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SUMNER COUNTY ATTORNEY'S OFFICE DISCOVERY POLICY

The Sumner County Attorney's Office has an open-file discovery policy that is granted to attorney's licensed to practice law in Kansas. The defense attorney will be allowed access to the county attorney's file to inspect all police reports, record checks, and other items in the file subject only to limited access where the identity of a confidential informant is desired to be temporarily withheld. A copy of the complaint and the probable cause affidavit will be provided at no charge. Supplemental police reports, accident reports, witness statements, and similar documents will be provided at a cost of .25¢ per page. When the defense attorney is court-appointed the copy fee will be waived.

Since there are restrictions on the republication of Triple I and FBI reports defense attorneys will be allowed to inspect those documents but copies will not be provided. Licensed defense attorneys will be allowed unsupervised access to the file upon request so long as there has been no prior abuse of the privilege by any corruption of county attorney files.

It is anticipated that all defense attorneys will warn their clients against any action that could be construed as intimidation of a witness.

Those Defendants that are not represented by an attorney may request a copy of their complaint and the probable cause affidavit that has been presented to the court for issuance of an arrest warrant or summons. Normally those documents will be provided upon request. Other discovery documents will normally not be provided directly to Defendants unless the Defendant has on file with the court an order wherein the Defendant has waived his right to an attorney and the court has authorized the Defendant to represent himself. After an attorney waiver form is on file with the court the pro se defendant may request a copy of additional discovery information. Prior to providing that additional discovery information the Defendant will be required to meet with the prosecutor who will warn the Defendant about the hazards of witness intimidation and will determine whether the .25¢ per page copy fee will be waived.

Defendants representing themselves will not be allowed to inspect their FBI record. Instead the prosecutor will determine whether or not to provide a summarized report of convictions only.

The foregoing discovery policy pertains only to items in the prosecutor's file and places no obligation on the prosecution to go elsewhere to obtain additional information. Apart from the foregoing the state also intends to comply with K.S.A. 22-3212. Except as provided in 22-3212 (a)(2) scientific reports) and (4) confessions that statute does not authorize the discovery or inspection of documents made by officers or witnesses, (other than the defendant) except as may be provided by law; and reciprocal

discovery is provided to the prosecution to allow access to certain scientific or medical reports. Normally the prosecutor will not approve a discovery order that does not grant reciprocal discovery or that requires the prosecutor to produce something that is not already in the prosecutor's file. If the defense attorney desires additional discovery material not required by K.S.A. 22-3212 then a formal motion should be filed with the court. The state anticipates complying with any discovery orders issued by the court following a formal hearing on such a motion. Generally, our open policy will make it unnecessary to seek additional discovery but additional requests will be dealt with individually pursuant to this policy.

Effective date: January 10, 2024



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