



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

RUSSELL COLEMAN
ATTORNEY GENERAL

1024 CAPITAL CENTER DRIVE
SUITE 200
FRANKFORT, KY 40601
(502) 696-5300

24-ORD-105

April 26, 2024

In re: Jeremy Henley/Rowan County Detention Center

Summary: The Office cannot find that the Rowan County Detention Center (“the Detention Center”) violated the Open Records Act (“the Act”) because the Office is unable to resolve the factual dispute between the parties about whether the Detention Center received a request for records.

Open Records Decision

Inmate Jeremy Henley (“Appellant”) claims that, on April 1, 2024, he hand-delivered a request for copies of various policies to a Detention Center guard, although he does not identify the guard.¹ He then initiated this appeal, claiming to have received no response from the Detention Center.

If 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 a request to the Detention Center on April 1, 2024, by handing it to a guard. However, the Detention Center claims it never received the request and notes the Appellant does not identify the guard to whom he allegedly handed his request. This Office has found it cannot resolve factual disputes between the parties to an open records appeal, such as whether an agency actually received a request to inspect records. *See, e.g.*, 23-ORD-062; 22-ORD-024; 21-ORD-233; 21-ORD-163. Thus,

¹ While the Appellant’s handwritten request is difficult to read, it appears he sought policies related to the classification and treatment of inmates incarcerated while awaiting trial. His request cites to policies issued “in accordance with KRS 441.055, 501 KAR 3:110, and 501 KAR 7:110 [*sic*]” but the Department of Corrections has not promulgated an administrative regulation numbered “501 KAR 7:110.”

the Office is unable to find that the Detention Center violated the Act when it did not issue a response to a request it claims it never received.

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/ Marc Manley
Marc Manley
Assistant Attorney General

#195

Distributed to:

Jeremy Henley
Wes Coldrion
Cecil Watkins