



COMMONWEALTH OF KENTUCKY
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20-ORD-025

February 18, 2020

In re: Lawrence Trageser/Kentucky State Police

Summary: Kentucky State Police (“KSP”) did not violate the Open Records Act in denying a broadly framed request relating to CAD reports because the request did not “precisely describe” the records sought, as required by KRS 61.872(3)(b).

Open Records Decision

On November 21, 2019, Lawrence Trageser (“Appellant”) requested “any and all records reflecting all CAD¹ reports created and dispatched by KSP dispatch to ALL Spencer County First Responders for non-emergency and emergency calls, reports or requests for service” for September and October 2019.

On December 17, 2019, KSP denied the request stating that Appellant failed to precisely describe the records sought, pursuant to KRS 61.872(3)(b). KSP stated that the request “amounts to an unreasonable burden[,]” because the request “would yield several thousand pages of documents, hours of audio, and would cause supervisory employees to cease normal operations in order to conduct review...of these reports and audio.”

On January 20, 2020, Appellant appealed the disposition of the request, stating that he properly narrowed the scope of his request in timeframe. KSP responded by providing Appellant and this Office a flashdrive containing 1,134

¹ Computer assisted dispatch.

pages of responsive CAD reports, redacted of personal addresses and telephone numbers. KSP argued that the appeal was moot with production of these records, but maintained that the initial response did not violate the Act.

The appeal did not become moot with production of the redacted CAD reports. 40 KAR 1:030 § 6 provides that “if the requested documents are made available to the complaining party after a complaint is made, the Attorney General shall decline to issue a decision in the matter.” However, a public agency “cannot moot an open records appeal by making partial disclosure.” 11-ORD-034. “[U]nless all records identified in an open records request are released, not just those the agency deems nonexempt, the issue before the Attorney General is not moot.” 14-ORD-196.

KSP met its burden of proof and showed that the request was not precise. A person is entitled to inspect public records “[b]y receiving copies of the public records from the public agency through the mail. . . after he precisely describes the public records which are readily available within the public agency.” KRS 61.872(3)(b). A request is not “precise” under KRS 61.872(3)(b) when it is an “open-ended any-and-all-records-that-relate type of request[.]” 08-ORD-058.

KSP located 1,134 pages of responsive CAD reports, but each of these reports reference additional existing records, including: 911 call recordings; KSP Trooper dispatch recordings; Emergency Medical Service reports; and arrest citations. Appellant argued that he limited the scope of his request in regards to timeframe. However, the record shows that the broadly framed request implicated an incalculable number of reports and audio recordings, and it is unclear which, if any, of these additional records Appellant was seeking with his request. “Any-and-all-records-that-relate” requests, such as this, place an unreasonable burden on the agency to produce often incalculable numbers of widely dispersed and ill-defined public records. KRS 61.872(6); *see also* 13-ORD-077, p. 4 (quoting 99-ORD-14). Accordingly, KSP properly denied the request.

A party aggrieved by this decision shall appeal it by initiating action in the appropriate circuit court pursuant to KRS 61.880(5) and KRS 61.882. 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 proceeding.

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