



COMMONWEALTH OF KENTUCKY OFFICE OF THE ATTORNEY GENERAL

RUSSELL COLEMAN
ATTORNEY GENERAL

1024 CAPITAL CENTER DRIVE
SUITE 200
FRANKFORT, KY 40601
(502) 696-5300

26-ORD-206

May 12, 2026

In re: John Anderson/Kentucky State Police

Summary: To invoke the Office of the Attorney General’s (“the Office”) statutory authority to review an agency’s response to a request submitted under the Open Records Act (“Act”), the requester must provide copies of both his or her original request and the agency’s response.

Open Records Decision

On May 28, 2025, John Anderson (“the Appellant”) submitted a request to the Kentucky State Police (“KSP”), seeking records related to an officer-involved shooting in Logan County.¹ In a timely response, KSP denied the request under KRS 61.878(1)(h), stating that release of the records could harm the investigation by “creating bias in the jury pool from which the Grand Jury will be selected.” Nearly one year later, the Appellant initiated this appeal.

On appeal, the Appellant states that, after KSP denied his request, he was informed that the investigation that was the subject of his request had concluded. Thus, he argues that he should *now* receive the previously withheld records.

In pursuing an administrative appeal, a party must strictly comply with the enabling statute. *See, e.g., Kenton Cnty. Bd. of Adjustment v. Meitzen*, 607 S.W.3d 586, 594 (Ky. 2020). Thus, when a person seeks this Office’s review under KRS 61.880, he must strictly comply with that statute. *See, e.g., 25-ORD-214; 22-ORD-078*. Under KRS 61.880(2)(a), “[i]f a complaining party wishes the Attorney General to review a public agency’s denial of a request to inspect a public record, the complaining party shall forward to the Attorney General a copy of the written request and a copy of the written response denying inspection.” An appeal that does not

¹ Specifically, the Appellant requested “all video evidence officer body cam footage[;] the mobile phone that was with him[;] any and all statements made by police officer that was on site[;] coroner records[;] any and statments [sic] made by witnesses[;] and dispatch records.”

comply with KRS 61.880(2)(a) shall be dismissed. 40 KAR 1:030 § 1 (“The Attorney General shall not consider a complaint that fails to conform to . . . KRS 61.880(2), requiring the submission of a written request to the public agency and the public agency’s written denial, if the agency provided a denial.”).

In 25-ORD-291, the appellant sought a decision holding that a law enforcement agency invoking KRS 61.878(1)(h) to withhold records must produce those records after a future date. The Office dismissed that appeal because it lacked jurisdiction to consider the applicability of that exemption on a future date because the Appellant had not provided a request submitted after that future date. *Id.*

Similarly, here, the Appellant does not allege that KSP’s original invocation of KRS 61.878(1)(h) violated the Act. Rather, he only asserts that KSP should provide him with the requested records *now*, because the investigation at issue has concluded. However, the Appellant has not provided the Office with a request for those records submitted after the investigation had concluded. Nor has he provided a KSP response granting or denying such a request. Without having been provided copies of a request for records made after the conclusion of the investigation and a response denying that request, the Office lacks jurisdiction over the merits of such an appeal. Accordingly, the Office dismisses the Appellant’s appeal.

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
Assistant Attorney General

#315

Distributed to:

John Anderson, Appellant

Sara Talarigo

Charles Bates

Captain Bradley Stotts

Sgt. Zack Morris

Emmalie K. Hankinson, Supervisor, Public Records Branch,
Kentucky State Police

Jonathan Courtwright, Kentucky State Police

Ann Smith, Executive Staff Advisor, Justice

Nathan Goens

Lydia Kendrick, Kentucky State Police, Records Custodian

Caitlyn Clark