

May 17, 2023

ATTN: Roxanne Hawn

SENT VIA EMAIL

Re: Records request - Shively Animal Clinic & Hospital shooting

Dear Roxanne Hawn,

This letter is in response to your open records request sent by email dated May 16, 2023 (received at our office on May 16, 2023) requesting the report relating to shooting that occurred at the Shively Animal Clinic (2401 Dixie HWY) on May 14, 2023.

The City of Shively Police Department has body camera footage and CAD report. However, there is currently an ongoing police matter in this situation, and the requested information may be used in prospective law enforcement action related to the accident.

Under the Kentucky Open Records Act, KRS 61.878(1)(h) exempts records compiled in the process of detecting and investigating statutory or regulatory violations if the disclosure of the information would harm the agency by revealing the identity of informants not otherwise known or by premature release of information to be used in a prospective law enforcement action or administrative adjudication.

However, public records exempted under this provision shall be open after enforcement action is completed or a decision is made to take no action.

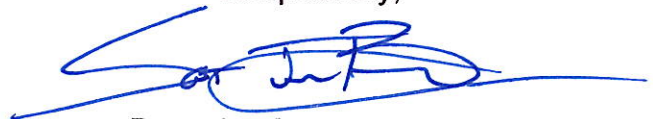
Premature release of the body cam and dash cam footage would pose a concrete risk of harm to the agency and hinder the investigations by compromising any potential witness recollections or statements to be used at trial, tainting either a grand jury pool or potential jurors to be selected at trial.

KRS 61.878(1)(a) further limits public disclosure of any information of a personal nature that would constitute a clearly unwarranted invasion of privacy.

KRS 61.878(1)(l) further exempts public records or information the disclosure of which is prohibited or restricted or otherwise made confidential by enactment of the General Assembly. In particular and relating to the body cam and dash cam footage, KRS 17.150(2) provides that intelligence and investigative reports maintained by criminal justice agencies are subject to inspection if prosecution is completed or a determination not to prosecute has been made. At this point in time, prosecution has not been completed and a determination not to prosecute has not been made.

Consequently, due to the status of these criminal investigations and in accordance with the Kentucky Open Records Act, we are not able to release the body cam and dash cam footage at this time.

Respectfully,

A handwritten signature in blue ink, appearing to read 'Jordan Brown', with a long horizontal flourish extending to the right.

Detective Sergeant Jordan Brown

Shively Chief of Police

Emery Frye