



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

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24-ORD-098

April 15, 2024

In re: John Cheves/Department of Juvenile Justice

Summary: This Office cannot find the Department of Juvenile Justice (“the Department”) violated the Open Records Act (“the Act”) when it claims to have provided all records responsive to a request.

Open Records Decision

John Cheves (“Appellant”) submitted a request to the Department for “[y]outh grievances that were found to be substantiated” at specified facilities and “[a]ny written responses to the above substantiated youth grievances” from January 1, 2023, to the present. In response, the Department denied the request under KRS 610.320(3), which is incorporated into the Act by KRS 61.878(1)(l). This appeal followed.

After the Appellant initiated this appeal, the Department reconsidered its denial and now states it has “provided the Appellant with a copy of all substantiated youth grievances” from the specified facilities “along with the written responses to the substantiated youth grievances.” However, the Appellant claims the Department has not yet provided all responsive records. The Office has long held it cannot resolve factual disputes about whether all records responsive to a request have been provided, or whether requested records should contain additional content. *See, e.g.*, 23-ORD-027; 22-ORD-010; 19-ORD-083; 03-ORD-061; OAG 89-81. Accordingly, the Office is unable to find the Department violated the Act when it provided what it considered to be all records responsive to the Appellant’s request.

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.

Russell Coleman
Attorney General

/s/ Zachary M. Zimmerer
Zachary M. Zimmerer
Assistant Attorney General

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Distributed to:

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