



IN THE OKLAHOMA COUNTY DISTRICT COURT
STATE OF OKLAHOMA

CV-2026-130
Dishman
FILED IN DISTRICT COURT
OKLAHOMA COUNTY

JAN 15 2026

NICK WARREN
COURT CLERK

114

JENNIFER PALMER, an individual, and)
OKLAHOMA WATCH, INC., a domestic)
not for profit corporation,)

Plaintiffs,)

v.)

THE CITY OF OKLAHOMA CITY, a)
political subdivision and municipality,)

Defendant.)

Case No.

Hon. Judge

CV- 2026 - 130

PETITION FOR RELIEF FROM VIOLATIONS OF THE OPEN RECORDS ACT

Plaintiffs Jennifer Palmer and Oklahoma Watch, Inc. ("Oklahoma Watch"), through undersigned counsel, bring this action against the City of Oklahoma City for actions by the Oklahoma City Police Department in violation of the Oklahoma Open Records Act ("ORA"), Okla. Stat. tit. 51, § 24A.1, *et seq.*

PARTIES

1. Plaintiff Jennifer Palmer is an award-winning journalist with Oklahoma Watch, a nonprofit media company headquartered in Oklahoma. Ms. Palmer resides in Oklahoma County.

2. Plaintiff Oklahoma Watch, Inc., is a nonprofit, 501(c)(3) corporation headquartered in Oklahoma. Oklahoma Watch makes its content freely available to the public through various media, including its website (oklahomawatch.org), social media (@oklahomawatch), and more.

3. Defendant City of Oklahoma City is a municipality incorporated in the state of Oklahoma and situated in Oklahoma County. It is a "public body" within the meaning of and subject to the ORA. Okla. Stat. tit. 51, § 24A.3.

4. The Oklahoma City Police Department (“OKCPD”) is a law enforcement agency authorized by, created by, and under the control of Defendant City of Oklahoma City. OKCPD is a “public body” and a “law enforcement agency” within the meaning of and subject to the ORA. Okla. Stat. tit. 51, § 24A.3.

JURISDICTION AND VENUE

5. Jurisdiction is proper in this Court as a court of general jurisdiction pursuant to Okla. Const. art. VII, § 7.

6. Venue is proper in Oklahoma County pursuant to Okla. Stat. Ann. tit. 12, § 133.

FACTS

7. This dispute arises from differing interpretations of Okla. Stat. tit. 51, § 24A.8(A)(3), which states,

A. Law enforcement agencies shall make available for public inspection and copying, if kept, the following records:

...

3. A chronological list of all incidents, including initial offense report information showing the offense, date, time, general location, officer, and a brief summary of what occurred;

A. OKCPD Responds to a Call for Service at Kevin Eddings’s Residence.

8. On or about February 17, 2025, a group of citizens who call themselves “Oklahoma Predator Prevention” or “OPP” confronted Kevin Eddings at his residence concerning an alleged online conversation between Mr. Eddings and someone posing as a minor.

9. OPP filmed the confrontation with Mr. Eddings and published it to the group’s Facebook website.

10. During the confrontation between OPP and Mr. Eddings, someone affiliated with OPP called OKCPD and requested that they respond to Mr. Eddings’ residence.

11. The video posted by OPP shows OKCPD officers arriving at Mr. Eddings' home, handcuffing him, and taking him to their patrol vehicle.

12. The OPP video ends shortly after Mr. Eddings is placed in the back of an OKCPD patrol vehicle.

13. According to OKCPD, Mr. Eddings was not arrested.

14. At the time of these events, Mr. Eddings was a public school teacher.

15. The following day, the Oklahoma State Department of Education made a public statement about OKCPD's "investigation" into Mr. Eddings. *See* Ryan Walters (@RyanWalters_), X (Feb. 18, 2025, at 1:34 PM ET), <https://perma.cc/6RBX-MCY5> ("In a prior release, it was inaccurately stated that Mr. Eddings had been arrested. We apologize for the error and wish to clarify that he is currently under investigation.").

