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25-ORD-351

November 6, 2025

In re: JoAnne Feldman/Louisville Metro Government

**Summary:** The Office cannot find that the Louisville Metro Government (“Metro”) violated the Open Records Act (“the Act”) when it claims it provided all records responsive to the Appellant’s requests.

***Open Records Decision***

On September 1, 2025, JoAnne Feldman (“Appellant”) submitted a request seeking body-worn camera records of two Louisville Metro Police Department officers on May 21, 2025. She further specified that she sought the “entire interaction connected to” a particular incident report. In response, Metro provided the requested record. This appeal followed.<sup>1</sup>

The Appellant alleges that Metro has withheld three minutes from the requested footage. On appeal, Metro maintains that it has provided all responsive footage in its possession. Once a public agency states affirmatively that it does not possess any additional records, the burden shifts to the requester to make 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 makes 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 carry his burden and make a *prima facie* case, the Appellant must produce some evidence that calls into doubt the adequacy of the agency’s search. *See, e.g.*, 95-ORD-96. A

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<sup>1</sup> The Appellant also seeks to appeal Metro’s responses to requests submitted by two different individuals. However, “to invoke the Office’s jurisdiction, the person seeking to enforce the Act by appeal to the Attorney General must be the same person who submitted the request for records.” 25-ORD-180; *see also* KRS 61.880. Accordingly, the Office lacks jurisdiction in this appeal to consider the merits of Metro’s responses to requests not submitted by the Appellant.

requester's bare assertion that additional records exist does not make a *prima facie* case that the agency possesses additional responsive records. *See, e.g.*, 23-ORD-042.

Here, the Appellant has not made a *prima facie* case that Metro possesses additional footage responsive to her request. Instead, she simply asserts that such footage exists and asks the Office to order its production. Such a request does not make a *prima facie* case that additional records exist.<sup>2</sup> Moreover, on appeal, Metro explains that the audit trails for the responsive footage indicate that, for both videos, the "Recording stopped due to button press." As such, Metro has explained why the produced footage stops when it does and the reason for the non-existence of the alleged three-minutes of video. Accordingly, the Office cannot find that Metro failed to provide all responsive records in its possession.

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:

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<sup>2</sup> Moreover, the Office is limited to issuing a decision stating whether the provisions of the Act were violated. *See* KRS 61.880(2)(a). The Office cannot order an agency to produce records or take any other particular action.

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