



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

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22-ORD-157

July 29, 2022

In re: Phillip Hamm/McCracken County Sheriff's Office

Summary: The McCracken County Sheriff's Office (the "Sheriff's Office") violated the Open Records Act ("the Act") when it failed to respond to a request under the Act.

Open Records Decision

On June 22, 2022, Phillip Hamm ("Appellant") submitted a request to the Sheriff's Office to inspect all body camera footage related to the execution of a search warrant at a specific address on a specific date. On June 30, 2022, having received no response from the Sheriff's Office, Appellant initiated this appeal.¹

Under KRS 61.880(1), upon receiving a request for records under the Act, a public agency "shall determine within five (5) [business] days . . . after the receipt of any such request whether to comply with the request and shall notify in writing the person making the request, within the five (5) day period, of its decision." Here, the Sheriff's Office did not respond to a request within five business days and violated the Act.

A party aggrieved by this decision may appeal it by initiating action in the appropriate circuit court under KRS 61.880(5) and KRS 61.882 within 30 days from the date of this decision. Under 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

¹ The Office issued a notice of appeal to the Sheriff's Office, and it did not respond to that notice or dispute the Appellant's claims.

any subsequent proceedings. The Attorney General will accept notice of the complaint emailed to OAGAppeals@ky.gov.

Daniel Cameron
Attorney General

s/Matthew Ray
Matthew Ray
Assistant Attorney General

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Distributed to:

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