B. Plaintiffs Request the Eddings Incident Report from OKCPD.

16. On February 18, 2025, Ms. Palmer, on behalf of Oklahoma Watch, emailed Master Sergeant Gary Knight, the Public Information Office ("PIO") at OKCPD, requesting "the incident report on Kevin Eddings" (hereinafter the "Eddings Incident Report"). A true and correct copy of the request is attached as Exhibit A.

17. On February 19, 2025, Master Sergeant Knight responded via email, stating: "At this time there is not a report under the Open Records Act that I can release to you." *Id.*

18. Later that same day, Ms. Palmer followed up by email, asking Master Sergeant Knight, "[i]s there not an initial incident report?" Master Sergeant Knight responded, "[t]here is no releasable report under the Open Records Act." *Id.*

19. On February 28, 2025, Ms. Palmer followed up by email again, asking Master Sergeant Knight, "[w]hat's the status of this investigation? Is there a report on Eddings?" *Id.*

20. On March 3, 2025, Master Sergeant Knight responded via email to Ms. Palmer, stating: “At this time there is nothing new I can release.” In his email, Master Sergeant Knight promised to keep Ms. Palmer “in the loop” of any changes to the investigation. *Id.*

21. On June 23, 2025, having heard nothing from Master Sergeant Knight on this ORA request in the interim, Ms. Palmer emailed him again, stating: “I still haven’t received the incident report on Eddings, which you claim isn’t releasable.... Under Okla. Stat. tit. 51, § 24A.8(A)(3), law enforcement agencies must provide incident report information to the public. The statute doesn’t require an arrest, charges, or warrant prior to release. Please send the reports to us asap.” *Id.* Master Sergeant Knight did not respond.

22. On June 25, 2025, Ms. Palmer again emailed Master Sergeant Knight about obtaining access to the Eddings Incident Report. *Id.*

23. Later, on June 25, 2025, Master Sergeant Knight responded via email stating, “[p]lease see my previous responses to these requests. I understand you don’t like my answers, but that doesn’t mean the answers are going to change ... I will not provide any identifying information on any person who has not been arrested, charged with a crime, or had a warrant issued for their arrest.” *Id.*

C. Plaintiffs Seek Review of OKCPD’s Denial of the ORA Request by the Office of the Public Access Counselor.

24. After OKCPD refused to release the Eddings Incident Report, Ms. Palmer emailed the office of the Public Access Counselor (“PAC”), requesting review of the denial. A true and correct copy of Ms. Palmer’s request to the PAC is attached as Exhibit B.

25. Anthony Sykes, the Assistant Attorney General serving as PAC, agreed to review the request for review. Mr. Sykes requested a written response from OKCPD as to their position on releasing the Eddings Incident Report.

26. OKCPD's written response asserted its right to withhold an incident report that did not involve an arrest or warrant.

27. On September 10, 2025, Mr. Sykes issued a written "advisement" pursuant to Okla. Stat. tit. 51, § 24A.40, in which he advised as follows:

3. [T]he parties focus on title 51, section 24A.8(A)(3), which requires law enforcement agencies to "make available for public inspection and copying, *if kept* . . . [a] chronological list of all incidents, including initial offense report information showing the offense, date, time, general location, officer, and a brief summary of what occurred[.]" (emphasis added). The Complaint alleges that this provision requires public access to law enforcement incident reports. The City responds that it is required only to provide a "chronological list" of incidents—assuming it keeps such a record. The City represents that does not maintain such a list, and states that nothing in the ORA requires it.²

4. Importantly, the Legislature has made a distinction between the records that must be made available in these provisions of the ORA. In subsections 1 and 2, the ORA requires law enforcement agencies to make certain arrest information, if kept, available to the public regardless of the record in which it appears. Conversely, subsection 3 requires public access to a specific record—a chronological list of incidents—if such a record exists. This list is further described by what information it might contain: "initial offense report information showing the offense, date, time, general location, officer, and a brief summary[.]" But nothing requires law enforcement to maintain the list, or to allow public access to the source materials—i.e., the incident reports themselves—that would inform such a list.

