



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

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23-ORD-239

September 12, 2023

In re: Christopher Steward/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 records that would constitute a security threat if released under KRS 197.025(1).

Open Records Decision

Inmate Christopher Steward (“Appellant”) submitted a request to the Complex for a copy of an incident report and any medical reports related to a specific incident.¹ The Complex denied the Appellant’s request because the “release of restraint, extraction, and use-of-force records is a security risk” under KRS 197.025(1) and (6) “because the disclosure of use-of-force practices and training from secured policies and procedures” could put staff at risk of retaliation. This appeal followed.

Under KRS 197.025(1), which is incorporated into the Act under 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.” The 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).

After the appeal was initiated, the Complex reconsidered its initial response and released most of the requested records, but redacted from them a “minute-by-

¹ The Appellant stated these records are related to an “incident” that occurred on April 7, 2023, where “excessive force was used against” him.

minute account of the actions taken by security personnel after the actions of the inmates were discovered.” The Complex also redacted medical information of inmates other than the Appellant, which the Complex claims could put other inmates at risk of retaliation if released to the Appellant. The Office has previously recognized that the release of records documenting tactical responses to inmate behavior may create a security risk, and therefore, can be withheld. *See, e.g.*, 21-ORD-225 (use of force records describing the tactics used by correctional staff in response to incidents); 17-ORD-097 (records related to the methods of using a restraint chair); 15-ORD-010 (security camera footage of a cell extraction). Moreover, the Office finds no compelling reason to break from the Complex’s judgment that release of other inmates’ medical information could constitute a security risk. Accordingly, the Complex did not violate the Act.²

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.

Daniel Cameron
Attorney General

s/ Matthew Ray
Matthew Ray
Assistant Attorney General

#351

Distributed to:

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² Because this Office finds that the records were properly withheld under KRS 61.878(1)(l) and KRS 197.025(1), it is unnecessary to determine if the records were also properly withheld under KRS 197.025(6).