



## COMMONWEALTH OF KENTUCKY OFFICE OF THE ATTORNEY GENERAL

RUSSELL COLEMAN  
ATTORNEY GENERAL

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

25-ORD-145

June 4, 2025

In re: Charlotte Spencer/Louisville Metro Police Department

**Summary:** The Louisville Metro Police Department (“the Department”) violated the Open Records Act (“the Act”) when it failed to respond to a portion of a request for records. The Department did not violate the Act when it redacted names of juvenile victims of fatal accidents under KRS 61.878(1)(a).

### *Open Records Decision*

Charlotte Spencer (“the Appellant”) submitted a request to the Department for “a list of all homicides and fatal car accidents from 2024,” including “the case number, date, address and name of the victim.” In response, the Department provided the requested list of fatal accidents but redacted the names of victims “per KRS 61.878(1)(a) in protection of personal privacy.” The Department did not provide any records pertaining to homicides, nor did it otherwise address that portion of the request. This appeal followed.

When a public agency receives a request to inspect records, that agency must decide within five business days “whether to comply with the request” and notify the requester “of its decision.” KRS 61.880(1). A public agency cannot simply ignore portions of a request. *See, e.g.,* 21-ORD-090. If the requested records exist and an exception applies to deny inspection, the agency must cite the exception and explain how it applies. Conversely, if the records do not exist, then the agency must affirmatively state that such records do not exist. *See Bowling v. Lexington–Fayette Urb. Cnty. Gov’t*, 172 S.W.3d 333, 341 (Ky. 2005). Here, the Department failed to respond to the Appellant’s request for homicide records. On appeal, the Department states it did so inadvertently.<sup>1</sup> Nevertheless, by initially failing to respond to that portion of the request, the Department violated the Act.

---

<sup>1</sup> After this appeal was initiated, the Department provided the Appellant with the requested list but redacted certain information under KRS 61.878(1)(a). Because this appeal was brought because of the

Regarding the list of fatal accidents, the Appellant claims the Department improperly redacted the names of victims. However, the Department has subsequently released those names to the Appellant, other than the names of juvenile victims. Therefore, as to the names of adult accident victims, this appeal is moot. *See* 40 KAR 1:030 § 6. The remaining issue is the redaction of names of juvenile accident victims on the basis of personal privacy.

KRS 61.878(1)(a) exempts from disclosure “[p]ublic records containing information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy.” The proper application of KRS 61.878(1)(a) “requires a ‘comparative weighing of the antagonistic interests’—the privacy interest versus the policy of openness for the public good.” *Cape Publ’ns v. City of Louisville*, 147 S.W.3d 731, 734 (Ky. App. 2003) (quoting *Ky. Bd. of Exam’rs of Psychologists v. Courier–Journal & Louisville Times Co.*, 826 S.W.2d 324, 327 (Ky. 1992)). “At its most basic level, the purpose of disclosure focuses on the citizens’ right to be informed as to what their government is doing. That purpose is not fostered however by disclosure of information about private citizens that is accumulated in various government files that reveals little or nothing about an agency’s own conduct.” *Zink v. Commonwealth, Dep’t of Workers’ Claims*, 902 S.W.2d 825, 829 (Ky. App. 1994). Moreover, because “[p]rivate citizens . . . have a compelling interest in the privacy of law enforcement records pertaining to them,” personal identifying information that sheds no light on the agency’s conduct may be routinely redacted. *Ky. New Era, Inc. v. City of Hopkinsville*, 415 S.W.3d 76, 83 (Ky. 2013).

The Attorney General has recognized that “names [of] private citizens which appear incidentally in law enforcement records are the subject of a heightened privacy interest where the individuals were not charged with a crime.” 19-ORD-224 (citing 17-ORD-075). Thus, in 19-ORD-204, the Office upheld the redaction of an accident victim’s name from a police report. Furthermore, identities of juvenile victims in law enforcement records are subject to a heightened privacy interest commensurate with the seriousness of the incident. *See, e.g.*, 96-ORD-115. In the case of a child fatality, surviving family members also have a substantial privacy interest. *See, e.g.*, 15-ORD-197. When a heightened privacy interest exists without a correspondingly heightened public interest in disclosure, the exemption in KRS 61.878(1)(a) applies. *See, e.g.*, 25-ORD-106. Because a heightened public interest is not present in this case, the Department did not violate the Act when it redacted the names of juvenile victims of fatal accidents.

---

Department’s failure to respond to this portion of the request, the subsequent redactions are not ripe for review. *See, e.g.*, 23-ORD-135 n.3.

A party aggrieved by this decision may appeal it by initiating an action in the appropriate circuit court pursuant to KRS 61.880(5) and KRS 61.882 within 30 days from the date of this decision. Pursuant to 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](mailto:OAGAppeals@ky.gov).

**Russell Coleman**

Attorney General

/s/ James M. Herrick

James M. Herrick

Assistant Attorney General

#199

Distributed to:

Ms. Charlotte A. Spencer

Anne Courtney Coorssen, Esq.

Alice Lyon, Esq.

Nicole Pang, Esq.

Annale R. Taylor, Esq.