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25-ORD-014

January 14, 2025

In re: Stephen Kininmonth/Louisville Metro Police Department

Summary: The Louisville Metro Police Department (“the Department”) did not violate the Open Records Act (“the Act”) when it denied a request for a copy of body-worn camera footage that depicts “Criminal Justice Information Services data by the Federal Bureau of Investigation” and does not fall under any exceptions in KRS 61.168(5).

Open Records Decision

Stephen Kininmonth (“Appellant”) submitted a request to the Department for the “bodycam of [a specific officer] on 07/08/2023 and all other officers involved.” The Department denied the request under KRS 61.168(4)(k) because it depicts “Criminal Justice Information Services data by the Federal Bureau of Investigation” and the Appellant was “not directly involved in the incident.” This appeal followed.

Under KRS 61.168(4)(k), “a public agency may elect not to disclose body-worn camera recordings containing video or audio footage that . . . [w]ould result in the disclosure of nonpublic or confidential data classified as Criminal Justice Information Services data by the Federal Bureau of Investigation[.]” Here, the Department explained the requested footage “shows an officer’s in-car computer displaying confidential, nonpublic data pulled from the Federal Bureau of Investigation’s Criminal Justice Information Services (CJIS) into LMPD’s computer system.”

Notwithstanding KRS 61.168(4)(k), if the requester is “a person . . . that is directly involved in the incident contained in the bodyworn camera recording, it shall be made available by the public agency to the requesting party for viewing on the premises of the public agency, but the public agency shall not be required to make a

copy of the recording except as provided in KRS 61.169.” KRS 61.168(5)(d).¹ The Appellant does not assert that he was “directly involved in the incident” contained in the requested footage. Instead, he argues he should be provided the footage because the Department provided the same footage to his son, and because he has previously received similar footage involving a Department officer depicted in the requested footage.

The Department has explained that it provided the footage to the Appellant’s son because he was “directly involved in the incident” and “met the criteria under” KRS 61.168(5)(d). The Department further explained that the Appellant’s previous requests were granted because they “did not contain nonpublic or confidential data classified as Criminal Justice Information Services data by the Federal Bureau of Investigation.” Accordingly, the Department did not violate the Act when it denied a request for a body-worn camera recording that depicts “Criminal Justice Information Services data by the Federal Bureau of Investigation” and does not fall under any of the exceptions in KRS 61.168(5).

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

¹ KRS 61.168(5) also provides that body camera footage shall be subject to the same standards as any other public records if it depicts three certain types of incidents. *See* KRS 61.168(5)(a)–(c). Neither the Appellant nor the Department asserts that KRS 61.168(5) applies to the footage at issue here.

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Distributed to:

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