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26-ORD-211

May 14, 2026

In re: Samantha Jones/Glasgow Police Department

Summary: The Glasgow Police Department (“the Department”) violated the Open Records Act (“the Act”) when it stated it would not provide copies of a requested record without citing a statute authorizing that refusal.

Open Records Decision

On January 7, 2026, Samantha Jones (“the Appellant”) submitted a request to the Department seeking, in relevant part, a copy of body-worn camera footage from a law enforcement action on November 15, 2025. In response, the Department stated it would not provide the Appellant with a copy of the footage but would make the footage available for viewing. The Department explained that, under KRS 61.874(1) and KRS 61.872(3)(b), a public agency “is not required to provide copies when reasonable access for inspection is offered.” This appeal followed.

Under KRS 61.872(2)(a), “[a]ny resident of the Commonwealth shall have the right to inspect public records.” KRS 61.872(3) provides two methods for a resident of the Commonwealth to exercise his right of inspection.

First, under KRS 61.872(3)(a), a resident may inspect the public records “[d]uring the regular office hours of the public agency.” Inspection of public records on the agency’s premises is the basic right provided by the Act. “*Upon inspection*, the applicant shall have the right . . . to obtain copies of all public records not exempted by the terms of KRS 61.878.” KRS 61.874(1) (emphasis added). Second, a resident may inspect records “[b]y receiving copies of the public records from the public agency through the mail.” KRS 61.872(3)(b). Importantly, KRS 61.872(3) provides that a resident of the Commonwealth may inspect records either through inspection “[d]uring the regular office hours of the public agency;” or “[b]y receiving copies.” That

right belongs to the requester who may elect either to inspect the records or to receive copies.¹

Here, the Department asserts that it may choose to decline to provide the Appellant with the requested footage because it has, instead, made the records available for viewing. The Department is wrong on two counts. First, the Appellant elected to receive copies pursuant to KRS 61.872(3)(b). The Department cannot mandate the method by which the Appellant exercises her right to inspect records unless a more specific statute allows for such a mandate. Second, the Act provides that “[u]pon inspection, the applicant shall have the right . . . to obtain copies of all public records not exempted by the terms of KRS 61.878.” KRS 61.874(1) (emphasis added). Thus, even if the Department could mandate that the Appellant inspect the requested recording, she still has a right to obtain a copy of the records under KRS 61.874(1).

In support of its inspection demand, the Department also cites KRS 61.168(3), stating that it “does not require that copies be provided in every instance.” This is incorrect. That statute states only that “[t]he retention of body-worn camera video recordings shall be governed by KRS 171.410 to 171.740, and the administrative regulations promulgated by the Kentucky Department for Libraries and Archives.” KRS 61.168(3). However, the Office notes that KRS 61.168(5)(d) provides that, when a body-worn camera recording “[i]s requested by a person . . . that is directly involved in the incident contained in the body-worn camera recording, it shall be made available by the public agency to the requesting party for viewing on the premises of the public agency, but the public agency shall not be required to make a copy of the recording.” Here, however, the Department has not stated that KRS 61.168(5)(d) is controlling or that the recording was requested by a person “directly involved in the incident contained in the body-worn camera recording.” As such, no provision of KRS 61.168 authorizes the Department to only allow inspection of the requested recording.

Finally, the Department cites 21-ORD-058, 20-ORD-128, and 18-ORD-177, claiming that the Office “has repeatedly upheld that agencies satisfy their obligations under the Act by providing inspection of body-worn camera recordings.” Citing those same decisions, the Department further states that the Office found the Act “does not require agencies to provide copies based solely on the requester’s location or convenience.” None of the decisions cited by the Department concern requests for body-worn camera recordings or a requester’s right to obtain copies, nor does the

¹ KRS 61.872(3)(b) further provides that the right to receive copies is only held by “a person whose residence or principal place of business is outside the county in which the public records are located.” The Department does not allege that the Appellant is not such a person.

Department accurately summarize the Office's findings.² Rather, the Office has explained that, under KRS 61.872(3)(b), "a person whose residence or principal place of business is outside the county in which the public records are located" has a right to receive copies of requested records by mail. *See, e.g.*, 25-ORD-222; 25-ORD-139; 25-ORD-124; 25-ORD-098; 21-ORD-157; 21-ORD-154; 21-ORD-153; 21-ORD-143.

At bottom, a requester has a right to choose either to inspect records under KRS 61.872(3)(a) and KRS 61.874(1) or to receive copies under KRS 61.872(3)(b). That choice belongs to the requester. A responding agency cannot dictate the method of inspection unless a specific statute specifically gives the agency that authority. Here, the Department has not cited a statute allowing it to permit only in-person inspection of the request footage. Thus, it violated the Act when it stated it would only allow in-person inspection of the recording.³

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

² 21-ORD-058 considered whether certain records were exempt under KRS 620.050(5). 20-ORD-128 considered whether law enforcement records were properly withheld under KRS 17.150(2). 18-ORD-177 considered whether records were exempt under KRS 61.878(1)(h), (i), and (j).

³ The Department also states that it believes the Appellant may redistribute the recording for a commercial purpose. KRS 61.874(5)(c) makes it "unlawful for a person to obtain a copy of any part of a public record for a [n]oncommercial purpose, if the person uses or knowingly allows the use of the public record for a commercial purpose." The remedy for a violation of that provision is that a public agency may bring a civil action to obtain treble damages, costs, and attorney's fees under KRS 61.8745, along with any other penalty established by law. But such a violation does not justify denying the request altogether.

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Distributed to:

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