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# State's tight records laws open to change

## Families like Randy Leach's seek closure in renewed push by sunshine advocates

By Karen Dillon

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The more than 27-year-old case file on the disappearance of Randy Leach, a Linwood high school honor student, must be thousands of pages.

But it's impossible to know because the Leavenworth County Sheriff's Office and the Kansas Bureau of Investigation, who investigated the long-ago mystery, refuse to release the records even to Leach's parents, Harold and Alberta Leach.

Law enforcement agencies are permitted to do that under the Kansas Open Records Act. The state's police records disclosure law is unusual, and Kansas is one of the few states in the country that

allows police to choose to keep all investigative records secret in perpetuity, even if there was a trial, or someone pleaded guilty, or the case is more than a generation old and there are no longer active leads.

The Leaches have long wondered if detectives did enough when their son first disappeared and later as the investigation dwindled. Did detectives follow all the leads? Is there something they might have missed?

"Over 27 years, there have been so many different tales and nothing was checked out totally," Alberta Leach said. "So we don't know if any of the stories are right or wrong. Letting us see the records might bring some light to something."

**"Imagine how awful it is for this family, that there is information out there ... and they are prevented access."**

— Max Kautsch, Lawrence attorney

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## Records

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Leavenworth County Sheriff Andy Dedeke did not respond to a request for an interview.

### Bringing Kansas in line

The Leaches aren't alone in their quest for records.

There have been several high-profile cases in recent years where people had to go to court and spend tens of thousands of dollars to fight for police investigation files, including a family whose house was raided by sheriff's deputies based

on bad information and a woman who wanted to know why police shot her daughter.

Now help for the Leaches and others may be near.

A group of public records advocates are pushing for Kansas legislators to bring the Kansas Open Records Act regarding disclosure of police records more in line with open records laws of other states. They want to return the law to the way it worked in Kansas until the late 1970s when legislators, angry about a crime story, passed a law that closed police inves-

tigations and police reports, including probable cause affidavits.

"Imagine how awful it is for this family, that there is information out there, and there is nothing pending in the foreseeable future, and they are prevented access," said Max Kautsch, a Lawrence attorney who specializes in First Amendment rights and open government. He has represented the Journal-World and other newspapers in several open records cases.

The Kansas Press Association, the Kansas Association of Broadcasters and the Kansas Sunshine

Coalition for Open Government also are supporting changes in the police records law, Kautsch said.

Rep. John Rubin, a Shawnee Republican, said he will hold hearings at the Capitol, possibly in January or February, to receive input from the public, law enforcement and prosecutors with hopes of drafting a bill to correct some of the problems with the law.

A situation like the Leaches' "on its face appears to be improper," said Rubin, a former federal administrative judge and chairman of the House corrections