

November 16, 2023

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**VIA U.S. MAIL AND EMAIL**

Department of Administration  
Clerks Division  
701 N. 7th St., Suite 318  
Kansas City, Kansas 66101

Kansas Attorney General  
Custodian of Records  
120 SW 10th Avenue., 2<sup>nd</sup> Floor  
Topeka, Kansas 66612

Custodian of Records for KCKPD  
700 Minnesota Avenue  
Kansas City, Kansas 66101  
Police Headquarters

Re: ***Roc Nation and Midwest Innocence Project's Request for Records Pursuant to K.S.A. § 45-215***

Dear Custodian of Records:

We represent Roc Nation, LLC (“Roc Nation”) and the Midwest Innocence Project (“MIP”) in connection with the above referenced request for records. Pursuant to the Kansas Open Records Act (“KORA”) § 45-215 *et. seq.*, we request copies of public records identified in Exhibit A to this letter. Please provide responses in electronic format to [kbracey@jenner.com](mailto:kbracey@jenner.com), [kdupard@jenner.com](mailto:kdupard@jenner.com), and [rsimmons@jenner.com](mailto:rsimmons@jenner.com) to the extent available. Otherwise, please remit documents that cannot be submitted electronically to Jenner & Block LLP, care of Kristen Dupard, 1099 New York Avenue, NW Suite 900, Washington, D.C. 20001-4412.

Roc Nation and MIP are committed to social justice and work to combat police misconduct. For decades, there have been numerous troubling allegations against the Kansas City, Kansas, Police Department (“KCKPD”). Among those allegations have been: (1) KCKPD officers use of

excessive and unnecessary force and battery; (2) sexual harassment and sexual assault; and (3) conspiracies by KCKPD officers to violate citizen's civil rights.<sup>1</sup>

Disclosure of the requested information is in the public interest and will contribute to the public's understanding of KCKPD practices by shedding light on issues that have long been shielded from public view. For these reasons, we also request a waiver of all fees associated with collecting and disclosing the requested documents and information.

Pursuant to K.S.A. § 45-218, your office has an obligation to respond to KORA requests within three business days. If you deny this request, in whole or in part, we request that you cite the specific statutory provision you relied on to deny access to the record, consistent with your obligation under K.S.A. § 45-218(d). We look forward to your prompt response and reserve all rights if the documents are not provided within the statutorily required time.

Sincerely,



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<sup>1</sup> KCUR, FBI has investigated Kansas City, Kansas, Police for decades, but prosecution of bad cops is rare (Nov. 9, 2021). Available at: <https://www.kcur.org/news/2021-11-09/fbi-has-investigated-kansas-city-kansas-police-for-decades-but-prosecution-of-bad-cops-is-rare>; Luke Nozicka, The Kansas City Star, Activists, lawyers call on DOJ to investigate KCK police for civil rights violations (Nov. 18, 2022). Available at: <https://www.kansascity.com/news/local/crime/article268582347.html>; U.S. Dept. of Justice, Former Kansas City, Kansas, Police Department Detective Indicted for Sexual Assaults (Sept. 15, 2022). Available at: <https://www.justice.gov/opa/pr/former-kansas-city-kansas-police-department-detective-indicted-sexual-assaults>; United States Attorneys Office, Two KCKPD Officers Pleas Guilty to Violating Civil Rights (Jan. 17, 2012). Available at: <https://www.justice.gov/archive/usao/ks/PressReleases/2012/Jan2012/jan17c.html#:~:text=The%20officers%20were%20charged%20under,They%20are%20being%20held%20accountable>.



