



COMMONWEALTH OF KENTUCKY OFFICE OF THE ATTORNEY GENERAL

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24-ORD-110

May 1, 2024

In re: James Barnett/Luther Luckett Correctional Complex

Summary: The Luther Luckett Correctional Complex (“the Complex”) did not violate the Open Records Act (“the Act”) when it denied a request for records that do not contain a specific reference to the requesting inmate.

Open Records Decision

On March 18, 2024, inmate James Barnett (“Appellant”) requested to inspect “ACA¹ 5-7D-4487 through 5-7D-4496 and 2-CO-5D-01.” In a timely response, the Complex denied the request because the records “do not contain a specific reference” to the Appellant and are “exempt from disclosure to [him] under KRS 61.878(1)(l) and KRS 197.025(2).” The Complex also denied the request because the requested documents “are not public records.” This appeal followed.

Under KRS 197.025(2), which is incorporated into the Act by KRS 61.878(1)(l), “the department shall not be required to comply with a request for any record from any inmate confined in a jail or any facility . . . unless the request is for a record which contains a specific reference to that individual.” The Office has held that the phrase “specific reference to that individual” means the record must refer to the requesting inmate by name. *See, e.g.*, 23-ORD-347; 17-ORD-073. Here, the Appellant requested ACA correctional standards, which are generally applicable policies and are not the type of document that would contain a specific reference to an individual inmate. *See* 23-ORD-047. Accordingly, the Complex did not violate the Act when it denied the Appellant’s request for records that do not contain a specific reference to him.²

¹ The American Correctional Association (“ACA”) is a private company that publishes operational standards and accreditation manuals for the field of corrections. *See* https://www.aca.org/ACA_Member/ACA/ACA_Member/Standards_and_Accreditation/SAC_AboutUs.aspx (last accessed May 1, 2024); *see also* 23-ORD-047. The documents referenced in the request are correctional standards published by ACA.

² The Attorney General has long construed the definition of “public records” in KRS 61.870(2) to exclude “library reference materials” possessed by a public agency, such as statutes and regulations,

A party aggrieved by this decision may appeal it by initiating an action in the appropriate circuit court pursuant to KRS 61.880(5) and KRS 61.882 within 30 days from the date of this decision. Pursuant to 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.

Russell Coleman
Attorney General

/s/ James M. Herrick
James M. Herrick
Assistant Attorney General

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Distributed to:

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because the disclosure of such materials “would not enable the public to monitor public agency operations or serve any purpose which underlies the [Act].” 16-ORD-196; 14-ORD-073; 10-ORD-112; 04-ORD-200; 99-ORD-35. Here, however, because KRS 197.025(2) is dispositive of the issues on appeal, it is not necessary to decide whether the Complex properly denied the request on the grounds that the requested materials were not “public records.”