



LEAVENWORTH COUNTY SHERIFF'S OFFICE

Andrew D. Dedeke
Sheriff

Senate Committee on Federal and State Affairs

**Written Testimony of
Sheriff Andrew D. Dedeke
In Opposition to SB 200
March 8, 2017**

Mr. Chairman and Committee Members,

The purpose of an investigative report is to document information, the steps taken to vet the information and a determination of whether that information was substantiated or not. These reports are often a collection of unsubstantiated information and or conjecture. The persons who provide this information are often acting on a belief they are aiding in the investigation, but with the passage of time they may be reluctant or even embarrassed by the accusation made long ago. We also must be cognizant that these reports contain information, which now may prove to be detrimental to other named persons and subject them to ridicule or further question. These types of personal damages may lead to liable and slander suits, unwarranted character denigration and other related hardships. With whom will this liability fall upon?

The intent of the movement behind SB 200 is to make investigative files an open record. If successful, the consequences will be detrimental to investigations, future prosecutions and possibly, to persons who were named in the original investigation. Information will not be as forthcoming by individuals who operate with the understanding of discretion and anonymity. When society decides not to cooperate with investigators, criminal activity continues uninterrupted and without consequence. In principle, this bill will serve to usurp the process our predecessors have built and which has stood the test of time.

Releasing any investigative document or portion thereof is essentially waiving the white flag of surrender. To release any portion of an open investigation automatically thwarts that investigation and thus rendering any chance of future prosecution void. In essence, we in the

criminal justice field will deliver *injustice* in the name of transparency. This is not impartial or objective, two characteristics which are required of an investigator.

For those seeking this type of information, there already exists a remedy through the courts that requires an impartial and objective review. This is the proper setting for an informed decision to be made regarding the release of open investigatory documents, not as part of a one size fits all approach.

I can only imagine the pain and frustration felt by family and friends who have received few answers or obtained the closure they are seeking. A family longs for answers that investigators do not have. The active case in which the efforts of SB 200 is based upon is no different. Information is received on a regular basis through the investigative process. We cannot discount any piece of information and are obligated to follow-up in order to substantiate or discredit it. If investigatory records become open to the public, the integrity of the investigation is forever lost.

In conclusion, I request this committee oppose SB 200, as it is not fundamentally based in the principles of criminal investigations.