

MEMORANDUM OF AGREEMENT

This Memorandum of Agreement ("MOA") is entered into this ____ day of _____, between the Lexington-Fayette Urban County Division of Police ("LFUCG") and the Kentucky State Police ("KSP") for release of certain records;

WITNESSETH:

WHEREAS, the KSP investigated a certain incident involving firearms exchange that occurred in Madison County, Kentucky;

WHEREAS, the above-referenced incident involved several officers including two LFUCG officers;

WHEREAS, the LFUCG is conducting a review of the incident that involves its officers for administrative purposes;

WHEREAS, the parties agree that it would be expeditious for the KSP to provide LFUCG with a copy of its criminal investigation involving the above referenced incident with the understanding that the investigation is provided as a courtesy and the document remains the property of the KSP; and

WHEREAS, the parties agree that the KSP's criminal investigation is solely the record of the KSP.

NOW, THEREFORE, in consideration of these mutual covenants, promises, and representations, the parties agree as follows:

The LFUCG agrees as follows:

1. The purpose of this agreement is to provide information to the LFUCG to assist in its administrative inquiry.
2. The LFUCG agrees that the KSP's criminal investigation, and all documents, photographs, recordings and other information in any form remains the property of the KSP and that LFUCG shall not release the contents of the criminal investigation to any other party without the KSP's express, written consent
3. The LFUCG recognizes that for the purposes of the Kentucky Open Records Act, KRS 61.870, *et seq* the criminal investigation is solely the KSP's record and can only be released by the KSP.
4. The LFUCG agrees that it shall not incorporate any information from the KSP's criminal investigation into its administrative report aside from references to the criminal investigation until the KSP provides written consent.

The KSP agrees as follows:

1. The KSP agrees to provide the LFUCG with a copy of the above-referenced criminal investigation.

EFFECTIVE DATE, DURATION, AMENDMENTS AND GOVERNING LAW

This MOA shall become effective upon the date it is executed by the last party to sign below. This MOA contains the parties mutual intent to enter into this agreement. Any amendment to this agreement shall be in writing with the agreement of both parties. The terms of this MOA shall be governed by the laws of the Commonwealth of Kentucky.

AGREED TO BY:

RODNEY BREWER, COMMISSIONER
KENTUCKY STATE POLICE

Date: _____

JIM GRAY, MAYOR
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

Date: _____

MARK G. BARNARD, CHIEF
LEXINGTON-FAYETTE URBAN COUNTY DIVISION OF POLICE

Date: 2/5/2015