



## COMMONWEALTH OF KENTUCKY OFFICE OF THE ATTORNEY GENERAL

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25-ORD-105

April 24, 2025

In re: Angele Maley/Oldham County Police Department

**Summary:** The Oldham County Police Department (“the Department”) did not violate the Open Records Act (“the Act”) when it denied a request that did not state how the requester qualified as a resident of the Commonwealth of Kentucky.

### *Open Records Decision*

Angele Maley (“the Appellant”), who resides in Ohio, submitted a request to the Department for the dashboard camera and body-worn camera footage of a particular Department officer recorded on February 17, 2025. In response, the Department denied the request on the grounds that the requested records “are to be used in a prospective law enforcement action” citing KRS 17.150(2)(d). This appeal followed.

On appeal, the Department asserts KRS 61.872(2)(a) as an alternative basis for denying the request. That statute provides that only a “resident of the Commonwealth” has the right to inspect public records. Further, “[t]he official custodian may require the applicant to provide a statement in the written application of the manner in which the applicant is a resident of the Commonwealth under KRS 61.870(10)(a) to (f).” *Id.* “Resident of the Commonwealth” is defined as:

- (a) An individual residing in the Commonwealth;
- (b) A domestic business entity with a location in the Commonwealth;
- (c) A foreign business entity registered with the Secretary of State;
- (d) An individual that is employed and works at a location or locations within the Commonwealth;
- (e) An individual or business entity that owns real property within the Commonwealth;
- (f) Any individual or business entity that has been authorized to act on behalf of an individual or business entity defined in paragraphs (a) to (e) of this subsection; or

- (g) A news-gathering organization as defined in KRS 189.635(9)(b)1. a. to e.

KRS 61.870(10). Here, the Appellant did not provide a written statement indicating how she qualifies as a resident of the Commonwealth.<sup>1</sup> Accordingly, the Department did not violate the Act when it denied the Appellant's request.<sup>2</sup>

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:

Angele Maley  
Angela Gray, Administrative Secretary, Oldham County Police Department  
Colonel Greg Smith, Oldham County Chief of Police  
David Berry Baxter, Oldham County Attorney

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<sup>1</sup> Rather, the Appellant provided a mailing address in Ohio. It is not apparent from the face of the Appellant's request how any part of KRS 61.870(10) applies to her.

<sup>2</sup> Because KRS 61.872(2)(a) is dispositive of this appeal, it is unnecessary to address the Department's argument under KRS 17.150(2)(d). However, the Supreme Court of Kentucky determined that KRS 17.150(2) "govern[s] only the mandatory disclosure of 'intelligence and investigative reports' after the related criminal prosecution has been completed or a determination not to prosecute has been made." *Shively Police Dep't v. Courier Journal, Inc.*, 701 S.W.3d 430, 443 (Ky. 2024)