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# EXHIBIT A

## DEFINITIONS

1. “Communication” means any transmission of information by one or more Persons and/or between two or more Persons by any means, including but not limited to emails, telephone conversations, messages, videos, letters, telegrams, teletypes, telexes, telecopies, text messages, written memoranda, social media platforms, and face-to-face conversations.
2. “Document” means and includes any kind of written, typewritten, or printed materials; any tangible recording of any form of statement, communication, or representation; electronic mail or other electronic messages, both in electronic and printed form; and all other data compilation from which information can be obtained (if necessary, translated through detection devices into reasonably usable form). A non-exclusive list of materials falling under the definition “document” includes: advertisements; advertising and marketing materials; agendas; agreements; appointment books; bills; brochures; cables; calendars; catalogs; charts; checks, including canceled checks; circulars; communications of any nature; computer cards; computer discs; computer files, including those contained on flash, thumb, or zip drives; computer printouts; computer tapes; conversations, including notes or minutes memorializing them; correspondence, whether sent by regular mail, private or express mail service such as UPS or FedEx, courier, email, and/or some other formal capacity; diaries; drawings; e-mail; electronic messaging of any kind; electronic sound recordings or transcripts thereof; electronically stored data of any kind or nature; financial statements; financial and statistical data; graphic matter of any kind or nature; graphs; inter-office communications; interviews, including reports or summaries memorializing them; investigations, including reports or summaries memorializing them; invoices; ledger sheets; letters; logs; maps; mechanical sound recordings or transcripts thereof; meetings, including notes or minutes memorializing them; memoranda; microfilm; negotiations, including reports or summaries memorializing them; notes; opinions or reports of consultants; opinions or reports of counsel; pamphlets; photographs; photo records; plans; press releases; receipts; reports; social media posts, messages, statements, or chats; tape and sound records; telegrams; telexes; text messages; trade letters; writings and all non-identical copies thereof; written agreements; and any other written, printed, typed or graphic material in any form. “Document” further includes the term “Communication” described herein, unless otherwise stated.
3. “DOJ” means the United States Department of Justice, which is headquartered in Washington D.C., and any of its officers, agents, or employees, including in any field offices thereof.
4. “FBI” means the Federal Bureau of Investigation, which is headquartered in Washington D.C., and any of its officers, agents, or employees, including in any field offices thereof.
5. “Golubski” means Roger Golubski, former detective of the KCKPD.
6. “KCKPD” means the Kansas City, Kansas, Police Department, and any division thereof.

7. "KBI" means Kansas Bureau of Investigation, which is headquartered in Topeka, Kansas, and any of its officers, agents, or employees, including in any field office thereof.
8. "Misconduct" means any wrongdoing, whether or not such conduct rises to a criminal level, including, but not limited to: the application of pressure to prevent witnesses from testifying or to solicit fabricated testimony; the failure to undertake proper investigative steps; knowing protection of criminals or criminal activity; sexual abuse, including engaging in sexual relationships with women in exchange for money or drugs, or through the use of threats or coercion; or the destruction of records or evidence.
9. In order to bring within the scope of these discovery requests all conceivably relevant and responsive information which might otherwise be construed to be outside their scope:
  - a. The terms "all," "any," "each" and "every" shall each be construed as encompassing any and all;
  - b. The connectives "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope;
  - c. The use of the singular form of any word includes the plural and vice versa; and
  - d. The word "including" shall mean "including without limitation." The past tense shall include the present tense, and vice versa, and any reference to any gender any other genders.
10. "You" means Custodian of Records or the individual reviewing, collecting, or analyzing these records.
11. "Complaint" means any grievance communicated orally or written.
12. Any request for policies and procedures should include all general orders, special orders, special notices, bureau directives, personnel notices, and memorandums.

### **INSTRUCTIONS**

1. Unless otherwise indicated in the specific request, the relevant time period for these requests is from January 1, 2013, to the day of the filing of this request.
2. If, after reasonable and thorough investigation using due diligence, You are unable to identify documents responsive to a request, specify in full and complete detail the reason that the information is not available and what efforts have been made to locate such information. In addition, You are to specify what knowledge You do have concerning the unanswered portion of the request and set forth the facts upon which such knowledge is based.

