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25-ORD-375

November 24, 2025

In re: Kasey Guess/Lexington Police Department

Summary: The Lexington Police Department (“the Department”) violated the Open Records Act (“the Act”), when denied a request but did not cite the specific exemption authorizing the withholding of the record or provide a brief explanation of how the exception applies to the record withheld. The Department did not violate the Act when it denied a request for copies that did not precisely describe the public records requested.

Open Records Decision

On October 17, 2025, Kasey Guess (“Appellant”) submitted a request to the Department seeking “[a]ll records relating to the investigation(s), charge(s), arrest(s), detainment(s), and release(s) of” a specific person between 2010 and the date of the request.¹ In response, the Department denied the Appellant’s request because it “does not provide background investigations.”² The Appellant clarified that her “request is for specifically described records as outlined in KRS 61.872, not for a ‘background investigation’” and asked the Department to “provide the context, case law, or statute under which [her] request for records is being denied.” This appeal followed.

¹ The Appellant specified that any response to her request should include “police reports, criminal complaints, investigation materials, warrants, subpoenas, dash cam footage, body cam footage, arrest reports, reports produced during incarceration and/or detainment, court transcripts and/or videos, witness statements, interview transcripts and/or videos, bail/bond documents, release provisions, pleas, and evidence.”

² The Department also referred the Appellant to the Administrative Office of the Courts (AOC), provided AOC’s contact information, and advised that if an AOC background check “indicates criminal or traffic charges were placed by our agency, you may submit a follow-up request to our office for specific records [it] possesses regarding those charges.”

Under KRS 61.880(1), “a[n] agency response denying, in whole or in part, inspection of any record shall include a statement of the specific exception authorizing the withholding of the record and a brief explanation of how the exception applies to the record withheld.” Here, the Department denied the Appellant’s request because it “does not provide background investigations,” but it did not cite an exemption authorizing its denial or give a “brief explanation of how the exception applies to the record withheld.” As a result, the Department violated the Act.

On appeal, the Department explains that its denial “was based upon the conclusion that the request was so broad as to be outside the proper scope” of the Act. As such, it argues that the request was properly denied under KRS 61.872(3)(b) because it did not precisely describe the records sought. When a person requests copies of public records under the Act, “[t]he public agency shall mail copies of the public records to a person . . . after he or she precisely describes the public records which are readily available within the public agency.” KRS 61.872(3)(b). A description is precise “if it describes the records in definite, specific, and unequivocal terms.” 98-ORD-17 (internal quotation marks omitted). This standard may not be met when a request does not “describe records by type, origin, county, or any identifier other than relation to a subject.” 20-ORD-017 (quoting 13-ORD-077). Requests for any and all records “related to a broad and ill-defined topic” generally fail to precisely describe the records. 22-ORD-182; *see also* 21-ORD-034 (finding a request for any and all records relating to “change of duties,” “freedom of speech,” or “usage of signs” did not precisely describe the records); *but see Univ. of Ky. v. Kernel Press, Inc.*, 620 S.W.3d 43, 48 n.2 (Ky. 2021) (holding a request was proper when it sought “all records detailing [the] resignation” of a specific employee). A request that does not precisely describe the records “places an unreasonable burden on the agency to produce often incalculable numbers of widely dispersed and ill-defined public records.” 99-ORD-14. Ultimately, the agency bears the burden of proof to sustain its actions. KRS 61.880(2)(c).

Here, the Appellant sought “all records related to” any investigations, charges, arrests, detainments, and releases of a specific person occurring at any point in the previous 15 years. According to the Department, it cannot readily identify responsive records without limiting parameters such as case number, location, or time frame. The Appellant argues that her request did precisely describe records because she listed categories of records that would be responsive to her request. But the Department explains that her “list accounts for largely all of the investigative records maintained by the [Department] and many include very broad terms like ‘investigative materials’ and ‘evidence.’” As such, listing 19 broad categories of

records did not meaningfully narrow the precision of her request. Ultimately, under the Act, a “requester is required to describe the records he or she seeks so as to make locating them reasonably possible.” *City of Fort Thomas v. Cincinnati Enquirer*, 406 S.W.3d 842, 855 (Ky. 2013). A request seeking broad categories of records spanning 15 years limited only by name does not describe records in such a manner that “locating them [is] reasonably possible.” Thus, given the broad scope of the request, the Appellant has not “precisely describe[d] the public records which are readily available within the public agency,” as is required by KRS 61.872(3)(b). Accordingly, the Department did not violate the Act when it denied the Appellant’s request.

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/ Matthew Ray
Matthew Ray
Assistant Attorney General

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Distributed to:

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