



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

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25-ORD-010

January 10, 2025

In re: Timothy Lauderdale/Kentucky State Police

Summary: The Kentucky State Police (“KSP”) did not violate the Open Records Act (“the Act”) when it denied a request that failed to contain a statement demonstrating that the applicant is a resident of the Commonwealth.

Open Records Decision

Timothy Lauderdale (“Appellant”) submitted a request to KSP for a copy of “the dashcam (and any related bodycam) videos” from a July 2024 incident involving an identified state trooper and led to an arrest. In a timely response, KSP denied the request because the Appellant “is not a ‘Resident of the Commonwealth’ within the meaning of KRS 61.870(10)” and “does not have a statutory right to inspect public records.” This appeal followed.

Any “resident of the Commonwealth” may apply to inspect records. However, any application to inspect records must contain the name and signature of the person making the request. KRS 61.872(2)(a). Moreover, the official records custodian may require a person requesting to inspect records “to provide a statement in the written application of the manner in which the applicant is a resident of the Commonwealth under KRS 61.870(10)(a) to (f).” KRS 61.872(2)(a).

Here, the Appellant did not state in his application how he qualified as a “resident of the Commonwealth.”¹ Therefore, KSP did not violate the Act when it denied his request.²

A party aggrieved by this decision may appeal it by initiating an 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 any subsequent proceedings. The Attorney General will accept notice of the complaint emailed to OAGAppeals@ky.gov.

Russell Coleman
Attorney General

/s/ Matthew Ray
Matthew Ray
Assistant Attorney General

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Distributed to:

Timothy Lauderdale
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Stephanie Dawson
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¹ When KSP denied the request, it informed the Appellant it was “closing [his] request” and it “would no longer be monitor[ing]” the request in its online open records portal. The Appellant then provided a statement through the portal explaining how he qualified as a resident of the Commonwealth. But a requester does not meet his obligation under KRS 61.872(2)(a) by belatedly providing a statement of residency through a medium he has been informed is no longer being monitored.

² On appeal, KSP informed the Office that it first received the Appellant’s statement of residency in this appeal and then processed his request as a new request, which it denied. Under KRS 61.880(2)(a), this Office’s mandate is to review the request for records and the agency’s response to determine whether the agency violated the Act. In finding KSP’s initial response to the request complied with the Act, the Office has carried out its mandate. The Office declines to consider here the new issues raised for the first time on appeal regarding the sufficiency of KSP’s subsequent response. *See, e.g.*, 23-ORD-333 n.1; 22-ORD-200 n.2; 22-ORD-170 n.2; 22-ORD-142 n.3; 21-ORD-177 (stating the Office may decline to consider new issues raised by the parties’ subsequent correspondence on appeal). If the Appellant believes KSP’s subsequent response was insufficient, he may initiate a separate appeal by providing the Office with a copy of his original request and KSP’s subsequent response. *See* KRS 61.880(2)(a).