3. If You object to any portion of any request, You are requested to produce all Documents requested by that portion of the request to which You do not object. If You object to any request for the reason that it is too broad, You are to produce all Documents that You concede are relevant. If You object to a request on the ground that to provide an answer or produce a Document would constitute an undue burden, You are to provide all requested Documents that can be supplied without undertaking an undue burden.
4. In answering the requests contained herein, furnish all information available to You. Documents requested in these requests shall include information within the knowledge, possession, custody, or control of any of Your agents, employees, partners, executives, managers, officers, attorneys, advisors, consultants, investigators, or any other Persons directly or indirectly subject to Your control in any way whatsoever.
5. As to any Document withheld, in whole or in part, because of a claim of privilege, protection, or claim of attorney work product, provide a log that identifies each document that was withheld on the basis of any applicable privilege, including the date of the document, the recipients of the communication or the author of the document, the subject matter of the document, and the basis for withholding the document.
6. If any Document responsive to these requests was, but no longer is, in Your possession, custody, or control, or no longer is in existence, state whether it is: (a) missing or lost; (b) destroyed; (c) transferred voluntarily or involuntarily to others, and if so, to whom; or (d) disposed of otherwise. In each instance, explain the circumstances surrounding any authorization for such disposition, and state the approximate date thereof. To the extent that You claim a Document has been destroyed, please provide a certificate or record of destruction.

## REQUESTS FOR PRODUCTION

### **REQUEST FOR PRODUCTION NO. 1:**

Any complaints, whether formal or informal, filed against any member of the investigative division of the KCKPD or documented by the KCKPD's investigative division pertaining to, but not limited to:

- a. Providing, stealing, procuring, or selling illegal drugs, either personally or through an intermediary;
- b. Harassing or retaliating against residents in patrolling the neighborhood or community, including any threats of arrest, beatings, or prosecution;
- c. Inappropriate relationships or sexual encounters with members of the community and/or any sexual assaults, harassments, or rapes of members of the community, either in the course of official duty or while off duty;
- d. Tampering with, fabricating, destroying, or illegally disposing of evidence;
- e. Knowingly eliciting false information, identifications, or testimony;
- f. Failing to document exculpatory witness statements that correct or conflict with other statements of evidence or which constitute a retraction of a prior statement;
- g. Failing to document exculpatory or impeachment evidence that is favorable to a suspect or defendant;
- h. Failing to investigate or take proper investigative steps including following leads or closing a case without a proper basis; or
- i. Any other misconduct, by any member of the KCKPD's Detective Bureau.

### **REQUEST FOR PRODUCTION NO. 2:**

Without date limitation, any and all complaints, whether formal or informal, written or oral, against the following:

- a. James Shepherd
- b. Terry Zeigler
- c. Steve Haulmark
- d. Bryan Block
- e. Darren Koberlein
- f. Dion Dundovich
- g. William K. Smith
- h. Michael Shomin
- i. Dennis Ware
- j. Richard Nepote
- k. Michael Warczakoski
- l. Lawrence Rasnic



- m. Gregory Bradley
- n. Patrick Greeno
- o. Dustin Sillings
- p. Rodney Smith
- q. Jason Vaughn
- r. Henry Callahan
- s. Donald Ash
- t. Ronald Miller
- u. Michael Vivian
- v. Eric Jones
- w. Shawn Buck
- x. Terry Mast
- y. Vincent Davenport
- z. Michael Kill
- aa. Clayton Bye
- bb. Robert Lane
- cc. William Saunders
- dd. William ("Bill") Michael

**REQUEST FOR PRODUCTION NO. 3:**

For each complaint identified in Request No. 1 and 2, please also provide:

- a. Date, time, and location of the alleged incidents in the complaint and whether there is video footage of the incident (YES, NO, malfunctioned, not activated, etc.). If Yes, provide the video footage;
- b. Age, race, ethnicity, and gender of each individual involved in a complaint;
- c. Division, badge/ID number, unit number, KS CPOST complaint form file number, patrol/assignment, rank, years of experience, age, race, ethnicity, gender, height, and weight for all officers named in the complaint;
- d. Whether any of the alleged incidents in the complaint resulted in civil lawsuits, civil trials, civil settlements, civil findings of liability, criminal charges, criminal trials, or criminal convictions;
- e. Whether any police officers within KCKPD were witnesses to any of the incidents alleged in the complaint;
- f. Occupation, to the extent known, of the complainants involved.

