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**23-ORD-104**

May 3, 2023

In re: Ricky Bernard Jones/Green River Correctional Complex

**Summary:** The Green River Correctional Complex (the “Complex”) did not violate the Open Records Act (“the Act”) when it denied a request for a record that, if released, would constitute a security threat under KRS 197.025(1).

***Open Records Decision***

Inmate Ricky Bernard Jones (“Appellant”) submitted a request to the Complex for a copy of “Part I & II of [the] April 2020, disciplinary report of 3-11, including but not limited to information and occurrence reports.” In a timely response, the Complex partially granted the request and provided a copy of “Part I and Part II of the disciplinary report of a 3-11.” The Complex denied the Appellant’s request for the Extraordinary Occurrence Report (“EOR”) related to the disciplinary report because its release “would constitute a threat to the security of inmates, the institution, institutional staff, or others and cannot be provided pursuant to KRS 197.025(1) and KRS 61.878(1)(k).” This appeal followed.

On appeal, the Complex reconsidered its initial denial and determined it could provide a copy of the EOR related to parts I and II of the April 2020 disciplinary report after it redacted the information that posed a security threat under KRS 197.025(1) and KRS 61.878(1)(k) and the Appellant paid the appropriate copying fees.<sup>1</sup> Under KRS 197.025(1), which is incorporated into the Act under

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<sup>1</sup> The Complex also claims that “[t]he date of birth and limited redactions that contained information only about the other inmate were also redacted because the privacy interest of the other inmate in

KRS 61.878(1)(l), “no person shall have access to any records if the disclosure is deemed by the commissioner of the department or his designee to constitute a threat to the security of the inmate, any other inmate, correctional staff, the institution, or any other person.” Under KRS 61.878(4), “[i]f any public record contains material which is not excepted . . . the public agency shall separate the excepted and make the nonexcepted material available for examination.” This Office has historically deferred to the judgment of correctional facilities in determining whether the release of certain records would constitute a security threat under KRS 197.025(1).

Here, on appeal, the Complex explains the EOR it initially withheld contained “security response information and security references” as well as “a minute-by-minute account of the actions taken by security personnel after the actions of the inmates were discovered” and “also contains security references that give information about staff response that should not be provided generally to inmates without potential risk to staff in future responses.” The Complex continues to claim that “[r]eleasing this kind of information to an inmate would create a security risk by revealing too much detail about staff response to such incidents,” but that it can redact this information and release the redacted EOR to the Appellant.

This Office historically has deferred to the judgment of correctional facilities, such as the Complex, in determining what constitutes a security threat under KRS 197.025(1). *See, e.g.*, 22-ORD-223 (upholding the redaction of information in an EOR that posed a security threat). Similarly, under these facts, this Office defers to the judgment of the Complex as to what constitutes a security threat. Therefore, the Complex did not violate the Act when it initially denied the Appellant’s request, or when it withheld parts of records that if released would constitute a security threat under KRS 197.025(1).

A party aggrieved by this decision may appeal it by initiating 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](mailto:OAGAppeals@ky.gov).

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keeping his information out of [the Appellant’s] hands outweighed the interest of disclosure for those few redactions.” This Office has found that a public agency did not violate the Act when it redacted personal information such as the dates of birth of crime victims. *See, e.g.*, 19-ORD-224; 19-ORD-204.

**Daniel Cameron**  
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s/ Matthew Ray  
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