

RE: Re: Missouri Sunshine Law Request - ALPR System Records (Flock Safety)

From Midwest Transparency Audit <mwtransparency.audit@proton.me>

To jcreason@espolice.com, records@espolice.com

CC gdull@excelsiorsprings.gov

Date Wednesday, September 2nd, 2026 at 7:38 AM

Dear Records Supervisor Creason and Chief Dull,

I am writing to follow up on my correspondence sent Friday, August 21, 2026.

In your email on August 21, you stated that an estimate for the requested records "will be forthcoming". It has now been eight business days, and the Department has failed to provide this estimate. Furthermore, the Department has failed to produce the native digital database exports (SharedNetworks.csv and the "Insights" query log) which I explicitly requested be provided immediately on a rolling basis, as they require no clerical search or redaction time.

By withholding the required fee estimate, the Department is effectively stalling this public records request indefinitely. This constitutes an unlawful delay under Chapter 610, RSMo.

As detailed in my August 21 correspondence, the Missouri Supreme Court's ruling in *Weeks v. REJIS (2024)* explicitly defines the exportation of native CSV database files as the electronic retrieval of pre-existing records, nullifying any defense that providing these logs constitutes "record creation".

Final Demand to Cure

Please provide the following no later than **5:00 PM on Friday, September 4, 2026**:

- 1. Immediate Production:** The electronic production of the requested SharedNetworks.csv and the FlockOS "Insights" external query audit log.
- 2. Itemized Estimate:** A legally compliant, itemized cost estimate for the remaining historical contracts and policies (Items 1 & 4), restricted strictly to the hourly rate of the lowest-salaried clerical employee capable of conducting the search, with zero time allocated for legal review or redaction, pursuant to *Gross v. Parson*.

If the Excelsior Springs Police Department fails to produce the digital exports and the itemized fee estimate by this deadline, I will file a formal complaint with the Missouri Attorney General's Office for purposeful delay and unlawful denial of public records under § 610.027, RSMo.

I look forward to your prompt compliance.

Sincerely,

Managing Member

Midwest Transparency Audit, LLC

mwtransparency.audit@proton.me

www.mw-ta.org

Sent with [Proton Mail](#) secure email.

On Friday, August 21st, 2026 at 7:44 PM, Midwest Transparency Audit <mwtransparency.audit@proton.me> wrote:

Dear Records Supervisor Creason,

Thank you for your response dated August 21, 2026. I appreciate the Department's confirmation that no attorney review fees are being assessed pursuant to *Gross v. Parson*.

To ensure our positions remain clear, legally grounded, and documented under Chapter 610, RSMo, I provide the following statutory clarifications:

1. Scope of Allowable Fees & Requirement for Itemization

While the Department notes that fees will be restricted to clerical time, the Missouri Supreme Court's holding in *Gross v. Parson* applies broadly to all personnel. Under § 610.026.1(1), RSMo, fee recovery is strictly limited to the actual clerical time required to *search for* and *duplicate* responsive records.

To ensure transparency regarding any forthcoming cost deposit, please provide an itemized estimate detailing:

- The specific hourly rate applied (based on the lowest-salaried clerical employee capable of performing the search, pursuant to § 610.026.1(1), RSMo).
- The estimated search hours allocated per requested item.
- Confirmation that zero hours or charges are allocated to review or redaction time.

2. Electronic Record Retrieval vs. Record Creation

The Department cites *Jones v. Jackson County Circuit Court* for the principle that public bodies need not compile data or create new records. However, the Missouri Supreme Court more recently clarified this exact issue regarding electronic database exports in ***Weeks v. REJIS*, No. SC100427 (Mo. banc Sept. 3, 2024)**.

In *Weeks*, the Court ruled that exporting pre-existing data from an electronic system into a requested format is electronic retrieval, not the creation of a new record. Midwest Transparency Audit is not requesting any data synthesis. Requesting the native digital exports (SharedNetworks.csv and the "Insights" query log) constitutes a request for pre-existing electronic database records maintained in the ordinary course of system operation.

