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**26-ORD-479**

October 27, 2026

In re: Charlotte Spencer/Louisville Metro Police Department

***Summary:*** The Louisville Metro Police Department ("the Department") subverted the intent of the Open Records Act ("the Act"), within the meaning of KRS 61.880(4), when it delayed access to requested records for 11 weeks without proper justification.

***Open Records Decision***

On September 7, 2026,[1] Charlotte Spencer ("the Appellant") submitted a request to the Department for records related to a specific incident, including video footage.[2] In response, the Department invoked KRS 61.872(5) by stating video footage "approximately 5 hours and 9 minutes in length" was "available [and] currently in [the] queue to be processed for redactions." The Department stated the footage would be provided "on or before close of business day, December 3, 2026." This appeal followed.[3]

Upon receiving a request to inspect records, a public agency must decide within five business days whether to grant or deny the request. KRS 61.880(1). A public agency may delay access to responsive records beyond five business days if such records are "in active use, in storage or not otherwise available." KRS 61.872(5). A public agency that invokes KRS 61.872(5) to delay access to responsive records must also notify the requester of the earliest date on which the records will be available and provide a detailed explanation for the cause of the delay.

A requester who believes the agency's delay is unreasonable may seek the Attorney General's review by alleging the agency subverted the intent of the Act by

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1 As September 7 was a legal holiday (Labor Day), the Appellant's request is deemed to have been received on the next business day, September 8, 2026.

2 The other records requested by the Appellant are not at issue in this appeal.

3 The Appellant states her "appeal is solely limited to the length of time [the Department] has stated it will require to produce the remaining responsive video records."

"delay past the five (5) day period described in [KRS 61.880(1)]." KRS 61.880(4). In determining how much delay is reasonable, the Office has considered the number of records the requester has sought, the location of the records, and the content of the records. *See, e.g.,* 22-ORD-176; 01-ORD-140; OAG 92-117. Weighing these factors is a fact-intensive analysis. *See* 21-ORD-045. Ultimately, the agency bears the burden of proof to sustain its action. KRS 61.880(2)(c).

Here, the Appellant submitted a request to the Department, and in response, the Department invoked KRS 61.872(5) to delay the Appellant's access to the public records for approximately 11 weeks beyond the five-day statutory deadline. As justification for the delay, the Department merely stated it was necessary to redact the video. Although the Department stated the length of the video was approximately five hours and nine minutes, it did not state how long it would take to process each minute of footage. However, in 25-ORD-013, the Department estimated it could review and redact video at the rate of seven minutes per minute of footage. At that rate, assuming an eight-hour business day, the review and redaction of 309 minutes of video would take 4.5 business days. Therefore, the Department did not justify the further delay of 11 weeks beyond the statutory five-day deadline to fulfill the Appellant's request. Accordingly, the Department subverted the intent of the Act, within the meaning of KRS 61.880(4), when it delayed access to records beyond the five-day period under KRS 61.880(1).[4]

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/ James M. Herrick
James M. Herrick
Assistant Attorney General

[4] In response to this appeal, the Department "concedes that its estimate for the time that would be required to review and redact the video portion of the request was miscalculated" and states that "all responsive records, including video, have been provided" to the Appellant as of October 7, 2026.

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Distributed to:

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