



Kansas County & District Attorneys Association

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To: Chairman Barker and Members of the Senate Federal and State Affairs Committee

From: Kim T Parker, Prosecutor Coordinator: Kansas County and District Attorney's Association

Date: April 6,2017

Re: Opposition Testimony for Amended SB86

Good Morning Chairman Barker and Members of the Committee;

Thank you for giving me the opportunity to oppose a portion of the amended SB86 which includes language formerly contained in SB200. I serve as a prosecutor coordinator for the Kansas County and District Attorney's Association after retiring from 32 years of prosecution in Sedgwick County Kansas. This amendment to the Kansas Open Records Act concerning criminal investigative records is a matter to be considered with serious discernment and acumen. The changes adopted by the Senate in the amended SB86 may have seemed harmless and directed at fixing an issue of a single constituent, however, the consequences of this change are far reaching and demand more contemplation by this body.

The amendment allows for criminal investigative records of a missing person to be open public record after the passing of 25years. To many 25yrs is a long time and it may be difficult to understand why this is a problem, especially if the family of the missing person is demanding answers. Yet, the underlying problem faced by the community, law enforcement, prosecutors, family members and friends of a missing person, is the same, **the case is not solved**, and the number of years that have elapsed 25yrs or 1yr do not change the underlying problem. The information contained in those records are often essential to **solving the problem**. Criminal investigation records are nonpublic because they contain, confidential, private, possibly embarrassing details, and most important potential leads that may ultimately solve a homicide or kidnapping, or sex offense. If that information is publicized it can lead to the destruction of evidence, creation of false information, and endanger witnesses or the victim.

I have personally been involved in the prosecution and long term investigations of many cold cases, including the investigation of Dennis Rader (BTK), Daniel Perez, the investigation of the missing/murdered 5yr old Amanda Shaffer, and others. These killers and sex offenders would have likely escaped prosecution, if the criminal investigative records had been publicly released, before the bodies had been found, the murder had been discovered or evidence developed.



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I do not deliver this testimony without regard for the pain of any family faced with grievous loss or who have questions and want answers. While living in Wichita, I met many families of murdered victims, including the families of those murdered by Dennis Rader, they lived without answers for over 30yrs.

These critical investigative records gathered over those 30yrs were not publicly released, despite great pressure to do so. Had those records had been made public Dennis Rader would not have been convicted for those 10 murders. Unfortunately, this notorious case serves as an excellent example. It illustrates the value of holding criminal investigative information close to the vest and enhancing the ability to solve; unsolved murders, kidnappings, sex offenses or the location of a missing person.

We urge this committee to strike the language that allows the opening of criminal investigative records, due solely to the passage of time in the investigation of a missing person.

If this committee is determined to act now, we urge you to consider, alternative language that would require an '*in-camera*' judicial review. This would, at the very least, allow an independent magistrate to consider the implications of the publication of criminal investigative records on a case by case basis. Thank you for your thoughtful consideration of this important matter.

Respectfully submitted;

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