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26-ORD-469

October 20, 2026

In re: Aaron Riggs/Madisonville Police Department

Summary: The Madisonville Police Department ("the Department") violated the Open Records Act ("the Act") when it withheld its entire investigative case file, rather than redacting the information exempt under KRS 61.878(1)(a).

Open Records Decision

On July 2, 2026, Aaron Riggs ("the Appellant"), on behalf of the Department of Public Advocacy, submitted a request to the Department seeking all records related to the investigation that resulted in Ronnie Duvall's conviction in a specific Hopkins Circuit Court case. In a timely response, the Department denied the request under KRS 61.878(1)(a), explaining that the victim in that case was a juvenile and the victim of sexual violence, which required the withholding of the entire case file. This appeal followed.

On appeal, the Appellant does not dispute that KRS 61.878(1)(a) applies here. Rather, he argues that public agencies have a duty to separate exempt from nonexempt material under KRS 61.878(4). For its part, the Department argues that this was a highly publicized case and that there is a "practical risk that disclosure of contextual information concerning the offense could result in identification of the juvenile even if the juvenile's name and other obvious identifiers were removed."

KRS 61.878(1)(a) exempts "[p]ublic records containing information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy." The proper application of KRS 61.878(1)(a) "requires a 'comparative weighing of the antagonistic interests'—the privacy interest versus the policy of openness for the public good." *Cape Publ'ns v. City of Louisville*, 147 S.W.3d 731, 734 (Ky. App. 2003) (quoting *Ky. Bd. of Exam'rs of Psychologists v. Courier–Journal & Louisville Times Co.*, 826 S.W.2d 324, 327 (Ky. 1992)). "[T]he question of whether an invasion of privacy is 'clearly unwarranted' is

intrinsically situational, and can only be determined within a specific context." *Ky. Bd. of Exam'rs*, 826 S.W.2d at 327.

The crime that is the subject of this request is particularly harrowing. Ronnie Duvall was convicted of rape in the first degree involving a victim under 12 years of age, sodomy in the first degree involving a victim under 12 years of age, and sodomy in the second degree. Juvenile victims of crime have a "heightened privacy interest[,] particularly in the context of records pertaining to . . . intensely personal crimes." *Ky. New Era, Inc. v. City of Hopkinsville*, 415 S.W.3d 76, 85 (Ky. 2013). Indeed, the Court in *Kentucky New Era* stated the degree of privacy protection afforded to information about juvenile witnesses and victims under KRS 61.878(1)(a) is comparable to the absolute confidentiality of juvenile offender records under KRS 610.320.[1] Similarly, the Office has stated that child abuse is a crime that gives rise to a substantial privacy interest on the part of the victim. *See* 96-ORD-115.

Under KRS 61.880(2)(c), the Department provided the responsive records to the Office for confidential *in camera* review. To start, it is readily apparent that the Department is correct that the investigative records at issue contain a great deal of information that either directly identifies the victim or could be used to easily identify the victim. Such information is exempt under KRS 61.878(1)(a). However, not every portion of every record provided to the Office appears to pose such a risk. Portions of the Department's records do not contain information that either directly or indirectly identifies the Appellant.[2] As an example, generic records that do not relate to either the victim or a subject of the investigation do not appear to pose a risk of identifying the victim upon proper redaction of any identifying information. Such information, therefore, is not exempt under KRS 61.878(1)(a). Ultimately, the burden rests with the public agency to prove that such redaction is impossible in a particular case. *See* KRS 61.880(2)(c) (a public agency carries the burden of proof "in sustaining the action"). As such, the Department violated the Act when it withheld the responsive records in their entirety, rather than redacting all personally identifiable information.[3]

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[1] Under KRS 610.320(3), "[a]ll law enforcement and court records regarding children who have not reached their eighteenth birthday shall not be opened to scrutiny by the public," with certain limited exceptions. "Criminal records concerning an *adult* suspect are not confidential under KRS 610.320(3) merely because the victim is a juvenile." 23-ORD-265 n.3

[2] Under KRS 61.880(2)(c), the Office cannot disclose the records disclosed to it. Due to that mandate and the substantial privacy interests at issue here, the Office will refrain from specifically describing the records at issue.

[3] The Office emphasizes that its decision is limited solely to its conclusion that not every part of every document contained in the Department's investigative file contains information related to the victim, and so KRS 61.878(1)(a) does not allow for a complete denial of the Appellant's request. Ultimately, the privacy interests of the victim are substantial, and any information that would directly or indirectly identify the victim may properly be redacted under KRS 61.878(1)(a).

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
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Assistant Attorney General

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Distributed to:

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Lisbeth Mares, Madisonville Police Department, Custodian of Records
Hillary Croft, City of Madisonville, City Attorney