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26-ORD-072

March 2, 2026

In re: Hannah Ainsley/Louisville Metro Police Department

Summary: The Louisville Metro Police Department (“the Department”) did not violate the Open Records Act (“the Act”) when it did not condition access to records on proof of residency, nor did the Department violate the Act when it denied a request for body-worn camera footage in its entirety under provisions of KRS 61.168(4).

Open Records Decision

On January 19, 2026, at 11:14 p.m., Hannah Ainsley (“the Appellant”) submitted a request to the Department for “body camera footage associated with a domestic stabbing incident that occurred in the 1st division between 09/16/25 at 11pm and 09/17/25 at 2am.” Initially, the Department asked the Appellant to “provide a valid driver’s license or state ID in order to receive the requested records.” However, after the Appellant stated she was “a Kentucky resident” and had provided a Kentucky address at the time the request was submitted, the Department processed the request and issued a timely denial on January 27, 2026.¹

The Department explained the body camera footage “is exempt from disclosure per KRS 61.868,” as it “does not show Use of Force (KRS 61.168(5)(a)); does not show an arrest (KRS 61.168(5)(b)) and does not show the Subject of a Formal Complaint (KRS 61.168(5)(c)),” but “does depict inside a private home (KRS 61.168(4)(a)), inside a medical facility (KRS 61.168(4)(b)), would reveal medical information per HIPPA [*sic*] (KRS 61.168(4)(c)), and shows CJIS confidential data (KRS 61.168(4)(k)),” and therefore, “is exempt from disclosure to anyone other than a person directly involved or a legal representative of the involved person.” This appeal followed.

¹ Because the Appellant’s request was submitted after regular business hours and on a legal holiday, see KRS 2.110(1) (designating the third Monday in January as a state holiday for the Birthday of Martin Luther King, Jr.); KRS 18A.190(1)(b) (same), it is deemed to have been received by the Department on the next business day, January 20, 2026.

The Appellant claims the Department improperly “condition[ed] access” to records on her presenting identification. Although the Act permits a public agency to require “a statement in the written application of the manner in which the applicant is a resident of the Commonwealth under KRS 61.870(10)(a) to (f),” KRS 61.872(2)(a), it does not allow the agency to require proof of residency. *See, e.g.*, 22-ORD-245. Here, however, the Department did not insist upon its initial request that the Appellant provide identification. Rather, it processed the Appellant’s request in a timely manner, though denying it on other grounds. Therefore, the Department did not impose an improper condition on the Appellant’s access to records. *See, e.g.*, 22-ORD-168 (finding an agency did not violate the Act when it “retreated from requesting ‘proof’ of residency); 21-ORD-228 (finding an agency did not violate KRS 61.872(2)(c) when it “accepted and processed the Appellant’s original written request” after having initially demanded she use a standardized form).

The Appellant further claims the Department improperly denied her request under KRS 61.168, arguing that specific material should have been redacted from the video instead of withholding the footage in its entirety. In general, under the Act, “[i]f any public record contains material which is not excepted under [KRS 61.878], the public agency shall separate the excepted and make the nonexcepted material available for examination.” KRS 61.878(4). However, under KRS 61.168(4), with some exceptions, “a public agency may elect not to disclose body-worn camera recordings containing” certain types of footage *without* the duty to redact under KRS 61.878(4). Among these are footage that “[i]ncludes the interior of a place of a private residence where there is a reasonable expectation of privacy” under KRS 61.168(4)(a); footage that “[i]ncludes the areas inside of a medical facility [where] a patient is registered to receive treatment, receiving treatment, waiting for treatment, or being transported in the course of treatment” under KRS 61.168(4)(b); footage that “[w]ould disclose health care information shared with patients, their families, or with a patient’s care team or that is considered protected health information under the Health Insurance Portability and Accountability Act of 1996” under KRS 61.168(4)(c); and footage that “[w]ould result in the disclosure of nonpublic or confidential data classified as Criminal Justice Information Services [“CJIS”] data by the Federal Bureau of Investigation” under KRS 61.168(4)(k).

Here, the Department explains that officers “responded to a report of a potential gunshot injury at Norton Hospital” and “established that the victim was suffering from a stab wound or wounds from an alleged domestic dispute.” The requested footage consists of nine videos. Of those, the Department states that “[f]our videos were recorded at Norton Hospital [and] depict a medical facility where the alleged victim was receiving treatment, and include footage of patients, health care providers, and detailed discussions with the patient/victim’s family related to the health and treatment of the victim.” This information is sufficient to exempt those four videos from disclosure under both KRS 61.168(4)(b) and KRS 61.168(4)(c). The

remaining five videos, according to the Department, were “taken during the scene investigation [and] depict the interior of a private residence where there is a reasonable expectation of privacy.” This information is sufficient to exempt those five videos from disclosure under KRS 61.168(4)(a). Finally, the Department asserts that all nine videos “begin[] in the officers’ vehicles,” where the footage “depicts CJIS information on the vehicles’ computer monitors.”² Accordingly, all nine videos are exempt from disclosure in their entirety under KRS 61.168(4)(k).

Under KRS 61.168(5)(d), any footage subject to KRS 61.168(4) may be “view[ed] on the premises of the public agency” if it is “requested by a person or other entity or the personal representative of a person or entity that is directly involved in the incident contained in the body-worn camera recording.” Here, however, the Appellant does not claim her request qualifies under KRS 61.168(5)(d). Accordingly, the Department did not violate the Act when it withheld the requested footage in its entirety.

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
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/s/ James M. Herrick
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² The Appellant does not dispute any of the Department’s assertions about the content of the videos, but merely argues that the videos should be redacted.

Distributed to:

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