3. Timeline & Request for Rolling Production

The Department cites staff vacation, pending request volume, and scope to estimate a 45–60 day production timeline following receipt of a deposit. To avoid unnecessary delay, we request production on a rolling basis, prioritizing the electronic records that require virtually zero clerical search time:

- **Immediate Production (Items 2 & 3):** The requested SharedNetworks.csv and Network Audit logs are native database exports. Generating these files requires a system administrator to simply click "export"—a

process that takes minutes, not days. Furthermore, the FlockOS system automatically masks sensitive license plate identifiers with asterisks (***) upon export. Because these files require essentially zero clerical search time and absolutely zero manual redaction, there is no technical or statutory justification for a 60-day delay. Please produce the electronic files for Items 2 and 3 immediately.

- **Deferred Production (Items 1 & 4):** I understand that locating historical vendor contracts, financial invoices, and internal ALPR policies may require actual clerical search time. I am willing to wait for your itemized clerical estimate and the 45–60 day timeline for these specific administrative documents while you conduct that search.

Thank you for your ongoing cooperation. I look forward to receiving the immediate system exports and the itemized estimate for the remaining records.

Sincerely,

Managing Member

Midwest Transparency Audit, LLC

mwtransparency.audit@proton.me

www.mw-ta.org

Sent with [Proton Mail](#) secure email.

On Friday, August 21st, 2026 at 1:12 PM, jcreason@espolice.com <jcreason@espolice.com> wrote:

Good morning.

Thank you for clarifying that you want all records generated since inception to present.

You're correct that *Gross v. Parson* prohibits charging attorney review time. However, your characterization of § 610.026 as limiting all fees to clerical search and duplication time is inconsistent with the current statutory language. Do note, you are not being charged any attorney review time – simply clerical search and duplication time as per our fee schedule as previously attached.

I will be researching your request, as the Excelsior Springs Police Department is not required under the Missouri Sunshine Law to create a new record, conduct analysis, or compile information that is not maintained as an existing record. *Jones v. Jackson County Circuit Court*, 162 S.W.3d 53 (Mo. App. W.D. 2005) held that the Sunshine Law does not require a governmental body to create a new record in

response to a request; it requires access to existing records held or maintained by the governmental body.

Pursuant to § 610.023.3, RSMo, we are acknowledging your request within three business days. Due to the volume of ongoing records requests, scheduled staff vacation time, and the scope and volume of this request, additional time is necessary to complete production. Pursuant to § 610.023.3, RSMo, the Department currently estimates that the request will be completed within approximately 45–60 days following receipt of the required deposit – which will be forthcoming. Should the responsive records become available sooner, they will be provided at that time.

Jenni Creason

Records Supervisor & PA Assistant

Excelsior Springs Police Department

301 S. Main Street

Excelsior Springs, MO 64024

jcreason@espolicy.com

Phone: 816-629-7110

Fax: 816-630-4104

Communication made through e-mail and messaging systems shall in no way be deemed to constitute legal notice to the City of Excelsior Springs or any of its agencies, officers, employees, agents or representatives with respect to any existing or potential claim or cause of action against the City or any of its agencies, officers, employees, agents or representatives, where notice to the City is required by any federal, state or local laws, rules or regulations.

From: Midwest Transparency Audit <mwtransparency.audit@proton.me>
Sent: Thursday, August 20, 2026 9:34 AM
To: records@espolice.com
Cc: jcreason@espolice.com
Subject: Fw: Re: Missouri Sunshine Law Request - ALPR System Records (Flock Safety)

**We are forwarding the email below to Records email due to jcreason@espolice.com showing "delayed" by MailerDaemon.

-MWTa

Dear Records Supervisor Creason and Police Chief,

I am in receipt of your email dated August 19, 2026, wherein you claim my request for ALPR records is "too broad" and attach a fee schedule that explicitly lists a \$25 per hour charge for "Review & Redaction Time."

This correspondence serves as a formal statutory objection under Chapter 610, RSMo, on two distinct grounds:

1. Improper Claim of Breadth/Specificity Your assertion that the request is "too broad" is factually and legally inaccurate. Regarding Item #2, I provided the exact technical name of the native digital export generated by the FlockOS system (SharedNetworks.csv), as well as the exact location of the audit log (the "Insights" tab). It is not possible to provide more specificity than the exact file name generated by the requested software platform.

To satisfy your demand for a date range: My request encompasses any responsive administrative, financial, and policy records existing from the inception of the Department's relationship with Flock Group Inc. up to and including the date of this request (August 19, 2026). For the SharedNetworks.csv file, the active configuration exported on the day the request is processed satisfies the requirement. For the "Insights" audit log, the request explicitly stated a date range of "the last 12 months."

