY**  
**THIRD JUDICIAL DISTRICT OF KANSAS**  
**Michael F. Kagay, District Attorney**

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**STANDARD OPERATING PROCEDURES**

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**Request for Public Records**

1. Primary Objective. Pursuant to the Kansas Open Records Act (“KORA”), K.S.A. 45-215 *et seq.*, the public has the right to access public records in order to ensure an open and transparent government. This policy is intended to establish clear guidelines for members of the public to obtain public records from The District Attorney’s Office (“DAO”).

2. Office Hours. The DAO is open from 8:00 AM to 12:00 PM, and from 1:00 PM to 5:00 PM, Monday through Friday, except official state holidays and select Court holidays. Requests received after 5:00 PM will not be logged and processed until the next business day in which the DAO is open.

3. Designated Custodian. Charles F. Kitt, Deputy District Attorney – Chief of Staff has been designated as the Records Custodian and the Freedom of Information Officer for the DAO. All regarding public records shall be directed to his attention.

4. Fees. One (1) record request in a twelve month period that can be provided with less than one hour of staff time and requires less than 10 pages will be provided at no charge. For a subsequent request within a twelve month period, or a request that will require more than one hour of staff time and/or more than 10 pages, the following rates shall apply:

- **Copies** will be charged at 25¢ per page for paper copies, 10¢ per page for electronic copies;
- **Mailing** will be charged at 50¢ for the first 5 pages, 25¢ for additional 5 page increments for paper copies; electronic copies may be mailed or transmitted electronically and the cost calculated based on the volume;
- **Faxes** will be charged at 65¢ per 10 page fax;
- **Staff Time** will be charged at the rate of pay for each person(s) whose time is used in order to assist and/or respond to a specific request. This may include the time spent to access records maintained on computer files, review records to determine whether closure exceptions apply and/or to redact open from closed information. Staff time will be calculated based upon the following rates:
  - **Clerical time** will be charged at \$18 per hour;
  - **Assistant DA** will be charged at \$25 per hour;
  - **Assistant Deputy DA** will be charged at \$30 per hour;
  - **Deputy DA** will be charged at \$50 per hour.
  - **County Staff** operates independent of the DAO and staff time will be charged based upon rates as estimated by Shawnee County Staff (HR, payroll, IT, etc...).
- **Additional Fees**, including any other costs incurred by the DAO or the County in connection with complying with a record request may be assessed to the requestor.

5. Advanced Payment of Fees. The DAO will provide the requestor with an estimate of fees before gathering, processing or providing access to records. The estimated fees **MUST be paid BEFORE** the DAO processes the request or provides access to the requested records. If the records can be produced for less than the estimated amount, excess funds will be refunded. However, if it is discovered that the estimate is less than what is actually required to produce the records, the DAO will promptly advise the requestor of the increased amount. The DAO will require any additional funds be provided before continuing to process the request.

6. Payment of Fees. The DAO requires money be provided in the form of a Money Order or Cashier's check. The DAO will accept personal and/or business checks, but will not consider the payment received until the check clears and funds are transferred. Returned checks will incur an additional fee of \$30.00.

7. Form of Request. To ensure that the request is clearly understood and that records are responsive to the request, the DAO requires that all requests be made in writing. All requests for records must state:

- The requestor's name (proof of identity may be required);
- Mailing address;
- A phone number or email address where the requestor can be contacted; and
- Detailed information about the records being requested. This will ensure efficiency in determining whether the requested records exist and allow staff to accurately estimate the cost of production. Requests for records that the DAO does not possess and/or records not yet generated cannot be honored.
- A sample form for requesting records is attached to this policy. Although this form is requested for efficiency, the form is not required so long as the form of the request is complied with.

8. Delivery and Format. The DAO will attempt to comply with the preferred delivery method of the requestor. The DAO will also attempt to comply with the preferred format of the requested records. However, the custodian of records has sole discretion in determining how the records will be produced. The requestor may incur additional costs associated with the format of the records and the delivery method requested.

9. Response Time. The DAO will act upon requests as soon as possible and all requests will be responded to within three business days of receipt of the request. The custodian of records may refuse access to records if the custodian has reason to believe the request(s) was intended to disrupt essential functions of the DAO. Responses from the DAO will consist of one of the following:

- A response that the records do not exist;
- A response that includes access to the records at no charge;
- A response that the records exist and an estimate of costs;
- A response that additional time will be needed to respond.
- A response, alone or in conjunction with one of the above, that certain records exist but the records are closed by law (with an explanation).

  
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Michael F. Kagay, District Attorney