A true and correct copy of the PAC's Advisement 2025-2 is attached as Exhibit C.

28. In footnote 2 of the PAC's advisement, the PAC acknowledged that the City had "note[d] that it maintains a searchable Community Crime Map" on its website, which "may include incident information," and may therefore "satisf[y] [the City's] obligation to provide public access" to the "'chronological list' as described in subsection (3)" of the statute. Ex. C at 2 n.2.

29. The Community Crime Map does not provide the public with access to “initial offense report information,” “officer,” or “a brief summary of what occurred” as required by statute. Okla. Stat. tit. 51, § 24A.8(A)(3).

30. The PAC’s advisement uses an improperly narrow construction of the language of § 24A.8(A)(3) to exclude from public access law enforcement records that the statute explicitly mandates be made available and, in so doing, contravenes the general requirement that the ORA be construed broadly and in favor of public access. *See Okla. Ass’n of Broad. v. City of Norman, Norman Police Dep’t*, 2016 OK 119, ¶ 15, 390 P.3d 689, 694 (there is a “strong public policy allowing public access” and that the ORA must be construed to “allow access unless an exemption clearly applies”).

31. After receiving the written advisement from the PAC, Plaintiffs notified Mr. Sykes and counsel for OKCPD that they intended to file suit for access to the records in district court, pursuant to Okla. Stat. tit. 51, §§ 24A.17(C), 24A.40(G)(2).

D. The Legislative History of Okla. Stat. tit. 51, § 24A.8(A)(3) Demonstrates a Clear Intent to Require Release of Incident Reports.

32. This matter turns on the correct interpretation of Okla. Stat. tit. 51, § 24A.8(A)(3), which requires law enforcement to provide, if kept,

3. A chronological list of all incidents, including initial offense report information showing the offense, date, time, general location, officer, and a brief summary of what occurred;

Okla. Stat. tit. 51, § 24A.8(A).

33. An incident report regarding events in which no formal arrest was made, no charges were filed, or where law enforcement was not acting pursuant to a warrant—such as the Eddings Incident Report—falls squarely within the plain language of “chronological list of all incidents.” Okla. Stat. tit. 51, § 24A.8(A)(3).

34. Indeed, the legislative history of § 24A.8(A)(3) demonstrates the Legislature intended the reference to a “chronological list of all incidents” to require disclosure of information about—and records related to—all incidents involving law enforcement encounters with citizens, including but not limited to those resulting in an arrest. The information reflected in the “searchable Community Crime Map” on OKCPD’s website does not contain the same information as required by the plain language of § 24A.8(A)(3), such as the responding officer or “a brief summary of what occurred.” Ex. C at 2 n.2.

35. Prior to its amendment in 2009, § 24A.8(A)(3) required disclosure of:

A chronological list of incidents *pertaining to the arrest*, including initial offense report information showing the offense, date, time, general location, officer, and a brief summary of what occurred;

2005 Okla. Sess. Law Serv. Ch. 199 (H.B. 1553) (emphasis added).

36. In 2008, pursuant to the version of the statute in effect at the time, OKCPD refused to release information about an incident in which then State Labor Commissioner Lloyd Fields was accused of drunkenly stealing a bull rider’s guitar.¹ OKCPD cited the fact that no arrest was made during the incident as the rationale for refusing to release the information.²

37. At the next legislative session in 2009, the Legislature amended § 24A.8(A)(3) as follows, with the additional language in square brackets and the removed language struck through:

A chronological list of [all] incidents ~~pertaining to the arrest~~, including initial offense report information showing the offense,

¹ Jennifer Palmer, *OKC Police Are Withholding Reports, Alarming Transparency Advocates*, Oklahoma Watch (Oct. 24, 2025), <https://perma.cc/N6AW-4MHA>; see also Augie Frost, Ed Godfrey & Nolan Clay, *Labor Commissioner Spends Time In Detox*, The Oklahoman (Feb. 19, 2008), <https://perma.cc/5TPS-JGBT>.

