

SpotCrime, founded in 2007, is an independent, non-vendor news agency advocating for open, equal and fair access to timely public crime information. We collect public crime information from police agencies across the nation, display it on our website, and deliver crime alerts for free to the public and police agencies. This type of data is being released around the country and has been provided to the public for hundreds of years and is historically known as the 'police blotter'.

Police jurisdictions in Kansas have proven to be some of the most difficult agencies to access public crime data because of the way the Kansas FOIA law is currently written.

We've found that there is ambiguity in the language used in regards to fees for electronically available files, there are no provisions to protect public data from private third party vendors attempt to control public data in a proprietary fashion reducing access and increasing costs to the public and police agencies¹², and no specific language to address 21st century technology which subsequently also leads to arbitrary overcharges.

All of these issues slow down and hinder access to public crime information. There are studies that show that a more informed public results in a lower crime rate³ noting a 'significant reduction in crime', on average a 16%⁴ decrease in communities with neighborhood watch groups⁵. Greater transparency with crime data increases trust in law enforcement, and the relationship the police holds with the community it serves becomes stronger⁶. We've found in a few cases one SpotCrime alert is forwarded on to 300+ community watch members.

I implore you to look toward language incorporated into FOIA laws in other states like Florida, Georgia, and Texas. These state's FOIA laws specifically address the use of technology in order to most efficiently administer their responsibilities ([TX Govt Code 502 et seq.](#)), hold a strong 21st century definition of technology and associated fees ([O.C.G.A. §50-18-70 et seq.](#)), and specifically prohibit vendors from hindering access to public information (FL [Stat. sec. 119.01 et. seq.](#)).

These proposed changes will also make it easier and faster for government to respond to requests from the public, significantly reducing overhead costs to comply with the law.

Thank you for your time and allowing me to submit testimony on the changes to the Kansas open records law. I hope you find my insight helpful.

Sincerely,



Brittany Suszan, Vice President

¹<https://www.pvkansas.com/city-government/departments/police-department/crime-map>

²<https://www.revealnews.org/article/how-private-contractors-are-taking-over-data-in-the-public-domain/>

³ <https://www.ncjrs.gov/works/chapter8.htm>

⁴ <http://www.cops.usdoj.gov/Publications/e040825133-res-review3.pdf>

⁵<http://www.ncpc.org/resources/files/pdf/neighborhood-safety/does-neighborhood-watch-reduce-crime.pdf>

⁶<https://www.policedatainitiative.org/>

I am with SpotCrime, a public facing crime mapping and alert website founded in 2007. We collect and map public crime information and deliver crime alerts for free to the public and police agencies.

We are not a vendor, and instead are an independent news agency that deals solely with crime information. We have never received or accepted funds from any government agency. We are set to deliver 300 million crime alerts to the public this year alone.

In addition to mapping and alerts, SpotCrime advocates for open, equal, and fair access to crime information. The data we collect and re-share is typically called a 'crime blotter' or 'call log'. It has been a staple of modern day policing with a strong focus on supporting community policing. This type of data is being released to the public and in open format by hundreds agencies not only across the US, but in countries like Canada, Mexico, UK, and Australia.

In addition to SpotCrime, I am a military spouse. Transparency is of twofold importance to me. I move across state lines every 2-3 years. Access to this kind of crime information for military service members and their families is imperative to keeping military families safe at home, especially while our service members are deployed abroad. However, the availability of this information varies greatly from jurisdiction to jurisdiction.

Police jurisdictions in Kansas have proven to be some of the most difficult to access public crime data.

I believe this is because of the shortfalls of the current Kansas Freedom of Information law. There are loopholes in the current KS open records law that has led to police agencies to disregard transparency and openness, leaving residents in the dark.

There are police agencies who deem it ok to hinder access to electronically available information.

There are police agencies who are over charging for records.

Finally, there are agencies claiming to champion transparency by outsourcing their public data to private vendors who hold misaligned interests to the public. Private vendors have a monetary incentive to monopolize and silo public information, selling it to industry at a premium while crippling transparency, stifling innovation, and eroding the police community trust quotient¹.

This current way of operating is not transparent. It does not benefit the communities police are supposed to be serving. It does nothing to help residents become aware of crime in their area. It

¹<https://www.revealnews.org/article/how-private-contractors-are-taking-over-data-in-the-public-domain/>

does not allow the public to take the proper precautions to protect themselves from becoming a victim.

Here are examples of issues we've run into when attempting to collect crime data from local Kansas jurisdictions:

Issue 1: There is no specific language in regards to access to electronically available records.

Example: Overland Park, Prairie Village, Emporia

Overland Park and Prairie Village were once transparently publishing crime data to their website. When they experienced an RMS/CAD 'upgrade', it upgraded the agency out of transparency. Both agencies have been left with no way to deliver crime data to their public².

Emporia still only physically prints out the crime blotter from an electronic database and requires the public to physically come in to the department to view the blotter. This is a failure on both the police agency and the vendor hired to maintain this database.

Solution: Public right to access to electronically available records (see [5 USC 552](#), [O.C.G.A. §50-18-70 et seq.](#), [Fla. Stat. sec. 119.01 et. seq.](#), and [TX Govt Code 502](#) for working examples)

As each agency increases its use of and dependence on electronic recordkeeping, each agency must provide reasonable public access to records electronically maintained. Agencies should strive to make information available through electronic means wherever practicable, including under the FOIA; public access to agency records and information should be enhanced through electronic means.

If the data is maintained in an electronic database, it shall be made available electronically in machine readable format.

