



October 21, 2014

Office of the Attorney General of Kentucky
c/o Open Records / Open Meetings Decisions
700 Capitol Avenue, Suite 118
Frankfort, KY 40601
fax: (502) 564-2894

Via first class mail and facsimile transmission

RE: Request for Open Records Act decision

Dear Sir or Madam,

Pursuant to KRS § 61.880(2) and 40 K.A.R. § 1:030 Section 1, I write to request that your office review a refusal by the Louisville Metro Police Department (LMPD) to provide public records requested by the ACLU OF KENTUCKY pursuant to Kentucky's Open Records Act. Enclosed please find copies of the initial written request, LMPD's response, and accompanying exhibits.

BACKGROUND

In 2012, LMPD Chief Steve Conrad commissioned a study to examine whether Louisville's traffic stop data suggested that motorists' race played a factor in police officers' decisions to effect traffic stops ("racial profiling study"). See *attached Exh. 1: PHILLIP M. BAILEY, Metro Police to Conduct Racial Profiling Study*, WFPL (June 14, 2012). Chief Conrad "pointed to mistrust of police in certain Louisville neighborhoods" as the reason why such a study was necessary. *Id.*

The racial profiling study — a joint project between LMPD and University of Louisville researchers — received approximately \$55,000 to examine traffic stop data collected from April 1, 2013 to March 31, 2013. See *attached Exh. 2: JACOB RYAN, Louisville Metro Police's Racial Profiling Study Still Not Released*, WFPL (Sept. 23, 2014). And in September of this year, the UofL researchers completed the racial profiling study and, according to lead UofL researcher Deborah Keeling, forwarded that study on to LMPD. *Id.* However, LMPD has since publicly refused to release the study asserting that it remains incomplete yet failing to identify what additional work remains. See *attached Exh. 3: JACOB RYAN, Louisville Metro Police Is Still Reviewing the Racial Profiling Study*, WFPL (Oct. 14, 2014).

ACLU OF KENTUCKY REQUEST

On October 9, 2014, the ACLU OF KENTUCKY formally requested a copy of the racial profiling report pursuant to Kentucky's Open Records Act. *See attached Exh. 4: ACLU-Ky. ORA Request.* In that request, the ACLU OF KENTUCKY sought copies of:

[T]he "racial profiling" study commissioned by Chief Conrad in 2012 that LMPD announced would be (but has not been) released earlier this year.

Id.

Lydia King, LMPD's agent for responding to Open Records Act requests, thereafter timely responded on October 9th and, in so doing, confirmed receipt of the ACLU's request and notified us that a formal response would be provided no later than October 20, 2014. *See attached Exh. 5: LMPD Initial Response.* Then, on October 20th, Ms. King provided LMPD's official response in which it refused to permit inspection of the racial profiling study on the basis that a "final report" has not been received by LMPD. *See attached Exh. 6: LMPD Final Response.* Given that the information cited above seems to refute LMPD's assertion that a "final report" has not been provided to that agency, the ACLU OF KENTUCKY now seeks a review of LMPD's decision.

Thank you in advance for your attention to this matter.

Sincerely,



William E. Sharp, Legal Dir.
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(502) 581-9746

cc: Lydia King, LMPD