2. Unlawful Fee Schedule (*Gross v. Parson*) Your attached "City of Excelsior Springs Police Department Missouri Sunshine Law" fee schedule is a facial violation of state law. The Missouri Supreme Court established binding precedent in *Gross v. Parson*, ruling that § 610.026, RSMo, **strictly prohibits** public governmental bodies from charging requesters for the staff or attorney time spent reviewing or redacting documents. You may only charge for the actual clerical time required to search for and duplicate the files. Any attempt by the Excelsior Springs Police Department to invoice Midwest Transparency Audit for "Review & Redaction Time" will be immediately forwarded to the Missouri Attorney General's Office as a purposeful violation of Chapter 610.

Because the requested records are highly specific, and the date ranges have now been reiterated, the Excelsior Springs Police Department has no legal basis to delay this request further.

Please provide the responsive electronic records, or a legally compliant estimate restricted solely to clerical search rates, no later than the expiration of your 3-day statutory window on **Monday, August 24, 2026**.

Sincerely,

Managing Member

Midwest Transparency Audit, LLC

mwtransparency.audit@proton.me

www.mw-ta.org

Sent with [Proton Mail](#) secure email.

----- Forwarded Message -----

From: Midwest Transparency Audit <mwtransparency.audit@proton.me>

Date: On Wednesday, August 19th, 2026 at 11:24 AM

Subject: Re: Missouri Sunshine Law Request - ALPR System Records (Flock Safety)

To: jcreason@espolice.com <jcreason@espolice.com>

Dear Records Supervisor Creason and Chief Dull,

I am in receipt of your email dated August 19, 2026, wherein you claim my request for ALPR records is "too broad" and attach a fee schedule that explicitly lists a \$25 per hour charge for "Review & Redaction Time."

This correspondence serves as a formal statutory objection under Chapter 610, RSMo, on two distinct grounds:

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To satisfy your demand for a date range: My request encompasses any responsive administrative, financial, and policy records existing from the inception of the Department's relationship with Flock Group Inc. up to and including the date of this request (August 19, 2026). For the `SharedNetworks.csv`

file, the active configuration exported on the day the request is processed satisfies the requirement. For the "Insights" audit log, the request explicitly stated a date range of "the last 12 months."

2. Unlawful Fee Schedule (*Gross v. Parson*) Your attached "City of Excelsior Springs Police Department Missouri Sunshine Law" fee schedule is a facial violation of state law. The Missouri Supreme Court established binding precedent in *Gross v. Parson*, ruling that § 610.026, RSMo, **strictly prohibits** public governmental bodies from charging requesters for the staff or attorney time spent reviewing or redacting documents. You may only charge for the actual clerical time required to search for and duplicate the files. Any attempt by the Excelsior Springs Police Department to invoice Midwest Transparency Audit for "Review & Redaction Time" will be immediately forwarded to the Missouri Attorney General's Office as a purposeful violation of Chapter 610.

Because the requested records are highly specific, and the date ranges have now been reiterated, the Excelsior Springs Police Department has no legal basis to delay this request further.

Please provide the responsive electronic records, or a legally compliant estimate restricted solely to clerical search rates, no later than the expiration of your 3-day statutory window on **Monday, August 24, 2026**.

Sincerely,

Managing Member

Midwest Transparency Audit, LLC

mwtransparency.audit@proton.me

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Sent with [Proton Mail](#) secure email.

On Wednesday, August 19th, 2026 at 10:46 AM, jcreason@espolice.com <jcreason@espolice.com> wrote:

From: jcreason@espolice.com <jcreason@espolice.com>

Sent: Wednesday, August 19, 2026 10:44 AM

To: 'Midwest Transparency Audit' <mwtransparency.audit@proton.me>; records@espolice.com
Cc: gdull@excelsiorsprings.gov
Subject: RE: Missouri Sunshine Law Request - ALPR System Records (Flock Safety)

Thank you for your Missouri Sunshine Law request received today, 8/19/2026.

After reviewing your request, we have determined that it is too broad for the Police Department to reasonably identify the records being sought. Missouri's Sunshine Law requires requests to be sufficiently specific so that public records can be located with reasonable effort.

To assist us in processing your request, please provide additional details regarding the records you are seeking. Examples of information that may help narrow your request include:

- Specific dates or date ranges
- Names of individuals involved
- Incident, report, or case numbers
- Specific types of records being requested
- Particular topics, events, or subject matter

---Specific to your request, would be dates or date ranges.