Agencies should make use of electronic information technology in order to most efficiently administer their responsibilities.

Issue 2: No specific language in regards to fees for electronically available files.

Example: Leavenworth

When asked by SpotCrime how they came to the conclusion that an excel file was 149 pages long, Leavenworth stated 'Per the training, conferences and

²<https://www.pvkansas.com/city-government/departments/police-department/crime-map>

meetings I have attended held by the League of Kansas Municipalities they have instructed cities that we are allowed to charge per page even on the number of electronic pages'. This is absurd when it comes to electronically available information. Leavenworth was not printing anything out on paper. They were emailing the files over in excel format. Excel files are not a specific number of pages. The Leavenworth PD, working in accordance with the League of Kansas Municipalities, arbitrarily set a number of pages to an excel file specifically to generate revenue off of the request. I'm not sure how much revenue this kind of behavior generates, but there is no return on investment on community trust and relationships when these kinds of fees are placed upon the public. A small town in Missouri began looking at its residents as a revenue generator - writing unreasonable amount of tickets, fining them when the tickets went unpaid, placing residents into debt. That town is Ferguson Missouri³.

Solution: Stronger definition of fees (see [O.C.G.A. §50-18-70 et seq](#), [Fla. Stat. sec. 119.01 et. seq](#), and [TX Govt Code 502](#) for working examples)

For any records or information made available under the FOIA in the form of electronic products or through electronic services, applicable fees should neither exceed nor be less than the direct costs of providing those products or services. Agencies shall utilize the most economical means available for producing and providing public records.

Cost for electronically available files will not be determined by a 'per page' assessment.

There should be no fee for review of records that take less than a quarter hour to provide. The time it takes for a computer program to find records should not be included in the time it takes to prepare the record.

Inputting range, filter, search information is not "programming" or "creating new record" if using existing programs used by an agency (which most RMS and CAD systems already provide).

Issue 3: Vendor restricted access to public information

Example: Kansas City

Kansas City Police contracted with a crime mapping vendor. When the public requested the same or similar crime data being delivered to the vendor, KCK PD began directing requesters to the vendor's website to collect the information. Essentially, KCKPD began using the vendor as a way to respond to FOIA requests. However, the vendor was a bad player. The vendor placed a terms of use on the data, preventing the public and press from copying down the data and

³<https://www.washingtonpost.com/news/morning-mix/wp/2015/03/05/ferguson-shows-how-a-police-force-can-turn-into-a-plundering-collection-agency/>

resharing it. The vendors' interest to monopolize access to public data in order to sell to industry at a premium misaligns with the interests of the public and transparency laws.

Solution: Access to public info, automation of records, procurement (see [Fla. Stat. sec. 119.01 et. seq](#) for working examples)

Agency use of proprietary software must not diminish the right of the public to inspect and copy a public record Automation of public records must not erode the right of access to those records

Agency may put records on website, but that should not override request for underlying data.

An agency may not enter into a contract for the creation or maintenance of a public records database if that contract impairs the ability of the public to inspect or copy the public records of the agency, including public records that are online or stored in an electronic recordkeeping system used by the agency. If agency contracts with private vendor, the arrangement shall not impede public record access

Transparency with crime data creates accountability and trust between agencies and residents. There are studies that show that a more informed public results in a lower crime rate⁴ noting a 'significant reduction in crime', on average a 16%⁵ decrease in communities with neighborhood watch groups⁶. We've found in a few cases one SpotCrime alert is forwarded on to 300+ community watch members.

There are also economic incentives to the public and private sector for a stronger transparency law in Kansas.

The private sector including hobbyists, developers, residents, and businesses like SpotCrime will use this information as a building block for their products and create new forms of viewing, sharing, and consuming the information. Open data encourages competition between businesses by removing the proprietary hold some crime mapping vendors currently hold on public information⁷⁸.

For government agencies, stronger transparency will result in a reduction in long term technology costs. The future functionality of technology purchased will be more flexible and portable if it is required by law to allow public data to be easily pulled from the system. This will

⁴ <https://www.ncjrs.gov/works/chapter8.htm>

⁵ <http://www.cops.usdoj.gov/Publications/e040825133-res-review3.pdf>

⁶ <http://www.ncpc.org/resources/files/pdf/neighborhood-safety/does-neighborhood-watch-reduce-crime.pdf>

⁷ <https://thecrimereport.org/2014/05/05/2014-05-is-your-citys-crime-data-private-property/>

⁸ <https://www.revealnews.org/article/how-private-contractors-are-taking-over-data-in-the-public-domain/>

also direct new technology purchases that will lower future costs for the agencies and the public. It will require vendors to be more compliant for 21st century technology and policing.

A current example of this is the reduction of costs of public crime mapping. Because of competition, inexpensive technology, and easier access to data, proprietary crime mapping services now offer crime mapping services for free to police agencies.

These proposed changes will also make it easier and faster for government to respond to requests from the public, significantly reducing overhead costs to comply with the law. Hundreds of police agencies across the country are moving to open data and transparency sharing of crime data because of the benefits not only to policing, but to the relationship with the community police serve⁹.

I would like to leave you with examples of local police jurisdictions in Kansas who are transparent and open with crime data. This data is displayed electronically, is up-to-date, is provided to the public free of charge, and is allowed to be collected, used, and reshared without restrictions.

Wichita, KS: <http://opendata.wichita.gov/datasets/wichita-crime-incidents/data>

Olathe, KS: <https://www.olatheks.org/government/police/crime-map>

Garden City, KS: <http://p2c.gcpolice.org/dailybulletin.aspx>

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