² Augie Frost, Ed Godfrey & Nolan Clay, *Labor Commissioner Spends Time In Detox*, The Oklahoman (Feb. 19, 2008), <https://perma.cc/5TPS-JGBT>.

date, time, general location, officer, and a brief summary of what occurred;

2009 Okla. Sess. Law Serv. Ch. 36 (H.B. 1049).

38. The statutory language describing “a chronological list of all incidents” in fact describes an individual incident report. By using language such as “initial offense report information” and “a brief summary of what occurred” as descriptors of “a chronological list of all incidents,” the Legislature clearly intended to require law enforcement agencies to release individual incident reports such as the one Plaintiffs seek from Defendant here.

39. In 2011, Attorney General (“AG”) Scott Pruitt advised the Executive Director of the Oklahoma Association of Chiefs of Police that the correct interpretation of § 24A.8(A)(3) is that it requires law enforcement agencies to make incident reports available to the public. *See* Letter from Scott Pruitt, Att’y Gen., to Stacey Puckett, Exec. Dir., Okla. Ass’n of Chiefs of Police, (Jan. 4, 2011), attached as Exhibit D.

40. AG Pruitt’s letter states, “[t]he state Legislature has made it clear in this regard that a police department’s initial offense report or ‘cover sheet’ should be open for public inspection.” Ex. D.

CAUSE OF ACTION

Violations of the Open Records Act, Okla. Stat. Ann. tit. 51, §§ 24A.1 *et seq.*

41. Plaintiffs re-allege and incorporate by reference the preceding paragraphs of the Petition.

42. The records sought by Plaintiffs are records of public bodies or public officials as defined by the ORA. Okla. Stat. Ann. tit. 51, § 24A.3.

43. Defendant possesses records responsive to Plaintiff’s open records request—specifically, the Eddings Incident Report.

44. Defendant's denial of Plaintiffs' open records request seeking the Eddings Incident Report is unlawful and violates the ORA because the Legislature amended § 24A.8(A)(3) with clear intent to expand the category of mandatorily produced records to "all" incidents and removed language limiting the category of incidents to only those "pertaining to the arrest." *See* Okla. Stat. tit. 51, § 24A.8(A)(3).

45. Accordingly, Plaintiffs seek declaratory and injunctive relief pursuant to the ORA requiring Defendant to release the Eddings Incident Report to Plaintiffs.

RELIEF REQUESTED

WHEREFORE, Plaintiffs respectfully request from this Court:

- (1) A declaratory judgment that the records and information requested by Plaintiffs are public records as defined by Okla. Stat. Ann. tit. 51, § 24A.3 and subject to mandatory release as required by Okla. Stat. Ann. tit. 51, § 24A.8(A)(3);
- (2) An injunction or writ commanding Defendant to produce the Eddings Incident Report in its custody and control pursuant to Okla. Stat. Ann. tit. 51, § 24A.5;
- (3) An award of reasonable attorney fees pursuant to Okla. Stat. Ann. tit. 51, § 24A.17(A)(2);
- (4) Costs of suit pursuant to Okla. Stat. Ann. tit. 12, § 927; and
- (5) Such other and further relief as the Court deems just and proper.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Leslie Briggs".

Leslie Briggs, OBA 33845

REPORTERS COMMITTEE FOR
FREEDOM OF THE PRESS
P.O. Box 471094
Tulsa, OK 74147
P: (918) 850-8792
E: lbriggs@rcfp.org
Attorney for Plaintiffs



Jennifer Palmer <jpalmer@oklahomawatch.org>

Records request**Knight, Gary R** <gary.knight@okc.gov>

Wed, Jun 25, 2025 at 12:48 PM

To: Jennifer Palmer <jpalmer@oklahomawatch.org>

Cc: "Littlejohn, Valerie I" <valerie.littlejohn@okc.gov>, "Quirk, Dillon" <dillon.quirk@okc.gov>

Jennifer,

Please see my previous responses to these requests. I understand that you don't like my answers, but that doesn't mean the answers are going to change. I am, as always, happy to provide you with information in keeping with the Oklahoma Open Record Act.

