



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

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23-ORD-236

September 5, 2023

In re: Quandarious Taylor/Green River Correctional Complex

Summary: The Green River Correctional Complex (the “Complex”) did not violate the Open Records Act (“the Act”) when it denied inspection of records the disclosure of which would pose a security threat under KRS 197.025(1).

Open Records Decision

Inmate Quandarious Taylor (“Appellant”) submitted a request to the Complex for “all incident report[s]” from June 10, 2023, and documentation related to Corrections Policies and Procedures (“CPP”) 9.1. The Complex denied the request under KRS 197.025(1), which is incorporated into the Act under KRS 61.878(1)(l). This appeal followed.

Under KRS 197.025(1), “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.” Here, the Complex asserts disclosure of records would pose a security threat by potentially causing “discord between inmates and potential retaliation” because the records “contain information concerning other inmates.” Furthermore, the Complex states the records would reveal “information related to investigations and disciplines” resulting from cell searches, contraband seizures, and gang affiliation.

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), including records in which the requesting inmate is

mentioned by name. *See, e.g.*, 22-ORD-195. In particular, this Office has upheld the denial of records that could cause discord between inmates or reveal investigative techniques. *See, e.g.*, 23-ORD-049; 22-ORD-249; 16-ORD-247. Therefore, under the facts of this appeal, this Office defers to the judgment of the Complex to determine whether the release of the incident report would pose a security threat under KRS 197.025(1). Accordingly, the Complex did not violate the Act when it denied inspection of those records.

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.

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s/ Zachary M. Zimmerer
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