



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-165

June 26, 2025

In re: Kaylae Price/Louisville Metro Government

Summary: Louisville Metro Government (“Metro”) violated the Open Records Act (“the Act”) when it initially failed to conduct an adequate search for records pertaining to the chain of custody of a firearm, but did not violate the Act when it otherwise provided all records responsive to the request and the requester did not present a *prima facie* case that additional records existed.

Open Records Decision

On April 2, 2025, Kaylae Price (“the Appellant”) submitted a multi-part request to Metro for records related to the investigation into her father’s 1997 death by the former City of Louisville Police Department. First, she requested “the full reports, analysis, and specifically chain of custody records” for “a gun, bullet, GSR test, blood sample, and ID prints.” Second, she requested a clarification as to the contents of an illegible page provided to her in response to an earlier request, along with “a legible copy” of the page. Third, she requested “a specific exemption citation” for “any documents [that] have been withheld or severely redacted.”¹ Fourth, she requested “all records related to the storage, handling and return” of a firearm collected as evidence, including “[p]roperty disposition or evidence release forms,” “[c]hain of custody logs,” and “[a]ny signatures or authorizations related to its release.” Finally, the Appellant complained that the complete records of the Coroner’s Office had not been provided in response to her previous requests to Metro, and requested “ALL documents” relating to her father’s death “from ALL and ANY departments.”

In response, Metro stated it had already provided the entire unredacted Homicide and Crime Scene Unit files, and further noted that the Coroner’s records were not searched in response to requests for law enforcement records because the

¹ From the context, it appears that this was in reference to Metro’s response to a previous open records request.

Jefferson County Coroner is not a part or officer of Metro.² However, because the Coroner's records are archived with Metro, Metro provided the Appellant with an unredacted copy of all relevant records from the Coroner's Office. Metro therefore asserted it had provided all responsive records. This appeal followed.

Once a public agency states affirmatively that it does not possess any additional records, the burden shifts to the requester to present a *prima facie* case that additional records do exist. *See Bowling v. Lexington–Fayette Urb. Cnty. Gov't*, 172 S.W.3d 333, 341 (Ky. 2005). If the requester establishes a *prima facie* case that additional records do or should exist, “then the agency may also be called upon to prove that its search was adequate.” *City of Fort Thomas v. Cincinnati Enquirer*, 406 S.W.3d 842, 848 n.3 (Ky. 2013) (citing *Bowling*, 172 S.W.3d at 341). To support a claim that the agency possesses responsive records it did not provide, the Appellant must produce some evidence that calls into doubt the adequacy of the agency's search. *See, e.g.*, 23-ORD-259; 95-ORD-96.

Shortly before initiating this appeal, the Appellant submitted another request for records to Metro. In response to that request, Metro conducted another search for chain of custody documents for the firearm in question and located one additional page not previously provided to the Appellant.³ When a subsequent search reveals additional records not previously found, the agency's initial search “was clearly insufficient to locate all responsive records.” 21-ORD-242; 21-ORD-178. Therefore, with regard to records pertaining to the chain of custody of the firearm, Metro violated the Act by its initial failure to perform an adequate search.

However, the Appellant has not presented a *prima facie* case to support her contention that Metro possesses other responsive records it has not provided.⁴ With regard to the Appellant's request for a more legible copy of the illegible document, Metro asserts the copy it provided to her is “identical” to the copy in its possession.⁵ To the extent the Appellant asked Metro for a clarification of the contents of that document, her request sought information. The Act does not require an agency to provide information, but only to produce public records. *See* KRS 61.872(2)(a) (a request to inspect records must include, among other things, a description of “the

² The Coroner is a county officer whose office is of constitutional origin. *See* Ky. Const. § 99. The office of Coroner survived the merger of the City of Louisville and Jefferson County, though “all existing powers and duties” of the office were “assigned to” Metro at the time of merger. KRS 67C.121(1). The implications of this legislative assignment of the office's functions is not at issue in this appeal.

³ Metro provided that record to the Appellant on April 21, 2025.

⁴ With regard to test results for the firearm, bullets, or gunshot residue, the Office previously found in 25-ORD-088 that the Appellant had not presented a *prima facie* case that any additional records existed.

⁵ Metro explains that the “illegible page” is a blank page in the files inserted to clearly separate two different sections of the file that had been provided to the Appellant.

records to be inspected”); *see also Dep’t of Revenue v. Eifler*, 436 S.W.3d 530, 534 (Ky. App. 2013) (“The [Act] does not dictate that public agencies must gather and supply information not regularly kept as part of [their] records.”). Insofar as the Appellant complains Metro did not provide records from the Coroner’s Office, Metro points out that she did not request the Coroner’s records and that records of the Coroner’s Office are not police records. However, Metro has subsequently provided the Coroner’s complete file to the Appellant. Accordingly, as to records of the Coroner’s Office, this appeal is now moot. *See* 40 KAR 1:030 § 6.

In sum, Metro violated the Act when it initially failed to perform an adequate search for chain of custody records relating to the firearm. However, due to a lack of *prima facie* evidence that any further responsive records exist, the Office cannot find that Metro otherwise failed to conduct an adequate search or withheld any records.⁶

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.

Russell Coleman
Attorney General

/s/ James M. Herrick
James M. Herrick
Assistant Attorney General

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Distributed to:

Ms. Kaylae Price
Natalie S. Johnson, Esq.
Nicole Pang, Esq.
Alice Lyon, Esq.
Annale R. Taylor, Esq.

⁶ The Appellant additionally complains, on appeal, that certain photographs from the crime scene and the autopsy were not provided to her. However, those records were not part of the request at issue, and so will not be addressed in this appeal.