All that being said, as I told Haley, if you will provide me with the exact location and date of the police response on which you are seeking information, I will provide everything in keeping with the OORA.

However, I will not provide any identifying information on any person who has not been arrested, charged with a crime, or had a warrant issued for their arrest.

From: Jennifer Palmer <jpalmer@oklahomawatch.org>**Sent:** Wednesday, June 25, 2025 11:31 AM**To:** Knight, Gary R <gary.knight@okc.gov>**Subject:** Re: Records request

Hi Gary. Following up on this. I'm happy to pick these up in person. Please let me know what time is convenient.

On Mon, Jun 23, 2025 at 12:01 PM Jennifer Palmer <jpalmer@oklahomawatch.org> wrote:

Hi Gary. I'd like to follow up on my request for the initial incident report on Kevin Eddings, as well as requests from another reporter here, Haley Parsley. I still haven't received an incident report on Eddings, which you claimed isn't releasable. And in an email to Haley, you claim the OORA doesn't require you to release those reports, either, unless there was an arrest, charges or a warrant issued.

Under 51 O.S. § 24A.8(A), item three, law enforcement agencies must provide incident report information to the public. The statute doesn't require an arrest, charges or a warrant prior to release. Please send the reports to us asap.

On Mon, Mar 3, 2025 at 11:32 AM Jennifer Palmer <jpalmer@oklahomawatch.org> wrote:

Thank you.

On Mon, Mar 3, 2025 at 10:57 AM Knight, Gary R <gary.knight@okc.gov> wrote:

Jennifer,

At this time, there is nothing new I can release. I have your name written on a Post-It note on my desk as a reminder to call you if/when that changes. I'll keep you in the loop.

Gary

From: Jennifer Palmer <jpalmer@oklahomawatch.org>
Sent: Friday, February 28, 2025 1:56 PM
To: Knight, Gary R <gary.knight@okc.gov>
Subject: Re: Records request

Yes, that's fine. Thank you!

On Fri, Feb 28, 2025 at 1:54 PM Knight, Gary R <gary.knight@okc.gov> wrote:

Hi Jennifer,

Im out this afternoon. I'm not aware of any changes in that case. I will check on Monday, if that fits into your schedule. Is that okay?

Gary

Get Outlook for iOS

From: Jennifer Palmer <jpalmer@oklahomawatch.org>
Sent: Friday, February 28, 2025 1:19:14 PM
To: Knight, Gary R <gary.knight@okc.gov>
Subject: Re: Records request

Hi Gary. What's the status of this investigation? Is there a report on Eddings?

Thanks.

On Wed, Feb 19, 2025 at 1:23 PM Knight, Gary R <gary.knight@okc.gov> wrote:

There is no releasable report under the Open Records Act.

From: Jennifer Palmer <jpalmer@oklahomawatch.org>
Sent: Wednesday, February 19, 2025 1:22 PM
To: Knight, Gary R <gary.knight@okc.gov>
Subject: Re: Records request

Is there not an initial incident report?

On Wed, Feb 19, 2025 at 1:17 PM Knight, Gary R <gary.knight@okc.gov> wrote:

Hi Jennifer,

At this time there is not a report under the Open Records Act that I can release to you.

Gary

From: Jennifer Palmer <jpalmer@oklahomawatch.org>
Sent: Tuesday, February 18, 2025 6:27 PM
To: Knight, Gary R <gary.knight@okc.gov>
Subject: Records request

Hi Gary. Can you please send me the incident report on Kevin Eddings? Thanks.

--

Jennifer Palmer

Investigative journalist

Oklahoma Watch

Call me: 405-761-0093

Follow me: Twitter

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Jennifer Palmer <jpalmer@oklahomawatch.org>

Records denial from OKCPS

Jennifer Palmer <jpalmer@oklahomawatch.org>

Wed, Jun 25, 2025 at 4:22 PM

To: opengov@oag.ok.gov

Hi, I've attached an email record of my communication with the OKCPD. I requested the incident report on Kevin Eddings on Feb. 18. Police responded to his residence and he was detained, but not arrested. There is an incident report. Another reporter in our office, Haley Parsley, has also been denied access to incident reports.

