



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

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25-ORD-035

February 6, 2025

In re: Joseph Hunt/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 posed a security threat under KRS 197.025(1).

Open Records Decision

Joseph Hunt (“Appellant”) submitted a request to the Complex seeking “a copy of a phone call” with a specific phone number at a particular date and time. In response, the Complex provided the Appellant with a phone log documenting the phone call but withheld a recording of the phone call under KRS 197.025(1), which is incorporated into the Act by KRS 61.878(1)(l). The Complex explained that disclosing phone recordings “could enable inmates to learn how phone calls are monitored.” 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.” 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). In particular, the Office has consistently upheld the denial of recorded inmate phone calls under KRS 197.025(1) because such recordings are made for the purpose of institutional security, and disclosing them would constitute a threat to the security of an institution by enabling inmates to learn which calls are monitored. *See, e.g.*, 24-ORD-240; 23-ORD-338; 17-ORD-116; 15-ORD-118; 15-ORD-030. Because the Complex offers the same rationale here, it did not violate the Act when it denied the Appellant’s request for copies of a recorded phone call.

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.

Russell Coleman
Attorney General

/s/ Zachary M. Zimmerer
Zachary M. Zimmerer
Assistant Attorney General

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Distributed to:

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