



COMMONWEALTH OF KENTUCKY
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23-ORD-227

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In re: Shawntele Jackson/Louisville Metro Police Department

Summary: The Office is unable to find that the Louisville Metro Police Department (the “Department”) violated the Open Records Act (“the Act”) when it did not respond to a request that it did not receive.

Open Records Decision

On July 5, 2023, inmate Shawntele Jackson (“Appellant”) claims he submitted a request to the Department for “copies of any complaints, [or] disciplinary investigation reports” regarding two of the Department’s officers.¹ The Appellant further specified his request included “any other documentation relevant to charges of misconduct by” the officers. On July 26, 2023, having received no response from the Department, the Appellant initiated this appeal.

When an agency receives a request under the Act, it “shall determine within five (5) [business] days . . . *after the receipt* of any such request whether to comply with the request and shall notify in writing the person making the request, within the five (5) day period, of its decision.” KRS 61.880(1) (emphasis added). Here, the Appellant claims he submitted his request on July 5 and the Department did not respond to it. On appeal, the Department states it did not respond to the Appellant’s request because it did not receive it.² The Office has previously found that it is unable

¹ The Appellant indicates that these officers were “on scene” during an “alleged murder investigation” at a specific address on a specific date.

² Because the Department has now received the request as part of this appeal, it has responded to it. In its response, the Department states it does not possess any responsive records related to one officer. As to the other officer, the Department states it located responsive records and will provide them to the Appellant. But first, those records must be converted into a “readable format” because the

to resolve factual disputes between a requester and a public agency, such as whether an agency received a request for records. *See, e.g.*, 23-ORD-195. Similarly, here, the Office is unable to resolve the factual dispute between the parties or find that the Department violated the Act.

A party aggrieved by this decision may appeal it by initiating an action in the appropriate circuit court under KRS 61.880(5) and KRS 61.882 within 30 days from the date of this decision. Under KRS 61.880(3), the Attorney General shall be notified of any action in circuit court, but shall not be named as a party in that action or in any subsequent proceedings. The Attorney General will accept notice of the complaint emailed to OAGAppeals@ky.gov.

Daniel Cameron
Attorney General

s/ Matthew Ray
Matthew Ray
Assistant Attorney General

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Distributed to:

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records are stored on cassette tapes, VHS tapes, and floppy discs. The Appellant did not contest the Department's response on appeal.