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26-ORD-066

March 2, 2026

In re: Scott Crosbie/Lexington Police Department

Summary: The Office cannot find that the Lexington Police Department (“the Department”) subverted the intent of the Open Records Act (“the Act”) because the Office cannot resolve the factual dispute between the parties concerning the issuance and receipt of a response to a request for records.

Open Records Decision

On January 5, 2026, Scott Crosbie (“the Appellant”) submitted a request for three categories of records related to training conducted for Department lieutenants and sergeants in 2025.¹ On January 12, 2026, the Department responded, stating that “additional time is needed to process your request, as the above referenced records are not centrally located” and that the “request will be completed by Thursday, January 22, 2026.” On January 30, 2026, having received no further response from the Department, the Appellant initiated this appeal.

Under KRS 61.880(1), a public agency has five business days to fulfill or deny a request for public records. This period may be extended if the records are “in active use, in storage or not otherwise available,” but the agency must give “a detailed explanation of the cause . . . for further delay and the place, time, and earliest date on which the public record[s] will be available for inspection.” KRS 61.872(5). Under KRS 61.880(4), a person may petition the Attorney General to review an agency’s action if the “person feels the intent of [the Act] is being subverted by an agency short of denial of inspection, including but not limited to . . . delay past the five (5) day period described in [KRS 61.880(1) or] excessive extensions of time.”

¹ Specifically, the Appellant sought (1) “attendance records, rosters, sign-ing sheets, daily or session training schedules, and similar documents for all mandatory training”; (2) “agendas, training and/or instructional materials provided to attendees or presented, including PowerPoint presentations”; and (3) “minutes, notes, or memoranda prepared during or after the training session which identify the training content, instructors, or similar information about the purpose for the training.”

On appeal, the Department claims that it issued its response to the request on January 22, 2026. As proof, the Department provides a copy of its final response and its January 22 email sending it to the Appellant. The Office cannot adjudicate disputed issues of fact, such as when an agency issued a response or whether the response was received. *See, e.g.*, 24-ORD-040. Accordingly, the Office cannot find that the Department subverted the intent of the Act by excessive extension of time by not completing the request by the date it provided.²

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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Lawrence Weathers, Lexington Police Department, Chief of Police

Linda Gorton, City of Lexington, Mayor

² The Appellant only alleges that the Department subverted the intent of the Act by not completing the request by its extended deadline. Therefore, Office need not consider the adequacy of the Department's original invocation of KRS 61.872(5).