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25-ORD-241

September 2, 2025

In re: Jacob Thompson/University of Louisville

Summary: The University of Louisville (“the University”) did not violate the Open Records Act (“the Act”) when it did not provide a copy of body-worn camera footage.

Open Records Decision

Jacob Thompson (“the Appellant”) submitted a request to the University seeking body-worn camera footage related to the Appellant’s March 12, 2025, complaint. In response, the University stated that the Appellant was entitled to view the footage under KRS 61.168(5)(d) because he is “a person or entity that is directly involved in the incident contained in the body-worn camera recording.” However, the University declined to provide a copy to the Appellant, explaining that under KRS 61.168(5)(d) “the public agency shall not be required to make a copy of the recording except as provided in KRS 61.169.” This appeal followed.

If the requester is “a person . . . that is directly involved in the incident contained in the body-worn camera recording, it shall be made available by the public agency to the requesting party for viewing on the premises of the public agency, but the public agency shall not be required to make a copy of the recording except as provided in KRS 61.169.” KRS 61.168(5)(d). The Appellant asserts that he is entitled to receive a copy of the footage under KRS 61.169(1)(b). Under that statute, “a copy of a recording that may be viewed under KRS 61.168(5)(d) shall, upon request, be made for and provided to *an attorney* that . . . [r]epresents the person or entity that is directly involved in the incident contained in the body-worn camera recording.” KRS 61.169(1)(b) (emphasis added).

According to the Appellant, because he is a party to civil litigation with the University, he may receive the records under KRS 61.169(1)(b). The Appellant is incorrect. Although there is no dispute between the parties regarding whether the Appellant is the “person or entity that is directly involved in the incident contained in the body-worn camera recording,” KRS 61.169(1)(b), the statute provides that the

footage shall “be made for and provided to *an attorney*” who represents the involved person. The request that is the subject of this appeal was submitted by the Appellant, not an attorney representing him. Accordingly, the Appellant is not entitled to copies of records under KRS 61.169(1)(b). Rather, he is only authorized to view the records under KRS 61.168(5)(d). Thus, the University did not violate the Act when it only made the footage available for viewing.

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/ Zachary M. Zimmerer
Zachary M. Zimmerer
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Distributed to:

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