I'd appreciate your help resolving this. Please let me know if you have any questions.

--

Jennifer Palmer
Investigative journalist
Oklahoma Watch
Call me: 405-761-0093
Follow me: Twitter

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Our work | Our mission | Tell us your story

Where we share: Twitter | Facebook | Instagram | Youtube

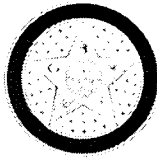
2 attachments



OKCPD Records request.pdf
353K



OKCPD Records Request 2.pdf
348K



OFFICE OF THE ATTORNEY GENERAL
STATE OF OKLAHOMA

September 10, 2025

Via email

The City of Oklahoma City
c/o Kelea Fisher, Assistant Municipal Counselor
(kelea.fisher@okc.gov)
Paula Kelly, Deputy Municipal Counselor
(paula.kelly@okc.gov)

Re: Public Access Counselor Complaint No. 2025-2

Dear Counsel,

This correspondence serves as an official advisement regarding the above-referenced complaint ("Complaint") submitted to this office pursuant to title 51, section 24A.40 of the Oklahoma Statutes. The Public Access Counselor ("PAC") received the Complaint on June 25, 2025 from Jennifer Palmer, a reporter with Oklahoma Watch. The Complaint alleges that the City of Oklahoma City ("City") improperly denied a request under the Oklahoma Open Records Act ("ORA") for a law enforcement "initial incident report on Kevin Eddings" ("Eddings Report").

As required by section 24A.40(F), I conducted an initial review and determined the Complaint warranted a response from the City. In its response, the City argues it is not required to provide access to the Eddings Report because, among other things, (1) the ORA—specifically title 51, section 24A.8—does not mandate public access to "incident reports" that do not involve an arrest, and (2) to the extent the ORA references law enforcement incident reports, it requires public access only to a "chronological list of all incidents," a record that the City claims it does not maintain.¹

Upon review of the records provided by the City and consideration of the City's response, I have determined the following:

1. Section 24A.8 sets forth the parameters for access to law enforcement records. Records listed in subsection A, if kept by a law enforcement agency, must be made available to the public. Subsection B permits the agency, in its discretion, to deny access to all other records unless a court "finds that the public interest or the interest of an individual outweighs the reason for denial." *Id.* § 24A.8(B).

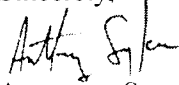
¹ While the City raises additional arguments in support of its position, I did not consider them in reaching my conclusion. The language of title 51, section 24A.8 is sufficiently clear to resolve the Complaint.

2. It is acknowledged both in the Complaint and by the City that the Eddings Report does not involve an arrest. As a result, public access to the record is not required by title 51, section 24A.8(A)(1) & (2). These provisions require access to law enforcement records that reflect information about an arrestee and the circumstances of the arrest.
3. Instead, the parties focus on title 51, section 24A.8(A)(3), which requires law enforcement agencies to “make available for public inspection and copying, *if kept* . . . [a] chronological list of all incidents, including initial offense report information showing the offense, date, time, general location, officer, and a brief summary of what occurred[.]” (emphasis added). The Complaint alleges that this provision requires public access to law enforcement incident reports. The City responds that it is required only to provide a “chronological list” of incidents—assuming it keeps such a record. The City represents that does not maintain such a list, and states that nothing in the ORA requires it.²
4. Importantly, the Legislature has made a distinction between the records that must be made available in these provisions of the ORA. In subsections 1 and 2, the ORA requires law enforcement agencies to make certain arrest information, if kept, available to the public regardless of the record in which it appears. Conversely, subsection 3 requires public access to a specific record—a chronological list of incidents—if such a record exists. This list is further described by what information it might contain: “initial offense report information showing the offense, date, time, general location, officer, and a brief summary[.]” But nothing requires law enforcement to maintain the list, or to allow public access to the source materials—*i.e.*, the incident reports themselves—that would inform such a list.
5. The Complaint focuses only on the Eddings Report and its availability under title 51, section 24A.8(A)(3). As a result, this advisement addresses that issue only. I have not been made aware of any other records related to the Eddings Report, nor have I considered whether the Eddings Report or any related records—should they exist—would be publicly available under other provisions of the ORA.

