

## [Open-records lawsuit alleges Malinowski case documents improperly withheld](#)

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by [Grant Lancaster](#)



Bryan Malinowski, executive director of the Bill and Hillary Clinton National Airport/Adams Field is shown in this 2019 file photo. (Special to the Democrat-Gazette)

Attorneys representing a Conway open-records law activist sued the Arkansas State Police on Tuesday, alleging that it violated the Arkansas Freedom of Information Act when asked to turn over materials related to its investigation into the shootout that killed then-Little Rock airport Executive Director Bryan Malinowski.

The complaint, filed in Pulaski County Circuit Court, claims that state police officials responding to a Freedom of Information act request by Jimmy Cavin improperly omitted parts of the requested [investigative file](#) into the March 19 killing of [Malinowski](#) by a

Bureau of Alcohol, Tobacco, Firearms and Explosives agent who was at Malinowski's residence to serve a search warrant.

Cavin, a self-described "freedom of information act advocate" who has an online presence on Facebook and social media platform X, requested videos of state police interviews with the ATF agents who participated in the operation and Little Rock Police officers, but the complaint alleges that state police provided only the audio.

In an email exchange attached to the complaint, an employee with the state police who is handling Cavin's request tells him that only the audio of the the interviews, and no video, was recorded.

One of Cavin's attorneys, Joey McCutchen, said in a statement that an independent review of the files showed that the videos had been removed from the data provided to Cavin. Additionally, state police officials subsequently failed to provide details about the devices used to record the interviews, McCutchen said.

Cavin also requested the ATF's operational plan for the warrant raid on Malinowki's west Little Rock home, but state police did not provide it, according to the statement from McCutchen. Cavin got the plan from the Pulaski County prosecutor's office in a separate open-records request, McCutchen said.

"This raises concerns about why this important document was withheld despite ASP's possession of it," McCutchen said in the statement.

The complaint requests that state police be compelled to give over the requested information and better train their personnel on the state's open-records laws.

[In June](#), Pulaski County Prosecutor Will Jones, who reviewed the state police investigative file, announced that his office would not pursue any criminal charges related to the shooting.

The Arkansas State Police describes itself as the state's premier law enforcement agency, McCutchen said in the statement, but its lack of transparency should be concerning to Arkansans.

"Arkansans should be able to trust the ASP to be transparent," McCutchen said. "If we can't trust the ASP to provide all of our records when requested, who can we trust?"