



COMMONWEALTH OF KENTUCKY
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20-ORD-191

December 2, 2020

In re: Joseph Durso/Louisville Metro Police Department

Summary: Because Louisville Metro Police Department (“Department”) failed to respond to an open records request within the statutory time period for doing so, it violated the Open Records Act (“the Act”).

Open Records Decision

On October 9, 2020, Joseph Durso (“Appellant”) requested several records from the Department. The Department acknowledged Appellant’s request, but it did not provide a response within 10 days. This appeal followed.

On appeal, the Department states that it had “asked for the files to be retrieved” from the Public Integrity Unit, after which the records would be “reviewed for any necessary redactions.” The Department indicated that the review process would be completed by the end of November 2020.¹

Normally, a public agency must respond to an open records request within three business days. KRS 61.880(1). In response to the public health emergency caused by the novel coronavirus, however, the General Assembly modified that requirement when it enacted Senate Bill 150 (“SB 150”), which became law on March 30, 2020, following the Governor’s signature. SB 150 provides,

¹ On November 30, 2020, the Department notified this Office that it has produced a portion of the records requested. It has, however, not produced all of the responsive records. For this reason, this matter is not moot. See 40 KAR 1:030 § 6.

notwithstanding the provisions of the Act, that “a public agency shall respond to the request to inspect or receive copies of public records within 10 days of its receipt.” SB 150 § 1(8)(a). The Department violated the Act by failing to respond to Appellant’s request within ten days.

A party aggrieved by this decision may 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.

Daniel Cameron
Attorney General

/s/ James M. Herrick

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Assistant Attorney General

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Distributed to:

Mr. Joseph Durso
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