Based on the information available to me at this time, I conclude that the City has a good-faith legal basis to deny public access to the Eddings Report. Under title 51, section 24A.40(G), no further response to the above-referenced Complaint is required. If you have any follow-up questions, please do not hesitate to contact me at (405) 522-2771 or by email at anthony.sykes@oag.ok.gov.

² Indeed, title 51, section 24A.8(C) states explicitly that “[n]othing contained in this section imposes any new recordkeeping requirements.” Nevertheless, the City notes that it maintains a searchable Community Crime Map (<https://www.okc.gov/Services/Public-Safety/Police/Crime-Prevention/Data/Crime-Map>) that may include incident information. If this is a “chronological list” as described in subsection (3), the City has satisfied its obligation to provide public access by making the record fully accessible on the internet. *See* 51 O.S.Supp.2024, § 24A.5(6).

Sincerely,

A handwritten signature in black ink, appearing to read "Anthony Sykes", written in a cursive style.

ANTHONY SYKES

*Assistant Attorney General
Public Access Counselor*

cc: Jennifer Palmer, Oklahoma Watch (*via email*)



E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA

January 4, 2011

Stacey Puckett, Executive Director
Oklahoma Association of Chiefs of Police
1141 N Robinson Ave., Suite 200
Oklahoma City, OK 73103

Dear Director Puckett,

I appreciate your consideration of this letter as a representative of our state's fine law enforcement officers who do an excellent job working with limited resources to keep our communities and families safe.

This fall, First Assistant Attorney General Rob Hudson and Communications Director Diane Clay traveled the state to deliver seminars on Oklahoma's Open Meeting and Open Records acts. During the workshops, citizens and members of the media expressed concern that their local police departments were withholding initial incident reports or "cover sheets," or were withholding release of reports for up to a week after the incident occurred.

We also received a letter from an open records group claiming that department personnel in one instance cited the Oklahoma Open Records Act (51 O.S. 24A.1) and its provisions related to investigatory files as the reasons for denial. I want to make sure Oklahoma's law enforcement departments are aware of the complaints and the two provisions of the Act that address this issue.

Section 24A.8 – A1-3 of the Act states:

- A. Law enforcement agencies shall make available for public inspection, if kept, the following records:
1. An arrestee description, including the name, date of birth, address, race, sex, physical description and occupation of the arrestee;
 2. Facts concerning the arrest, including the cause of the arrest and the name of the arresting officer;
 3. A chronological list of all incidents, including the initial offense report information showing the offense, date, time, general location, officer, and a brief summary of what occurred[.]

(Emphasis added.)

Section 24A.20 of the Act addresses litigation and investigation files, and states:

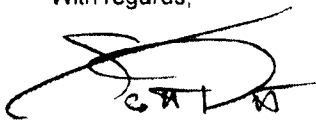
Access to records which, under the Oklahoma Open Records Act, would otherwise be available for public inspection and copying, shall not be denied because a public body or public official is using or has taken possession of such records for investigatory purposes or has placed the records in a litigation or investigation file.

The state Legislature has made it clear in this regard that a police department's initial offense report or "cover sheet" should be open for public inspection, regardless of its inclusion in an investigation file. However, the Act does not require records created for the investigation file or supplemental reports to be made public, thus leaving the decision to the departments on the release of such documents beyond the initial police report.

I urge you to discuss these provisions of the Act with police chiefs and law enforcement officers across the state to ensure they are aware of the statutes and can avoid unintended complications during their resolute service to Oklahomans.

Please forward my gratitude and recognition of the tremendous contribution of local law enforcement in the safety of our communities. I appreciate the difficult job departments have in balancing the many demands upon their resources and time.

With regards,

A handwritten signature in black ink, appearing to read "E. Scott Pruitt", with a large, sweeping flourish above the name.

E. Scott Pruitt
Attorney General

ESP:dc