The Excelsior Springs Police Department is not required to create a new record, compile data, or perform analysis that does not already exist in an existing public record. Requests will be fulfilled by providing existing records that are responsive to the request, subject to applicable fees and statutory exemptions. See *Jones v. Jackson County Circuit Court*, 162 S.W.3d 53, 59–60 (Mo. App. W.D. 2005).

Do note that the Excelsior Springs Police Department assesses fees for research, retrieval, review, redaction, copying, and electronic media in accordance with RSMo §610.026 and the Department's established fee schedule (see attached). Charges may include staff time, copying costs, formatting fees, and the cost of any electronic media required to provide the records.

Upon receipt of the requested clarification, we will review the revised request, provide an estimate of applicable fees for advance payment, and process the request in accordance with the requirements of the Missouri Sunshine Law.

Jenni Creason

Records Supervisor & PA Assistant

Excelsior Springs Police Department

301 S. Main Street

Excelsior Springs, MO 64024

jcreason@espolice.com

Phone: 816-629-7110

Fax: 816-630-4104

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From: Midwest Transparency Audit <mwtransparency.audit@proton.me>

Sent: Wednesday, August 19, 2026 9:49 AM

To: records@espolice.com

Cc: gdull@excelsiorsprings.gov

Subject: Missouri Sunshine Law Request - ALPR System Records (Flock Safety)

ATTN: Custodian of Records and Chief of Police

Dear Custodian of Records,

Pursuant to the Missouri Sunshine Law, Chapter 610, RSMo, Midwest Transparency Audit, LLC is formally requesting access to and copies of the following public records pertaining to the City of Excelsior Springs and the Excelsior Springs Police Department's use of Automated License Plate Reader (ALPR) systems, specifically regarding Flock Group Inc. (dba Flock Safety):

- 1. Contracts and Financials:** Any and all current or past contracts, Memorandums of Understanding (MOUs), service agreements, financial invoices, or subscription agreements between the City of Excelsior Springs / Excelsior Springs Police Department and Flock Group Inc.
- 2. Data-Sharing Matrices & Audit Logs:** Any documents or electronic records detailing data access, query capabilities, or network integrations with external law enforcement agencies via the

Flock Safety Cloud platform. To eliminate any requirement for internal legal review or manual redaction, please fulfill this item by providing the native digital exports generated directly by the FlockOS dashboard:

- **Network Sharing Configuration (SharedNetworks.csv):** The dashboard export detailing which specific external agencies are granted access to Excelsior Springs' network, and which external networks are shared back to Excelsior Springs.
- **Network Audit Log:** The system-generated CSV export from the "Insights" tab detailing instances where external network partners queried Excelsior Springs' cameras over the last 12 months. (When exported natively from FlockOS, this CSV automatically masks sensitive license plate numbers with asterisks, requiring zero manual redaction by city staff).

3. Private Deployment Access Agreements: Any records of agreement or standard operating frameworks detailing the Department's access to private Flock Safety cameras deployed by local businesses, commercial properties, or homeowners associations (HOAs) within Excelsior Springs.

4. Internal Usage Policies: All internal department policies, data-retention schedules, training materials, standard operating procedures (SOPs), and user auditing mandates governing how officers use Flock Safety tools or automated license plate readers.

As these are standardized administrative records, I am formally requesting that all responsive documents be produced electronically and delivered via email to

mwtransparency.audit@proton.me to minimize processing and copying expenses.

Pursuant to § 610.026, RSMo, and the Missouri Supreme Court's ruling in *Gross v. Parson*, public agencies are strictly prohibited from charging requesters for internal attorney review or redaction time. If any administrative fees for the clerical search exceed \$25.00, please provide a binding, itemized cost estimate before compiling the records.

If this request is denied in whole or in part, I request that you justify all deletions or denials by reference to specific exemptions of the Missouri Sunshine Law, as required by § 610.023.4, RSMo. I will expect a response within three (3) business days, as required by § 610.023.3, RSMo.

Please acknowledge receipt of this request.

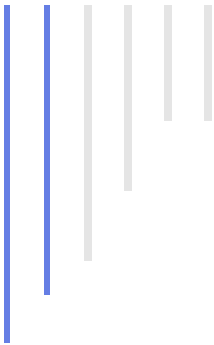
Sincerely,

Managing Member

Midwest Transparency Audit, LLC

mwtransparency.audit@proton.me

www.mw-ta.org



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