**REQUEST FOR PRODUCTION NO. 4:**

Documents pertaining to any investigation, including any internal or administrative investigation, against any member of the KCKPD investigative division for engaging in any activity complained of in Request No. 1 and 2.

**REQUEST FOR PRODUCTION NO. 5:**

Documents pertaining to any disciplinary actions (e.g., sustained or founded; not sustained or unresolved; or unfounded) against any member of the KCKPD investigative division arising from or alleging any activity identified in Request No. 1 and 2.

**REQUEST FOR PRODUCTION NO. 6:**

All documents and communications in reaction to the FBI's investigations into the KCKPD. All documents and communications concerning complaints of civil rights violations allegedly committed by members of the investigative or patrol divisions of the KCKPD submitted to the FBI and/or DOJ pursuant to the 2006 Memorandum of Understanding between the Unified Government of Wyandotte County/Kansas City, Kansas, and the DOJ.

**REQUEST FOR PRODUCTION NO. 7:**

Without date limitation, all documents produced or otherwise disclosed to the KBI or FBI in connection with any investigation into the KCKPD or any officer thereof pertaining to any activity identified in Request No. 1.

**REQUEST FOR PRODUCTION NO. 8:**

Any documents concerning any complaints or investigations pertaining to Golubski.

**REQUEST FOR PRODUCTION NO. 9:**

All communications with or regarding Golubski regarding: (i) Golubski's work or conduct for the KCKPD investigative division or Detective Bureau or (ii) Golubski's actions or role as a reserve officer from 2010 until terminated from that role in approximately 2014 or 2015.

**REQUEST FOR PRODUCTION NO. 10:**

Without date limitation, field manuals, patrol guides, general orders, special orders and policies and procedures regarding the supervision or oversight of detectives within the administrative support division, investigative division, and or patrol division. If there are multiple versions, or updates to policies or procedures, please share all versions.

**REQUEST FOR PRODUCTION NO. 11:**

For each policy and procedure identified in Request No. 10, please indicate the person(s) responsible for drafting the documents, including whether counsel was retained for the purpose of advising or drafting the policy or procedure. If counsel was retained for the purpose of advising or drafting the policies and procedures, please identify counsel and provide counsel's current contact information.

**REQUEST FOR PRODUCTION NO. 12:**

Any lesson plans, training curricula, and policies and procedures provided to detectives in the investigative division concerning: (i) interactions with potential eyewitnesses, family members of victims, and suspects; (ii) investigative steps to be taken during an investigation; and (iii) penalties for failure with such policies or procedures.

**REQUEST FOR PRODUCTION NO. 13:**

Any lesson plans, orientation guides, training manuals, policies, and procedures provided to the appropriate staff concerning: (i) transportation of ill, injured, or deceased people; and (ii) interactions with ill, injured, or deceased people.

**REQUEST FOR PRODUCTION NO. 14:**

For each orientation guide, training manual, lesson plan, and policy and procedure identified in Request No. 12 and 13, please indicate the person(s) responsible for drafting the documents, including whether counsel was used for the purpose of advising or drafting the policy or procedure. If counsel was retained for the purpose of advising or drafting the policies and procedures, please identify counsel and provide counsel's current contact information. Please additionally identify the person(s) responsible for distributing these materials.

**REQUEST FOR PRODUCTION NO. 15:**

Any coroners' reports, autopsy reports, police reports, jail records, and mugshots, if applicable, for any person who has died while in the custody of KCKPD or in jail.

**REQUEST FOR PRODUCTION NO. 16:**

A list of all current and former KCKPD personnel, including peace officers and civilian positions, from 1970 to present day, including name, position, rank, gender, race, date of birth, aliases, badge number, and CPOST certification number, and any and all lists of commands, precincts, divisions, and units of the KCKPD and supervisors and members thereof, including any and all versions of current and former KCKPD organizational charts.