



Kansas Bureau of Investigation

Kirk D. Thompson
Director

Derek Schmidt
Attorney General

March 4, 2016

Lisa McCormick
Investigative Producer
WDAF-TV
3030 Summit
Kansas City, MO 64108

RE: KORA Request re Randy Leach

Dear Ms. McCormick:

I am writing to follow up on your request made pursuant to the Kansas Open Records Act (KORA), which was received by the Kansas Bureau of Investigation (KBI) via email on Thursday, January 7, 2016. On Monday, January 11, 2016, I responded by email acknowledging receipt of your request and indicating that it would take more than three days to review the case file and determine what records the KBI might have that are responsive to your request.

On January 26, 2016, we spoke by phone regarding a separate KORA request and you asked about the status of this request. I indicated that reviewing the file was going to be time-consuming, as I wanted to make you aware at the outset that a quick response would not be possible. At that point, you questioned if the KBI would spend significant time reviewing the entire file only to conclude that all records contained therein were criminal investigation records and not subject to disclosure pursuant to K.S.A. 2015 Supp. 45-221(a)(10). I stated that was not necessarily the case, as we may be able to provide certain information requested, such as the number of witnesses the KBI has interviewed. It was my understanding from our phone conversation that day that wrapping up the other KORA request was your first priority and once that was completed, we could turn our attention to your request for records pertaining to the Leach investigation.

Thus, the purpose of this letter is to reconnect on your KORA request pertaining to the Leach case and to ask for clarification on a few points and give you a better sense of what we foresee in terms of response time and cost.

Your request consists of eight bullet points, each specifying particular records or information you are seeking. We noted three bullet points where clarification would be helpful, one of which is regarding leads. You asked for the number of leads the KBI has followed in connection with the disappearance of Randy Leach. However, the KBI does not maintain a record identifying "leads," and we would therefore need to review each document contained in the file in order to respond. Even then, the reports contain information gathered during the course of the investigation, but may not necessarily define or categorize information as a "lead." Therefore, we need clarification as to exactly what type of information we should be counting as a "lead" if the reports do not use that term to describe the information contained therein.

The other two bullet points needing clarification are the final two which reference "[a]ll reports pertaining to satanic activity in the Linwood, Basehor, Leavenworth, Lawrence area – or caves nearby..." during 1987 and 1988, and since 1988. To clarify, when you request "all reports" do you mean all reports tied to the Leach investigation specifically, or all reports received at the KBI in general, regardless of whether or not they were in connection to the Leach investigation? Either way, we do not have a way of querying the system to extract all reports pertaining to satanic activity. We assume your request is specific to the Leach investigation, in which case the investigative file will need to be reviewed record-by-record. If, instead, you are seeking all reports of satanic activity received at the KBI in the past 29 years, responding would create an unreasonable burden and disruption to the agency as it would require a record-by-record review of all cases investigated during that time period—of which there are thousands.

I previously indicated it would be time-consuming to review the file for the purpose of identifying all records and information you are seeking. To put this into perspective, the investigative file contains around 280 reports. We anticipate needing to spend 15-30 minutes per report, so it could take roughly 70-140 hours to review the entire file. In addition, some of the records will contain information that is not subject to disclosure pursuant to the KORA. For this reason, to the extent we find responsive records and agree to produce them, many if not most of those records will need to be redacted under the provisions of K.S.A. 2015 Supp. 45-221(d). The time necessary to make such redactions would obviously increase this time estimate.

As you may know, K.S.A. 45-218(f) authorizes a public agency to charge and require advance payment of a fee for providing access to or furnishing copies of public records. Based on an estimate of 100 hours of attorney time, billed at \$35 per hour, plus an additional 25 hours of clerical time, billed at \$18 per hour, that we believe would be required to review and prepare for dissemination the records responsive to your request, we estimate the staff costs associated with fulfilling this request would be \$3,950. At this point, we are unable to determine the number of pages of material that would be copied and provided to you, but assuming it was 300 pages, at \$0.25 per page, this would add \$75 to the costs.

The total estimated cost therefore would run \$4,025. Keep in mind this amount may fluctuate based on the actual time required to respond to your request. The estimated costs must be paid in advance before the KBI will proceed with processing your request. If it turns out the records can be produced for less than the estimated amount, we will refund the difference. However, if the actual time required and/or number of pages copied increases, we

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will promptly advise you and require advance payment of any additional costs before continuing the work. Payment may be made by check or money order payable to the Kansas Bureau of Investigation, and sent to the attention of Shelia Sawyer-Tyler, Legal Assistant, KBI, 1620 SW Tyler, Topeka, KS 66612. Returned checks will incur an additional fee of \$30.

Please provide payment as indicated above by April 1, 2016, if you wish for us to proceed with your request as submitted. Or if you wish to revise and/or clarify your request, please let us know that and we will revise the estimate accordingly.

Feel free to contact me at (785) 296-8200 or kelly.mcpherron@kbi.state.ks.us with any questions or concerns. Otherwise, if we do not hear back from you by April 1, 2016, we will consider your request withdrawn.

Sincerely,



Kelly McPherron
Assistant Attorney General